



Appeal Decision

by **Ken McEntee**

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

Decision date: 17 December 2025

Appeal ref: APP/Z4718/C/25/3368593

Land and property at 96A Bradford Road, Fartown, Huddersfield, West Yorks, HD1 6JR

- 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 Mr Ammar Ul-Hassan Khan against an enforcement notice issued by Kirklees Council.
- The notice was issued on 4 June 2025.
- The breach of planning control as alleged in the notice is: "Without the benefit of planning permission, the erection of a metal framed building with a metal container placed on the roof."
- The requirements of the notice are: "a) Dismantle and remove the metal framed building, including the metal container, from the site. b) Remove all resulting material from the site".
- The time period for compliance with the requirements of the notice is 60 days after it 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. The main basis of the appellant's case for more time to comply with the requirements of the notice is due to concerns about the potential the adverse impact on the business as the unauthorised structures currently accommodates essential equipment, which is critical to service delivery. The appellant also contends that the compliance period should be extended in order to carry out necessary preparation works to submit a revised planning application.
2. While I appreciate the reasons put forward by the appellant, I note that he has not suggested an alternative compliance period. There is no evidence before me of a planning application having been submitted and whether one will be submitted in the future can only be considered as a matter of speculation at this stage. I also am mindful that more than 5 months have elapsed since the 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 more than 7 months in which to take the necessary steps to ensure the requirements of the notice are complied with. I consider this period to be reasonable and provides a proportionate balance between the concerns and needs of the appellant and his business, and the need for the stated harm caused by the unauthorised development to the surrounding area to be brought to an end as soon as possible. Therefore, I am not satisfied there is good reason to extend the compliance period further. The appeal fails accordingly.

3. However, 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