



Appeal Decision

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date **13 December 2023**

Appeal Ref: APP/D1835/C/23/3324865

11 Wrendale Drive, Worcester WR2 5FZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Haider Ghazi Al-Wattar against an enforcement notice issued by Worcester City Council.
 - The notice was issued on 1 June 2023.
 - The breach of planning control as alleged in the notice is: Without the benefit of planning permission, the erection of a detached building (the building) on the land in excess of 2.5 metres in height above ground level within 2 metres of the boundary; and without the benefit of planning permission, the use of the building on the land as separate, self-contained accommodation not incidental to the use of the main dwelling-house.
 - The requirements of the notice are to: Demolish the building and remove from the land and lawfully dispose of all materials.
 - The period for compliance with the requirements is: 6 (six) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended (the Act). Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act have lapsed.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

The appeal on ground (g)

2. The appeal on ground (g) is that the time given to comply with the notice is too short. It is therefore limited in scope to a consideration of the time necessary to carry out those requirements. In making an appeal on ground (g), the onus is on the appellant to suggest a different compliance period.
3. The appellant has requested the period be extended from 6 to 12 months citing personal circumstances of the appellant's mother who resides in the building. Due to her age and health, she is said to be reliant on the appellant and his family. This is especially so due to language barriers. A letter has been provided by University Hospitals Birmingham which refers to the issues of health, age and language and I have had regard to these matters.
4. The notice has been appealed for the sole reason of securing more time and in the expectation that the notice will be upheld as it was issued. Given the reasons for issuing the notice and the time that has passed since the notice was issued, that is 6 months, I consider that the stated compliance period is reasonable in the circumstances.
5. The appeal on ground (g) therefore fails.

S A Hanson INSPECTOR