
Appeal Decision

by Ken McEntee

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

Decision date: 17 April 2025

Appeal ref: APP/N4720/C/24/3356815
Land at 409 Whithall Road, Leeds, LS12 6LB

- 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 Ryan Maan against an enforcement notice issued by Leeds City Council.
- The notice was issued on 7 November 2024.
The breach of planning control as alleged in the notice is: Without planning permission the erection of a fence and gates which exceed one metre in height adjacent to the highway.
The requirements of the notice are: Step 1: Remove the fence and gates in their entirety. Or Step 2: Reduce the fence and gates to no more than one metre above ground level. Step 3: Remove any debris or detritus as a result of step 1 or step 2 above".
- The time period for compliance with the notice is: "Three months beginning with the day on which this notice takes effect".
- 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 main reason for the appeal is that the appellant is concerned about the safety of his dog and the general public if the unauthorised fence and gates are taken down. The appellant is also concerned about security as there has been an escalation of crime in the area. He therefore requests more time to comply with the requirements of the notice in order to "*increase my evidence portfolio and seek legal advice*", although he does not state how much time he requires. While I note the appellant's reasons for requesting an extension of time to comply with the requirements of the notice, the compliance period cannot be extended indefinitely. I am also mindful that more than 4 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 some 7 months in which to increase his evidence portfolio and seek legal advice before removing the unauthorised fence and gates. I consider this period to be reasonable and proportionate and I am not satisfied there is good reason to justify extending it further. The appeal fails accordingly.

Formal decision

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

K McEntee