

Appeal Decision

Site visit made on 20 July 2020

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 August 2020

Appeal Ref: APP/Z4718/C/19/3252798 and 3252799

27 Pond Lane, Lepton, Huddersfield HD8 0LW

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Miss Jessica Elvidge and Mr Jamie Bramald against an enforcement notice issued by Kirklees Metropolitan Borough Council.
 - The enforcement notice was issued on 22 April 2020.
 - The breach of planning control as alleged in the notice is the erection of a shed for dog grooming.
 - The requirement of the notice is demolish the shed.
 - The period for compliance with the requirements is 28 days.
 - The appeals are proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Reasons

2. Personal financial circumstances and an impending house sale are not reasons to extend the period for compliance with the requirements of the notice, particularly as the shed is causing harm to residential amenity at a neighbouring property. Whether the shed is within height limits for it to be permitted development under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 is not a matter for consideration under ground (g). This is a ground (c) matter and an appeal under ground (c) has not been made. The ground (g) appeal does not succeed.

John Braithwaite

Inspector