



Appeal Decision

Site visit made on 25 June 2025

by C Rafferty LLB(Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 03 July 2025

Appeal Ref: APP/N4720/C/24/3354684

90 Street Lane, Roundhay, Leeds LS8 2AL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr A Dogan against an enforcement notice issued by Leeds City Council.
 - The notice was issued on 2 October 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a canopy and associated structures to the front forecourt.
 - The requirements of the notice are to:
 - 1) Remove the unauthorised canopy and associated structures in their entirety;
 - 2) Remove all the materials and detritus resulting from Step 1 from the land.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The enforcement notice is quashed.

The Enforcement Notice

2. Although not a matter that has been raised by the parties, I have a duty to consider any defects in the enforcement notice and, where possible, make any necessary variations or corrections to put it in order. As a legal document, it is important that the notice is legible on its face, without needing to infer or imply its meaning.
3. Section 173(1)(a) of the 1990 Act outlines that an enforcement notice shall state the matters which appear to the local planning authority to constitute a breach of planning control. Section 173(2) states that a notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are. Section 173(3) states that an enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the purposes set out in section 173(4), being to remedy the breach or any injury to amenity caused by the breach.
4. The enforcement notice in this case sets out the alleged breach of planning control as, without planning permission, the erection of a canopy and associated structures to the front forecourt. The requirements include removing the canopy and associated structures in their entirety. However, the description of the breach does not indicate precisely what is referred to by “associated structures”, nor is any additional information attached to the notice to provide clarification. The plan attached to the enforcement notice does not assist in this regard, as it covers the entirety of the site, including the buildings and external areas.

5. It is necessary for the allegation in the notice to be directed against a specific development. The evidence of the main parties refers to various structures at the site including decking and fencing, which I observed during my visit. However, it remains unclear from the notice itself whether these comprise the “associated structures” referred to in the alleged breach of planning control. A correction of the notice to refer to the decking and fencing could potentially broaden the scope of the notice, resulting in injustice to the appellant. Conversely, a correction of the notice to remove reference to associated structures entirely could result in injustice to the Council as the intention was to enforce against such structures.
6. For the reasons given, the enforcement notice does not specify with sufficient clarity the alleged breach of planning control and thus is also unclear as to the steps required for compliance. It therefore does not comply with the requirements of sections 173(2) or 173(3) of the 1990 Act. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act as amended, since injustice would be caused if I were to do so. The enforcement notice is therefore invalid and will be quashed.

Conclusion

7. For the reasons given above, I conclude that the enforcement notice does not specify with sufficient clarity the alleged breach of planning control and thus the steps required for compliance.
8. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the 1990 Act (as amended), since injustice would be caused were I to do so. The enforcement notice is invalid and will be quashed.
9. In these circumstances, the appeal on the ground set out in section 174(2)(f) of the 1990 Act (as amended) does not fall to be considered.

C Rafferty

INSPECTOR