



Appeal Decision

by Ken McEntee

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

Decision date: 3 July 2025

Appeal ref: APP/N4720/C/25/3362267

Land at 1 Creskeld Garth, Bramhope, Leeds, LS16 9EW

- 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 Dr Henry Hardaker against an enforcement notice issued by Leeds City Council.
- The notice was issued on 12 February 2025.
- The breach of planning control as alleged in the notice is: "Without planning permission the erection of gate piers and sliding gates to existing driveway exceeding one metre in height adjacent to a highway used by vehicular traffic".
- The requirements of the notice are "To either; Step 1: Dismantle and remove the unauthorised sliding gates and gate piers. or Step 2: Reduce the unauthorised sliding gates and gate piers fronting the vehicular highway of Creskeld Drive, Bramhope to no higher than one metre in height above ground level".
- 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. It appears clear that the main basis for the appeal is to obtain more time for the appellant to submit pre-applications for alternative proposals, and to subsequently submit a planning application. The appellant requests that the period for compliance with the requirements of the notice be extended to 12 months to allow time for this process to take place.
2. While I note the appellant's reasons for this request, extending the compliance period to 12 months is tantamount to granting a temporary planning permission, which I have no powers to do under an appeal made on ground (g). I am also mindful that some 4 months have elapsed since this 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 nearly 7 months in which to go through the planning application process and to comply with the requirements of the notice. I consider this period to be both reasonable and proportionate. Therefore, I am not satisfied there is good reason to justify extending the compliance period further. The appeal fails accordingly.
3. However, while I am dismissing the appeal, should the appellant experience 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

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

K McEntee