



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 23 September 2020

Appeal ref: APP/N4720/C/20/3249825

Land at 378 Burley Road, Burley, Leeds, LS4 2SN

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is brought by Mr Khalid Malik against an enforcement notice issued by Leeds City Council.
- The notice was issued on 13 March 2020.
- The breach of planning control as alleged in the notice is "Without planning permission the carrying out of operational development consisting of the construction of a new dwelling house".
- The requirements of the notice are: Step One - Dismantle and completely remove the unauthorised development and remove all the materials used in the construction of the building. Step Two - Remove from the site any materials, rubbish and equipment resulting from the compliance with Step One including any foundations and backfill the site with an appropriate aggregate, cover with adequate depth of top soil and sow with grass seed.
- The time period for compliance with the notice is: "Time for compliance with step one – four months from the date the notice comes into effect". "Time for compliance with step two – six months from the date the notice comes into effect".
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The main basis of the appellant's case is that he requires more time to comply with the requirements of the notice due to the current COVID 19 situation. He has requested that the compliance periods be extended to "around December 2020". While I appreciate the appellant's concerns, since the appeal was submitted the COVID-19 lockdown restrictions have significantly eased, thus giving more scope for the appellant to take the necessary steps to carry out the required works. As the compliance periods will begin again from the date of this decision, the period for compliance will not expire until January 2021 for step one and not until March 2021 for step two. Therefore, the appellant will have had more than the time period he desires. In these circumstances, I am not satisfied there is good reason to extend the compliance period further. The appeal on ground (g) fails accordingly.
2. However, should the appellant experience any genuine difficulties posed by the situation with regard to the COVID-19 pandemic, it will be open to them to submit a request to the Council to use their powers under section 173(1)(b) of the 1990

Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.

Formal decision

3. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld.

K McEntee