



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 3 April 2025

Appeal ref: APP/W4705/C/24/3354229

Land Pearls Tearoom & Patisserie, 46 Rooley Avenue, Bradford, BD6 1DA

- 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 Kamran Mohammed against an enforcement notice issued by the City of Bradford MDC.
- The notice was issued on 12 September 2024.
- The breach of planning control as alleged in the notice is: "Without planning permission, the construction of flat roofed timber side extension, attached canopy with 2no.flues and metal sheeting clad side extension, as shown in the attached photographs".
The requirements of the notice are: i. Demolish the flat roofed timber side extension, attached canopy with 2no.flues and metal sheeting clad side extension, ii. Remove all arising materials from the site".
- 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 and the enforcement notice is upheld without variation.

Reasons for the decision

1. The basis of the appellant's case for wanting more time to comply with the requirements of the notice is in order to negotiate more acceptable alterations with the Council and to submit a new planning application. He requests that the compliance period be extended to 14 months for this purpose. While I note the appellant's reasons for requesting an extension of time, there is no evidence before me that a planning 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. Moreover, I cannot justify extending the compliance period to 14 months as it is tantamount to granting a temporary planning permission, which I have no powers to do on an appeal under ground (g). I am also mindful that more than 5 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, the appellant will effectively have had more than 7 months in which to carry out the necessary works in order to comply with the requirements of the notice. I am not satisfied there is good reason before me to justify extending the period further. The appeal fails accordingly.
2. However, while I am dismissing the appeal should the appellant submit or has submitted a planning application since this appeal was made, and experiences any genuine difficulties, it is open to him to submit a request to the Council to use

their powers under section 173A(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.

Formal decision

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

K McEntee