

Appeal Decisions

Site visit made on 24 September 2024

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24 OCTOBER 2024

Appeals A and B Refs: APP/N4720/C/23/3323110 & 3323111

Upper Brandon Farm , Brandon Crescent, Scarcroft, Leeds, LS17 9JH

- Appeals A and B are made under section 174 of the Town and Country Planning Act 1990 (as amended) by Mr Phil Beaumont and Mrs Penelope Beaumont respectively against an enforcement notice issued by Leeds City Council.
 - The notice was issued on 2 May 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of land to a domestic use and for the siting of a detached timber residential annexe building used for the purposes of human habitation.
 - The requirements of the notice are to: Step 1 Remove the unauthorised detached timber annexe building. Step 2 .Remove entirely from the Land all materials used in connection with the siting of the detached timber annexe and all debris resulting from the removal operations.
 - The period for compliance with the requirements is 6 months.
 - The appeals are proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is varied by: the deletion of 6 months and its substitution with 12 months as the time for compliance; and the substitution of the plan annexed to this decision for the plan attached to the enforcement notice.
2. Subject to the correction and variation, the appeals are dismissed and the enforcement notice is upheld.

Preliminary Matters

3. As there is no ground (a) brought in these appeals the planning merits of the development will not be considered.
4. The plan attached to the notice identifying the land includes the area of the site which was granted planning permission reference 20/04114/FU for a single dwellinghouse including curtilage. This part of the land is a separate planning unit with an authorised residential use.
5. The timber annexe building is located outside of the area granted planning permission 20/04114/FU. The annexe building therefore facilitates a material

change of use of the specific part of the site on which it is located to a residential use. The appellant accepts that this change of use has occurred and says that the notice plan which identifies the appeal land should be corrected to refer to only the part of the land on which the timber annexe building is located and where the additional residential use occurs.

6. I am satisfied that this correction can be made without causing prejudice to either party. It would not alter the requirements or make the notice more onerous, or put the appellant in a worse position than if they had not appealed. Correcting the definition of the appeal land by replacing the plan attached to the notice will accurately reflect the part of the site on which the breach of planning control alleged in the notice has occurred. The Council have also agreed that this change can be made without causing prejudice, and I therefore direct that this correction should be made.

Ground (f)

7. The appeal on this ground as been dealt with by varying the notice plan as set out above. The requirements will therefore only apply to the area of land on which the annexe building is located which was in effect the appellants' case in relation to the ground (f) as they argued that the requirements of the notice were excessive to remedy the breach as they also applied to the land on which the residential use which had previously been granted permission.
8. The appellants will also be able to store the dismantled annexe elsewhere on the land outside of the area identified in the amended notice prior to its disposal.

Ground (g)

9. Notwithstanding the correction to the plan, compliance with the notice will cause the occupant of the annexe building to have to find a new place to live. Given the personal circumstances of the occupant, and taking into account the effect of the development on its location with the other buildings on the wider site and surrounding area, the extension of the time for compliance to 12 months is proportionate in all of the circumstances.
10. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall correct and vary the enforcement notice prior to upholding it. The appeals on ground (g) succeed to that extent.

Zoë Franks

INSPECTOR

THE PLAN

