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# Appeal Decision

**by Ken McEntee**

**a person appointed by the Secretary of State for Levelling Up, Housing and Communities**

**Decision date: 16 December 2021**

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**Appeal ref: APP/N4720/C/21/3281237**

**Land at Mission House, Ledston Luck Villas, Kippax, Leeds, LS25 7BU**

- 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 Jermaine Barber against an enforcement notice issued by Leeds City Borough Council.
- The notice was issued on 21 July 2021.
- The breach of planning control as alleged in the notice is "Without planning permission the erection of three timber sheds in the curtilage of the dwelling house".
- The requirements of the notice are: Step 1 Dismantle the three timber sheds. Step 2 Remove all materials and debris from the property resulting from step 1".
- The time period for compliance with the notice is: "Two months beginning with the day on which this notice takes 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 with variation.**

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## Reasons for the decision

1. The main basis for the appeal is that the appellant feels the two-month compliance period is too short in order to find an alternative property that has suitable outbuildings to accommodate his pet animals. He is concerned for the welfare of the animals and the potential impact their removal could have on his son's mental health. However, while I appreciate the appellant's reasons for requesting more time to comply with the requirements of the notice, I am mindful that some 4 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellant will effectively have had some 6 months in which to seek out alternative accommodation and to carry out the required works. I consider this period to be both reasonable and proportionate and provides an appropriate balance between the needs of the appellant and the need to bring the stated harm caused to the surrounding Green belt by the unauthorised development, which has been in place for some three years, to an end. In these circumstances, I am not satisfied there is good reason to justify extending the compliance period further. The ground (g) appeal fails accordingly.
2. However, while I am dismissing the appeal, should the appellant experience any genuine difficulties, it will be open to him 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 without variation.

*K McEntee*