



Appeal Decisions

Site visit made on 21 October 2025

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 November 2025

Appeal A Ref: APP/W4705/C/25/3359025

Appeal B Ref: APP/W4705/C/25/3359026

26 Duchy Drive, Bradford BD9 5LT

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the 1990 Act”).
 - Appeal A is made by Mr Qazar Khaliq and Appeal B is made by Mrs Asghar Jan against an enforcement notice (“EN”) issued by the City of Bradford Metropolitan District Council.
 - The EN was issued on 3 December 2024.
 - The breach of planning control as alleged in the EN is: Without planning permission, the material change of use from residential to mixed use residential and storage and sale of motor vehicles.
 - The requirements of the EN are:
 - i. Cease the unauthorised use of the land for the storage and sale of motor vehicles;
 - ii. Remove all associated motor vehicles, motor vehicle parts and equipment brought onto the site in connection with the unauthorised use.
 - The period for compliance with the requirements is: One calendar month.
 - Appeal A and Appeal B are proceeding on the ground set out in section 174(2)(b) of the 1990 Act.
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Decision

1. The appeals are dismissed and the EN is upheld.

Preliminary Matters

2. Concern has been raised by the appellants regarding the Council’s conduct when serving the EN and communication. However, this does not free me of my obligation to determine the appeals in the public interest.
3. The appellants raise concern that the Council’s evidence is vague and limited, and they have failed to provide evidence to support the alleged breach. However, it only has to “appear” to the Council that a breach of planning control has occurred, not that it is certain it has occurred. It is for the appellants to provide evidence to counter the substance of the EN under the relevant grounds of appeal.
4. The appellants’ appeal form states “*planning permission doesn’t need to be required*” which could be construed as a hidden ground (c) appeal – that those matters alleged (if they occurred) do not constitute a breach of planning control. The evidence submitted regarding this statement is limited to the cleaning/washing of the appellants’ vehicles and minor changes/work undertaken to them which they believe does not breach planning laws and instead amounts to a hobby/past time.
5. However, the alleged breach does not pertain to vehicle repair/maintenance being conducted at the property. As these matters fall outside the scope of the alleged breach of planning control, I am satisfied there are no hidden ground (c) appeals.

Appeals on Ground (b)

6. An appeal under ground (b) is that those matters stated in the EN have not occurred. To succeed on ground (b) it is incumbent on the appellants to demonstrate that, on the balance of probability, the matter(s) alleged have not occurred, as a matter of fact.
7. The alleged breach of planning control refers to the material change of use of the land from residential to a mixed use of residential and the storage and sale of motor vehicles. The appellants assert that the land edged red on the EN plan is solely used for residential purposes and that no storage and sale of motor vehicles has occurred.
8. The Council refer to a vehicle parked on the road outside the property which had trade plates displayed. The appellants state that the vehicle was not parked immediately outside their property and the vehicle was unrelated to them. Neither party has substantiated their assertion with evidence and therefore, I am unable to determine whether the vehicle was associated with the alleged breach.
9. Aerial images have been provided that the Council state were taken in May 2019, April 2020 and April 2021. The appellants have not disputed these dates, and I have no reason to disagree with the Council's evidence. Two vehicles closest to the property's garage are the same colour and shape in all three aerial images. However, the other vehicles parked on the driveway and overhanging the pavement differ.
10. The appellants state that four drivers live at the property, and one new driver is applying for a provisional driving licence. However, they do not disclose how many vehicles they or the other people living at the property own. Furthermore, no vehicle ownership details have been provided to demonstrate that the vehicles shown in the aerial images belong to the occupiers of the property, or that the occupiers have changed their vehicles over the period shown.
11. The appellants assert that they have a large family and that it is not uncommon for numerous relatives and extended family members to visit the property. However, it is unclear if family members drive to the property or, if they do drive, where they park their vehicles. Furthermore, proof of vehicle ownership has not been provided to demonstrate that the vehicles shown in the photographic evidence belong to visiting family members.
12. The appellants state there is no evidence of "*for sale*" signs displayed on vehicles parked on the road or within the property. However, cars sold via social media or over the internet would not necessitate a "*for sale*" sign to be displayed.
13. During my site visit I was able to confirm that the photographs of vehicles from Tik Tok and Instagram were taken within the front garden of the property. These images included the tags @classic.imports and classic.importsUK with the latter containing "*fresh stock...find me on snapchat – classicimports*". Furthermore, the Council's evidence contains photographs of cars parked on the road displaying a "*Classic Imports*" sticker.
14. The Council assert that this evidence indicates that a commercial operation for the storage and sale of motor vehicles was occurring at the property. The appellants

have not addressed this evidence in their submissions. Consequently, I have no reason to disagree with the Council's evidence on this matter.

15. The appellants state that due to vehicle crime and vehicle theft they park their vehicles within the land edged red on the EN plan. To support this matter, screenshots of messages to/from West Yorkshire Police showing police incident numbers have been submitted. However, the screenshots do not include the appellants' names, nor do they state an address where the crime took place. Furthermore, it is unclear how this evidence demonstrates that the alleged breach of planning control has not occurred.
16. Evidence has been provided of a Blue Badge issued to one of the appellants. The appellants also describe work that has taken place to the front boundary wall and front garden to facilitate accessibility adaptations. However, these matters fail to demonstrate that the alleged breach of planning control has not occurred.
17. Taking all the evidence into account, the appellants have failed to demonstrate, on the balance of probability, that the matter alleged has not occurred. I therefore conclude that there has been a material change of use to a mixed use of residential and storage and sale of motor vehicles as a matter of fact. The appeals on ground (b) therefore fail.

Conclusion

18. For the reasons given above, I conclude that the appeals should not succeed. I shall therefore uphold the EN.

A Berry

INSPECTOR