



Appeal Decision

by Ken McEntee

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

Decision date: 27 July 2023

Appeal refs: APP/Z4718/C/23/3318487 & APP/Z4718/C/23/3318488
Land at 21 Oakland Court, Kirkburton, Huddersfield, HD8 0XF

- The appeals are made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeals are brought by Mr Jamie & Mrs Gemma Tarazi against an enforcement notice issued by Kirklees Metropolitan Council.
- The notice was issued on 20 February 2023.
- The breach of planning control as alleged in the notice is "Without the benefit of planning permission, the erection of a rear extension".
- The requirements of the notice are: (a) Demolish the extension in full and return the building back to its condition prior to the development taking place **Or** ; b) Build the extension in complete accordance with the approved plans (drawing no. 3151/3) of planning permission 2018/93963 (as shown in appendix 1)".
- The time period for compliance with the notice is: "5 months after the Notice takes effect".
- The appeals are 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 appeals are dismissed and the enforcement notice is upheld with variation.

Reasons for the decision

1. The main basis for the appeals is that the appellants would like more time to comply with the requirements in order to save the required funds to be able to carry out the works, and to find alternative accommodation while the works are taking place. Therefore, they request that the compliance period be extended by 21 months. While I note the reasons for the appellants' request, I cannot justify extending the compliance period to 21 months as that would be tantamount to granting a temporary planning permission, which I have no authority to do under an appeal made on ground (g) only. I am also mindful that some 4 months have elapsed since the appeals were submitted with enforcement action effectively suspended. Therefore, as the compliance period will begin again from the date of this decision, the appellants will effectively have had some 9 months in which to improve their financial situation and to find alternative accommodation. I consider this period to be both reasonable and proportionate, and I am not satisfied there is good reason before me to justify extending the compliance period further. The ground (g) appeal fails accordingly.
2. However, while I am dismissing the appeals, should the appellants experience any genuine difficulties, it will be open to them to submit a further request to the Council to use their powers under section 173A(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 appeals are dismissed and the enforcement notice is upheld without variation.

K McEntee