



Appeal Decision

Site visit made on 1 April 2025

by **M Ollerenshaw BSc(Hons) MTPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th April 2025

Appeal Ref: APP/Z4718/C/24/3342855

Land and property at 12 Hillhouse Lane, Fartown, Huddersfield, HD1 6EF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Toheed Ahmed against an enforcement notice issued by Kirklees Metropolitan Council.
 - The notice was issued on 19 March 2024.
 - The breach of planning control as alleged in the notice is: without the benefit of planning permission, the construction of a building incorporating three shipping containers and a roof structure.
 - The requirements of the notice are to:
 - (a) Dismantle and remove the building, including the incorporated shipping containers and roof structure, from the site.
 - (b) Remove all dismantled resulting material from the site.
 - The period for compliance with the requirements is 60 days.
 - The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended) (the 'Act').
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Decision

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

Preliminary Matters

2. The appellant appealed on grounds (a) and (g). However, section 174 (2A) of the Act sets out that an appeal may not be brought on ground (a) if the notice was issued at a time after the making of an application for planning permission that was related to the enforcement notice. In this case the notice was issued after a related planning application¹ had been made and before the prescribed period for determination of that application had lapsed. Therefore, the appeal on ground (a) has not been permitted and the appeal proceeds on ground (g) only.

The appeal on ground (g)

3. The purpose of the time period within this enforcement notice is to allow for the physical works associated with the notice to be removed. An appeal on ground (g) is that the period given for compliance with the notice falls short of what should reasonably be allowed. In this case the compliance period is 60 days. The appellant has not indicated what period of time they consider would be reasonable.
4. The notice relates to operational development consisting of a row of three shipping containers which are positioned adjacent to the side of 12 Hillhouse Lane and facing towards Bradford Road. The containers have been adapted to provide open frontages to facilitate their intended use as retail units, and roller shutters have

¹ Ref. PP-12812761

been installed to the front. The roof structure erected above is supported by metal posts. There is no indication that the containers are currently used as retail units.

5. Given the basic method of construction and materials, the transportable nature of the containers, and that the development does not appear to be in use, it would be a relatively straightforward matter to dismantle and remove it, and any resulting materials from the site, within 60 days. The appellant has not provided any details to indicate that it would take longer than that period to carry out the works.
6. The appellant contends that the enforcement notice should not come into effect until after the Council have determined the associated planning application. Substantive details of that planning application have not been provided and I have not been made aware that the application has been determined. In any case, this does not provide justification for extending the period for compliance. I am also mindful that this appeal has already delayed the notice from coming into effect and the breach of planning control should therefore be remedied as soon as possible.
7. Accordingly, I consider the period of 60 days for the dismantling and removal of the works, as specified in the notice, is reasonable and proportionate to the breach of planning control and it will start from the date of this decision.
8. Therefore, the appeal on ground (g) fails.

Other Matters

9. The appellant has raised a number of other matters. However, I cannot consider these or the planning merits of the development as part of this appeal, which is confined to consideration of the compliance period only.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed, and I shall uphold the enforcement notice.

M Ollerenshaw

INSPECTOR