



Appeal Decisions

Site visit made on 7 May 2025

by **C Rafferty LLB(Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 08 September 2025

Appeal A Ref: APP/N4720/C/24/3352588

Appeal B Ref: APP/N4720/C/24/3352589

Land at Robin Hill, Main Street, Aberford, Leeds LS25 3AW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - Appeal A is made by Mrs Hardcastle and Appeal B is made by Mr Hardcastle against an enforcement notice issued by Leeds City Council.
 - The notice was issued on 12 September 2024.
 - The breach of planning control as alleged in the notice is, without planning permission, the erection of an outbuilding sited forward of the principal elevation of the dwelling.
 - The requirements of the notice are to:
 1. Remove the unauthorised outbuilding from the front garden area;
 2. Remove all building materials and miscellaneous items associated with the unauthorised outbuilding from the front garden area;
 3. Reseed the front garden area to establish a grass lawn where the unauthorised outbuilding was positioned
 - The period for compliance with the requirements is: 3 months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
 - Appeal B is proceeding on the grounds set out in section 174(2) (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal C Ref: APP/N4720/W/24/3352575

Robin Hill Vacant Property, Main Street, Aberford, Leeds LS25 3AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Hardcastle against the decision of Leeds City Council.
 - The application Ref is 24/02436/FU.
 - The development proposed is retrospective application for garden room/ workspace with landscaping.
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Decisions – Appeal A and B

1. It is directed that the enforcement notice is corrected by the deletion of the words “front garden area” from Steps 1- 3 at paragraph 5 and their substitution with the word “Land”.
2. It is directed that the enforcement notice is varied by the deletion from paragraph 5 of the words “Step 3. Reseed the front garden area to establish a grass lawn where the unauthorised outbuilding was positioned”.
3. Subject to the corrections and variations, the appeals are dismissed and the enforcement notice is upheld.

Decision – Appeal C

4. Appeal C is allowed and planning permission is granted for garden room/workspace with landscaping at Land at Robin Hill, Main Street, Aberford, Leeds LS25 3AW in accordance with the terms of the application Ref 24/02436/FU dated 15 April 2024 and the plans submitted with it, and subject to the conditions set out in Appendix 2 to this decision.

APPEAL C

Main Issues

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site comprises a detached dwelling on the western side of Main Street, close to the junction with Haverthwaites Drive. It forms part of a group of three dwellings fronting Main Street, all of which are separated from the highway by grass verges and front garden spaces. While these front gardens at the other two dwellings are free from permanent built form, an outbuilding is located in the front garden of the appeal site. This is modest in scale so as to clearly read as subservient to the main dwelling.
7. I observed that views of the outbuilding within the surrounds are limited. Planting has obscured much of the development from the north and west. Limited views are possible from Haverthwaites Drive where, given the intervening distance and the variety of placement and style of surrounding built form visible, the outbuilding does not appear jarring or unduly prominent.
8. It has been raised that the outbuilding does not respect the pattern and placement of development in this immediate section of Main Street, by sitting forward of the main dwelling at the appeal site and failing to retain the openness of the front garden. However, the building line of development in the area is not consistent. In particular, the rear elevation of No. 14A Haverthwaites Drive sits immediately to the south of the site, close to the highway.
9. As such, while the outbuilding sits forward of the Main Street dwellings, it is also read in the context of this built form of No. 14A, with which it would align. Even noting its front garden position, due to its precise placement, the positioning of the outbuilding does not read as incongruous from Main Street, but rather assimilates with the southern built form close to the road. Furthermore, its modest scale and limited visibility ensures the main dwelling remains the most prominent feature of the site, and I do not find that its materials alter this or result in an unsympathetic addition.
10. The appellant has provided a landscaping statement, which outlines that planting would be undertaken on Main Street and to the southern boundary with No. 14A Haverthwaites Drive. This would comprise photinia and laurel hedges, planted every 60-90 cm apart, which would provide an element of screening to reduce the visual impact of the proposal. While I acknowledge that such planting would take some time to establish, given my findings above regarding the limited views of the development, and its positioning relative to neighbouring built form, I do not find that the interim situation would be unduly harmful from a visual perspective.

11. For the reasons given, the development would not result in significant adverse effects on the character and appearance of the area. As such, it would comply with Policies P10 and P12 of the Leeds City Council Core Strategy 2014, Policy GP5 of the Leeds Unitary Development Plan 2006, Policy HDG1 of the Leeds City Council Householder Design Guide 2012, and the provisions of the Framework insofar as they seek to ensure high quality design that is appropriate to its context and conserves surrounding character.

Other Matters

12. I have had regard to the appeal decision referred to by the Council¹, which also relates to the development. While this is a material consideration, I have decided the appeal on my observations and the evidence before me at this time, as I am required to do.

Conditions

13. I have had regard to conditions suggested by the Council, which the appellant has had the opportunity to comment on. A condition relating to approved plans is not necessary as the development is in place.
14. I have attached a condition that the outbuilding be used only for purposes ancillary to the main dwelling, in the interests of certainty.
15. As the external elevations of the outbuilding are not yet clad, I have attached a condition that they are clad in timber, in the interests of the character and appearance of the area. I have also attached a condition that the landscaping statement be implemented, also in the interests of the character and appearance of the area. There is a strict timetable for compliance with these conditions because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding matters before the development takes place. I have imposed timescales which I deem to be reasonable and have sought the views of the main parties on these.

Conclusion

16. For the reasons given above, I conclude that Appeal C should be allowed.

APPEALS A AND B

Preliminary Matters

17. An appeal on ground (a) was also made. However, where an enforcement notice has been issued after 25 April 2024, ground (a) is barred if the requirements of s174(2A) of the 1990 Act are met. Namely, if the enforcement notice was issued: during the time allowed for determining a related retrospective planning application; or within two years of the date on which the related application ceased to be under consideration. The requirements of s174(2A) of the 1990 Act have been met in this case. Appeals A and B have therefore proceeded on grounds (f) and (g) only.

¹ APP/N4720/D/22/3304710

Enforcement Notice

18. The enforcement notice defines the Land at Robin Hill, Main Street, Aberford, Leeds LS25 3AW as “the Land”. However, in setting out the steps required to be taken, paragraph 5 refers to the front garden area rather than the correct defined term. In accordance with section 176(1)(a) of the 1990 Act I can correct the steps required to be taken in paragraph of the notice to refer to the Land. I can make this correction without injustice to the appellant or the local planning authority.

Appeals on ground (f)

19. An appeal on ground (f) is brought on the basis that the requirements of the notice exceed what is necessary. Section 173(4) of the 1990 Act sets out the purposes which an enforcement notice may seek to achieve. They are either: (a) remedying the breach of planning control; or (b) remedying any injury to amenity which has been caused by the breach. Section 173(4) is clear that a notice can remedy the breach of planning control by: making the development comply with the terms of any planning permission which has been granted in respect of the land; by discontinuing any use of the land; or by restoring the land to its condition before the breach took place.
20. The alleged breach of planning control is, without planning permission, the erection of an outbuilding sited forward of the principal elevation of the dwelling. The requirements, as corrected, are to remove the outbuilding and all materials and miscellaneous items associated with it from the Land and to reseed the Land to establish a grass lawn where the outbuilding was positioned. As such, the purpose of the enforcement notice in this instance is to remedy the breach of planning control.
21. The appellant contends that the reseeding of the Land is excessive as it does not address any harm to visual amenity and that the condition of a private garden should not be a planning concern. It is clear that the purpose of the notice is to remedy the breach of planning control. To do so, it is sufficient that the appellant is required to remove the outbuilding and all materials and miscellaneous items associated with it from the Land. Accordingly, the reseeding of the Land would be an excessive requirement.
22. To accurately reflect this, I can amend the steps required to be taken in paragraph 5 of the notice to remove reference to the reseeding of the Land. I can make this amendment without injustice to the appellant or the local planning authority.
23. The appeal on ground (f) therefore succeeds to a limited extent.

Appeals on ground (g)

24. An appeal on ground (g) is brought on the basis that the time period for compliance in the notice falls short of what should reasonably be allowed.
25. The enforcement notice gives three months for compliance. However, the main parties agree that, should reseeding of the Land be required, a more reasonable timeframe for compliance with step 3 of the notice is within the first planting season following completion of step 2.
26. Given my findings above, it is not necessary for the notice to reference a time period for compliance with regard to reseeding the Land.

27. The appeal on ground (g) therefore succeeds to a very limited extent.

Conclusions

28. For the reasons given, I conclude that the appeals on ground (f) and ground (g) succeed to the limited extents outlined above. However, otherwise the notice is upheld. Nevertheless, the provisions of the S180(1) of the Act are such that the notice will cease to have an effect insofar as it is inconsistent with the planning permission which I have granted as a result of the success of Appeal C.

Overall conclusions

29. For the reasons given above, I conclude that the Appeals A and B should not succeed. I shall uphold the enforcement notice with corrections and variations.

30. For the reasons given above, I conclude that Appeal C is allowed.

C Rafferty

INSPECTOR

Appendix 1 - List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/N4720/C/24/3352588	Mrs Hardcastle
Appeal B	APP/N4720/C/24/3352589	Mr. Hardcastle
Appeal C	APP/N4720/W/24/3352575	Mr & Mrs Hardcastle

Appendix 2 – Conditions

1. The outbuilding hereby permitted shall only be used for purposes ancillary to the main dwelling at the site.
2. Within 4 months of the date of this decision the external walls of the outbuilding hereby permitted shall be clad in timber cladding. The timber cladding shall thereafter be retained for the lifetime of the development.

If within 4 months of the date of this decision the external walls of the outbuilding hereby permitted are not clad in timber cladding, the outbuilding shall be removed and all materials resulting from the demolition shall be removed.

In the event of a legal challenge to this decision, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

3. All planting comprised in the approved landscaping statement shall be carried out in the first planning season (March – October) following the date of this permission. The hedging shall thereafter be allowed to grow to a height of at least 2.7m above ground level and retained and maintained at this height. Any hedging which within a period of 5 years from planting is removed, becomes damaged, destroyed, diseased, or dies shall be replaced with new hedging to the same specifications and height which shall also be retained at a height of no lower than 2.7m above ground level.

If the planting comprised in the approved landscaping statement is not carried out in the first planning season (March – October) following the date of this permission, the outbuilding shall be removed and all materials resulting from the demolition shall be removed.

In the event of a legal challenge to this decision, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

END OF APPENDIX