



Appeal Decision

by Ken McEntee

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

Decision date: 24 November 2022

Appeal ref: APP/N4720/C/22/3300726

Land at 5 Greenway, Scarcroft, Leeds, LS14 3BJ.

- 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 Umar Zaman against an enforcement notice issued by Leeds City Council.
- The notice was issued on 17 May 2022.
- The breach of planning control as alleged in the notice is "Without planning permission, the erection of 4.9 metre single storey rear extension".
- The requirements of the notice are: "Either: Demolish the single storey rear extension in its entirety. OR Demolish the single storey rear extension to the extent necessary to carry out the works to reconfigure the extension so that it materially accords with the terms and conditions of the planning permission 20/02381/FU dated 29 June 2020".
- The time period for compliance with the notice is "Three 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 without variation.

Reasons for the decision

1. The appellant requests that the compliance period be extended to 12 months as he currently does not have the funds to carry out the required work. While I sympathise with the appellant's situation, I am mindful that some 5 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 8 months for his financial situation to improve and to carry out the necessary works to comply with the requirements of the notice. I consider this period to be reasonable and proportionate, and I am not satisfied there is good reason to extend 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 in meeting the compliance deadline, it will be open to him to submit a further request to the Council to use their powers under section 173(a)(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