



Appeal Decisions

Site visit made on 17 February 2025

by **Laura Renaudon LLM LARTPI Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Refs: **APP/W4705/C/24/3345122 (Appeal A)**

APP/W4705/C/24/3345123 (Appeal B)

APP/W4705/C/24/3345124 (Appeal C)

74 MOOR CLOSE ROAD, QUEENSBURY, BRADFORD, BD13 2EB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeals are made by Nabia Llyas (Appeal A) and Nazish Llyas (Appeals B and C) against an enforcement notice issued by City of Bradford Metropolitan District Council.
- The notice was issued on 2 May 2024.
- The breach of planning control as alleged in the notice is *Without planning permission, the construction of an outbuilding within the rear garden of the property.*
- The requirements of the notice are to (i) demolish the outbuilding; and (ii) remove all resulting materials from the land.
- The period for compliance with the requirements is one month.
- 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).

Summary Decisions: the appeals are dismissed and the enforcement notice upheld.

Appeal Ref: APP/W4705/C/24/3345125 (Appeal D)

34 MOOR CLOSE LANE, QUEENSBURY, BRADFORD, BD13 2BP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Aman Mahroof against an enforcement notice issued by City of Bradford Metropolitan District Council.
- The notice was issued on 2 May 2024.
- The breach of planning control as alleged in the notice is *Without planning permission, the construction of an outbuilding within the rear garden of the property.*
- The requirements of the notice are to (i) demolish the outbuilding; and (ii) remove all resulting materials from the land.
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: the appeal is dismissed and the enforcement notice upheld.

Preliminary Matters

1. Appeal D concerns a different address from the other appeals, but the alleged development concerns an outbuilding that straddles the boundary between the two sites and the notices are identical in all material respects. The appellants are all represented by the same planning agent and have put forward identical grounds of appeal.
2. Appeals A – C are all duplicate appeals but Appeals B and C are brought by the same appellant, apparently as a result of administrative errors. As any appellant may only appeal once, I dispose of Appeal C and take no further action on it.

3. Appeals on ground (a), seeking planning permission for the development, have been discontinued as a result of recent legislative changes preventing consideration of this ground of appeal where planning applications for related development have recently been considered. Thus each of the remaining appeals proceeds only on grounds (f) and (g).

Main Issues

4. The question arising under ground (f) is whether remedying the breach of planning control may be achieved in some less onerous way. Under ground (g) the issue is whether the time given for compliance with the steps required by the notice is too short.

Reasons

The appeals on ground (f)

The case for the appellants

5. The appellants suggest that the impacts of the development may be ameliorated by a planting scheme. As an alternative, having regard to the size of both gardens an option to re-site the building is suggested as a reasonable alternative.
6. It is suggested that if the building were dismantled and sited so that no part of the building was within 2m of the curtilage boundary (referring to the public highway at Stonehouse Drive) then it would appear that the building could be compliant with all criteria attaching to Class E.
7. It being a building shared by members of the same family this is probably a unique situation, suggest the appellants, because the family members' properties share a common boundary. If that itself is an obstacle then the building could be dismantled and split, with the two portions being re-sited in the respective gardens in accordance with the criteria applying to Class E.

Reasons

8. The notice seeks the remedying of the breach of planning control, and a planting scheme would not achieve that objective. As the building lies so close to the boundary it is difficult to see how any successful planting scheme could be achieved in any event.
9. As to the proposals to dismantle and re-site the building, whether or not split, this would produce a different building from the one enforced against. Therefore any such proposal would not amount to lesser steps than those presently required. Additionally, I have no plans of any such re-siting proposal and thus it is not possible for me to specify with precision what should be achieved. The requirements of the notice do not remove the ability of any appellant to construct any future building utilising such permitted development rights as exist.
10. No lesser steps than the demolition and removal of the existing building would produce the outcome sought by the notice, which is to remedy the alleged breach of planning control. Therefore the appeals on ground (f) will fail.

The appeals on ground (g)

11. The appellants contend that dismantling, rather than demolishing, the building is a more sustainable approach and that a suitable store will need to be sourced prior to removing the material from the site. I acknowledge that this may be so, but am not given any reason to conclude that this cannot reasonably be done in a month. Therefore the appeals on ground (g) will also fail.

Conclusion

12. For the reasons given above I conclude that the appeals should not succeed.

Formal Decisions

13. The appeals are dismissed and the enforcement notices are upheld.

Laura Renaudon

INSPECTOR