



Appeal Decision

by Ken McEntee

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

Decision date: 5 October 2022

Appeal ref: APP/W4705/C/22/3299067

Land at Park Stores, 182 Heaton Road, Bradford, West Yorks, BD9 4RJ

- 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 Fazal Karim against an enforcement notice issued by the City of Bradford Metropolitan District Council.
- The breach of planning control as alleged in the notice is "Without planning permission, the installation of replacement shop fronts and externally mounted roller shutters to the north and west facing elevations of the building on the land, as shown in the attached photographs".
- The requirements of the notice are: Step 1 – remove the unauthorised shop fronts from the north west facing elevations of the building on the land. Step 2 – remove the three unauthorised roller shutters, shutter boxes and guide rails from the north and west facing elevations of the building on the land".
- The time period for compliance with step 1 is "two calendar months" The time period for compliance with step 2 is "twelve calendar 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 of decision: The appeal is dismissed and the enforcement notice is upheld but with variation.

Reasons for the decision

1. The appellant contends that he needs more time to comply with the requirements of the notice as he is in discussions with the Council's Conservation Officer to try and reach a suitable agreement and submit a planning application for timber roller shutters. He therefore requests that the compliance period be extended to 6 months. However, I note from the Council's statement that since the appeal was submitted, planning permission has now been granted for timber roller shutters. Therefore, there would appear no reason to extend the period for compliance with the notice. 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 6 months to comply with Step 1 of the requirements of the notice, and, as 12 months have already been given to comply with Step 2 (double than that requested), it is reasonable to conclude that the appellant's request does not apply to this Step 2 of the requirements in any event.
2. In these circumstances, I am not satisfied there is good reason to justify extending the compliance period further and consider the stated harm caused by

the unauthorised development to the Conservation Area should be brought to an end as soon as possible. The ground (g) appeal fails accordingly.

3. For the avoidance of any confusion, I shall amend the notice at paragraph 6 "TIME FOR COMPLIANCE" to stipulate from when the compliance periods begin.

Formal decision

4. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld, but varied at paragraph 6 "TIME FOR COMPLIANCE", by the addition of the words "after this notice takes effect" after "two calendar months" for Step 1 and after "12 calendar months" for Step 2.

K McEntee