



Appeal Decision

No Site Visit Made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2025

Appeal Ref: APP/W4705/C/24/3358250

53 Northampton Street, Bradford BD3 0HS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Miss Safina Mussarrat against an enforcement notice ("EN") issued by the City of Bradford Metropolitan District Council.
 - The EN was issued on 19 November 2024.
 - The breach of planning control as alleged in the EN is:
 - i. Without planning permission, the construction of a single storey extension to the front of the building on the land, as shown in the attached photograph.
 - ii. Without planning permission, the construction of a single storey extension to the rear of the building on the land, as shown in the attached photograph.
 - The requirements of the EN are to:
 - i. Demolish the unauthorised single storey front and rear extensions.
 - ii. Remove all arising materials from the land.
 - The period for compliance with the requirements is: Two calendar months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the 1990 Act.
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Decision

1. It is directed that the EN is varied by:

- *the deletion of two months and its substitution with three months as the period for compliance.*

Subject to the variation, the EN is upheld.

Preliminary Matters

2. The planning merits of the development are not relevant to an appeal under grounds (f) and (g). My decision therefore rests on the facts of the case. A site visit was not necessary as it would not help me reach a decision. Therefore, both parties were advised of my intention to determine the appeal without a site visit.

Appeal on Ground (f)

3. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
4. The breach of planning control is the construction of single storey extensions to the front and rear of the building and the EN seeks their removal. Therefore, the purpose of the EN is to remedy the breach of planning control.

5. The appellant has advised that since the EN was issued the step adjacent to the single storey front extension has been removed, and opaque film has been applied to the windows of the rear extension which, if required, can be replaced with obscure glazing. They also state that the roof of the single storey rear extension would be replaced in the summer of 2025, and a coloured render like the colour of the original house could be applied to the single storey rear extension.
6. There is no ground (a) appeal before me as it is barred. The purpose of the EN is to remedy the breach of planning control. Therefore, I cannot consider any step lesser than the removal of the single storey front and rear extensions, as it would not remedy the breach under ground (f).
7. Consequently, the steps required by the EN are not excessive to remedy the breach of planning control. The appeal on ground (f) therefore fails.

Appeal on Ground (g)

8. An appeal under ground (g) is that the period specified for compliance with the EN falls short of what should reasonably be allowed. The period for compliance specified in the EN is two months. The appellant has not provided an alternative period or any reasons why two months is insufficient to comply with the EN.
9. The extensions to the front and rear of the building are single storey and relatively small in scale. A drawing¹ indicates that they are not used as a kitchen or bathroom/toilet and therefore, their demolition is unlikely to be time consuming. The drawing also shows that the doorways between the original house and the single storey front and rear extensions have been retained and therefore, no exterior walls would have to be rebuilt.
10. However, the demolition of the single storey front and rear extensions would need to be undertaken by a builder/contractor and therefore, time would be required to appoint someone. Consequently, I consider that extending the time for compliance to three calendar months would strike a more appropriate balance between remedying the planning harm identified in the EN as soon as practicable and allowing the appellant a more appropriate timeframe in which to arrange for and have the single storey front and rear extensions removed.
11. The appeal on ground (g) therefore succeeds.

Conclusion

12. For the reasons given above, I conclude that the period for compliance with the EN falls short of what is reasonable. I shall vary the EN prior to upholding it. The appeal on ground (g) succeeds to that extent.

A Berry

INSPECTOR

¹ Drawing No 23-107-P-02