
Appeal Decisions

Site visit made on 16 December 2025

by **M Ollerenshaw BSc (Hons) MTPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd January 2026

Appeal A Ref: APP/X4725/C/25/3359013

Appeal B Ref: APP/X4725/C/25/3359014

Land at 8 Trinity Street, Wakefield, WF1 5BS

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mr Tahir Ashraf (Appeal A) and Mrs Sughra Ashraf (Appeal B) against an enforcement notice issued by Wakefield Metropolitan District Council.
 - The notice was issued on 13 December 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of front and rear dormers on the Land.
 - The requirements of the notice are to:
 - a) Remove the unauthorised front and rear dormers, and revert back to the pre-existing elevation plans submitted with the planning application reference 23/02044/FUL and attached at Appendix 1.
 - b) Make good any damage caused to the building as a result of the above step and ensure that all materials used shall match those used in the existing building.
 - c) Remove from the Land all materials and debris arising from compliance with the aforementioned requirements of the notice.
 - The period for compliance with the requirements is three months.
 - The appeals are proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decisions

1. The appeals are dismissed, and the enforcement notice is upheld.

Preliminary Matters

2. Appeals A and B relate to the same site and the same enforcement notice. I shall therefore deal with them together.

Ground (f) appeal

3. An appeal on ground (f) is that the steps required by the notice to be taken, or the activities required by the notice 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 enforcement notice requires the unauthorised dormers to be removed, and the property restored to its previous condition in accordance with the pre-existing elevation plans submitted with planning application 23/02044/FUL. The purpose of the notice is therefore to remedy the breach of planning control.
5. The appellants suggest that the dormers can be adapted to a style that would be acceptable. However, I am unable to consider the merits of an alternative design as there is no ground (a) appeal and deemed planning application before me, and altering the existing dormers would not remedy the breach of planning control.

Even if I were able to consider an alternative scheme under this ground, no further details of this have been presented for consideration. The appellants state that complete removal of the dormers is contrary to their human rights, but this consideration is not applicable to a ground (f) appeal.

6. I conclude that the requirements of the notice do not exceed what is necessary to remedy the breach of planning control. The appeals on ground (f) therefore fail.

Ground (g) appeal

7. An appeal on ground (g) is that the period given for compliance with the notice falls short of what should reasonably be allowed. In this case the compliance period is three months. The appellants consider that this is insufficient and that a period of at least twelve months is necessary to enable them to find alternative living accommodation for the occupiers and for the works to be carried out.
8. There is no substantive evidence before me to indicate that it would not be possible to secure suitable alternative accommodation in the area. For an experienced builder the works necessary to comply with the notice would be relatively straightforward to complete within the stated compliance period. I am also mindful that the appeal has already delayed the notice from coming into effect, and the breach of planning control and the harm arising from it should be remedied as soon as possible.
9. The enforcement notice will interfere with the appellants' rights under Article 8 of the Human Rights Act 1998, which states that everyone has a right to respect for private and family life, their home and correspondence. However, this is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial. In the absence of any evidence to the contrary, I consider the compliance period set out in the notice to be reasonable and proportionate.
10. Therefore, the appeals on ground (g) fail.

Conclusion

11. For the reasons given above, I conclude that the appeals should be dismissed, and the enforcement notice will be upheld.

M Ollerenshaw

INSPECTOR