



Appeal Decision

by **Ken McEntee**

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

Decision date: 28 September 2023

Appeal ref: APP/W4705/C/23/3324130

Land at 364 Great Horton Road, Bradford, BD7 1QJ

- 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 Mohammed Malik against an enforcement notice issued by the City of Bradford Metropolitan District Council.
- The notice was issued on 4 May 2023.
- The breach of planning control as alleged in the notice is "Without planning permission, the installation of an extractor flue to the north-west facing (rear) elevation of the building on the land, as shown in the attached photograph".
- The requirements of the notice are: "Remove the unauthorised external extractor flue and all means of fixing from the north-west facing (rear) elevation to the building on the land".
- The time period for compliance with the notice is "Two 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 the notice is upheld without variation.

Reasons for the decision

1. The basis of the appellant's appeal is that he requires more time to comply with the requirements of the notice in order to allow time for the submission and determination of a planning application for an alternative and acceptable flue. He therefore requests the compliance period be extended to 6 months. However, there is no evidence before me that such an application has been submitted, and whether one will be submitted in the future can only be considered as a matter of speculation at this stage. I am also mindful that some three 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, it follows that the appellant will have had some 5 months in which to comply with the requirements of the notice – just one month short of that requested. On the evidence before me, I am not satisfied there is good reason to extend the compliance period further.

Formal decision

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

K McEntee