



Appeal Decision

Site visit made on 23 September 2025

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

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025

Appeal Ref: APP/W4705/C/24/3352492

32 Grange Road, Riddlesden BD20 5AE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Rohim Ullah against an enforcement notice issued by City of Bradford Metropolitan District Council.
 - The notice was issued on 14 August 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of stone wall with columns, timber fencing atop and timber gate to the front and side of the property forming a combined 'boundary treatment' as shown in the attached photographs.
 - The requirements of the notice are to:
 - i) Demolish the stone wall, stone columns, timber fencing and timber gate together with all fixtures, between Point A and Point B, as shown in Figure 1, removing all arising materials from the site, or
 - ii) Reduce the stone wall, stone columns, timber fencing and timber gate together with all fixtures between Point A and Point B, as shown in Figure 1, to a height not exceeding 1 Metre from ground level.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f), (g) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice is corrected by the deletion of the word 'site' from section 5(i) and its replacement with the word 'land'. Subject to the correction, the appeals are dismissed and the enforcement notice is upheld.

Preliminary Matters

2. 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 and the appeal has therefore proceeded on grounds (f) and (g) only.

Enforcement Notice

3. The land at 32 Grange Road, Riddlesden, BD20 5AE is defined in the notice as "the land". However, in setting out the steps required to be taken, section 5(i) of the notice refers to the site, rather than the correct defined term. I can therefore correct section 5(i) of the notice to refer to the land, and can do so without injustice to the appellant or the Council.

Appeal on ground (f)

4. 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.
5. Given that the requirements of the notice are to restore the land to its previous condition or to reduce the height of the development so as to comply with permitted development rights, the purpose of the notice is to remedy the breach of planning control. The appellant argues that the steps required by the notice exceed what is necessary, with reference to other development and boundary treatments in the surrounds, and request that the fencing is lowered to the height of other fencing nearby.
6. I observed the site during my visit, and noted the presence of the development identified in the enforcement notice. From my observations the only way to remedy the breach would be to remove the development in its entirety and to restore the appeal site to its prior condition, or to comply with the permitted development limits, as outlined in the requirements of the notice. Given the purpose of the notice, the requirements are not therefore excessive.
7. The appeal on ground (f) therefore fails.

Appeal on ground (g)

8. 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.
9. The notice gives 2 months for compliance. The appellant argues that this would be insufficient and that a longer period is required for compliance, particularly given that there has been a grievance recently. However, no alternative time period is proposed. The 2 month period ensures the identified planning harm is dealt with in the necessary expedient manner and is therefore reasonable.
10. The appeal on ground (g) therefore fails.

Overall Conclusion

11. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections.

C Rafferty

INSPECTOR