



Appeal Decision

Site visit made on 14 October 2024

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2024

Appeal Ref: APP/W4705/C/24/3342337

Land at Fleece Inn, 154 Main Street, Addingham LS29 0LY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Malcolm Schooling (SPC (2021) Ltd) against an enforcement notice issued by City of Bradford Metropolitan District Council.
- The notice was issued on 28 March 2024.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a canopy to the front of a listed building.
- The requirements of the notice are to:
 1. Demolish the unauthorised canopy and all means of support and attachment; and
 2. Remove from the land all materials resulting from compliance with Step 1.
- The period for compliance with the requirements 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 Decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Formal Decision

1. The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons

2. An appeal on ground (g) may be made if it is felt that the period to comply with the notice's requirements falls short of what should reasonably be allowed. In this instance, the appellant seeks an extension from the notice's two calendar months to a period of 6 months. This, the appellant states, is to allow sufficient time to secure the services of a specialist contractor to remove and make good any fixings to the listed building and to also allow for any road closures, should they be necessary.
3. The canopy is described in the Council's officer report as being of a 'sail design' and 'largely free standing'. I saw during my visit that the canopy is suspended from a number of metal columns, some vertical whilst others are curved. The officer report describes the canopy's fixings to the main building itself as being 'minor attachments' to aid stability.
4. I have no evidence before me as to the nature of the fixings to the building. Nevertheless, given the nature of the structure itself and the columns from which it is hung, I am not persuaded that the actual building fixings themselves are likely to be particularly substantial or otherwise likely to present difficulties in their removal. Nor has the appellant produced any evidence to demonstrate that a specialist contractor would be required to

affect the removal of the attachments from the building, or the removal of the canopy and support structures as a whole.

5. The canopy and its structures cover, and are positioned within, an area of forecourt at the front of the appeal property. The forecourt area is raised above the adjacent pavement and car park access, whilst the canopy is set back from the forecourt frontage by low planters and a post-and-rope fence. The forecourt area is reasonably spacious and, with the additional space around it offered by the canopy's slight set back from the forecourt's edges, it seems to me there would be sufficient space around the canopy to work on its removal. No evidence has been provided, nor have I been given any other reason, to persuade me as to any requirement for a road closure and thus, one of the appellant's stated reasons for extending the time for compliance.
6. The appeal property is a listed building and the site lies within the Addingham Conservation Area. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special regard is given to the desirability of preserving or enhancing the setting of a listed building, and that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area, respectively. The harm in both respects has occurred and, given the great weight to be afforded to the conservation of heritage assets, it would not be appropriate to extend the period within which harm is allowed to arise. The appellant has not demonstrated any wider public benefits that would justify the extension of the notice's compliance period.
7. The notice's period of two calendar months from the date of the decision is, I conclude, a reasonable period for the removal of the canopy, supports and attachments and I have not been presented with sufficiently good reason to justify the extension of this period. The appeal on ground (g) should therefore fail.

Conclusion

8. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice without variation.

G Robbie

INSPECTOR