



Appeal Decision

by Ken McEntee

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

Decision date: 19 April 2022

Appeal ref: APP/N4720/C/21/3287974
Land at 80 High Ash Avenue, Leeds, LS17 8RT

- 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 K Subramanian against an enforcement notice issued by Leeds City Council on 15 November 2021.
- The breach of planning control as alleged in the notice is "Without planning permission, the erection of a part three storey, part first and second floor extension to front".
- The requirements of the notice are: Step 1 Dismantle the part three storey, part first and second floor extension in its entirety. Step 2 Construct the sections of roof and front elevation walls so that the development accords in all respects with the approved plans and elevation drawings to planning permission reference H30/581/80/ stamp dated 19 September 1980. Step 3 Remove any debris as a result of the above
- The time period for compliance is 9 months beginning with the day on which the 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 without variation.

Reasons for the decision

1. The appellant contends that the time given to comply with the notice is unreasonable in order to explore other options he may have. However, he has not elaborated on this or stated an alternative period that he considers to be reasonable. In any event, the purpose of an appeal on ground (g) is to demonstrate that the time for compliance is too short to comply with the requirements of the notice; not in order to have more time to consider other options. I am also mindful that over 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 13 months in which to carry out the necessary works to comply with the requirements of the notice.
2. In these circumstances, there does not appear to be any good reason to justify extending the compliance period further and the stated harm caused by the unauthorised development should be brought to an end as soon as possible. The ground (g) appeal fails accordingly.

Formal decision

3. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld without variation.

K McEntee