



Appeal Decision

Site visit made on 6 January 2022

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17 January 2022

Appeal Ref: APP/N4720/C/21/3285570

33 Compton Road, Harehills, Leeds LS9 7BJ

- 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 made by Mr Muhammed Arshaq against an enforcement notice issued by Leeds City Council.
- The enforcement notice was issued on 29 September 2021.
- The breach of planning control as alleged in the notice is *Without planning permission the erection of a structure to the front of the premises comprising of metal posts, timber fencing and plastic sheet roofing*.
- The requirements of the notice are to dismantle the structure in its entirety from the property and remove all materials used in its construction from the site.
- The period for compliance with the requirements is three months.
- 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 Decision: the appeal is allowed & the varied enforcement notice upheld.

Main Issue

1. The main issue is whether the time stipulated for compliance with the requirements of the notice falls short of what should reasonably be allowed.

Reasons

2. The appellant seeks an extension of the time required to comply with the notice from three months to seven, although no reasoned justification is given. The notice will not take effect until the date of this decision letter and, although the notice was issued some months ago, the Council do not object to its terms being varied so as to impose the seven month compliance period sought. That being the case, and with no third party interest expressed, I have no reason not to allow the appeal and I shall vary the notice accordingly.
3. The Council may however wish to bear in mind for future reference their power in section 173A(1) of the 1990 Act to waive or relax the requirements of any enforcement notice they have issued. Such an approach in the present case might have avoided (or resulted in the withdrawal of) the appeal, reducing the overall cost to the public purse.

Formal Decision

4. It is directed that the word "Three" be deleted from paragraph 6 of the notice and replaced with "Seven". Subject to that variation, the appeal is allowed and the enforcement notice is upheld.

Laura Renaudon

Inspector