



Appeal Decision

Site visit made on 12 March 2026

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 MARCH 2026

Appeal Ref: APP/W4705/C/25/3365795

Land at 6 The Vales, Oxenhope, Keighley, BD22 9LW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Trevor Barlow against an enforcement notice issued by City of Bradford Metropolitan District Council.
 - The notice was issued on 10 April 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a car port on land to the west of the property.
 - The requirements of the notice are to demolish the unauthorised car port structure to the west of the dwelling and remove all resulting materials from the land.
 - The period for compliance with the requirements is two calendar months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. A draft National Planning Policy Framework 'Plan-making and national decision-making policies' was issued by the Government for consultation on 16 December 2025 (Consultation Draft Framework). I afford the Consultation Draft Framework limited weight as a material planning consideration. This is relative to the published National Planning Policy Framework 2024 (the Framework) to which I afford full weight as a material planning consideration.

Main Issue

3. The appeal is made on ground (a) of section 174(2) of the Act which is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice.
4. I have considered the reasons for issuing the notice and the main issue is the effect of the development on the character and appearance of the area including whether it preserves or enhances the character or appearance of the Oxenhope Upper Town Conservation Area (CA).

Reasons

5. The car port has been erected to the side of a relatively modern detached dwellinghouse which is positioned alongside two similarly designed detached

dwellinghouses. The appeal dwellinghouse is also in very close proximity to a number of tight-knit terraced blocks of dwellinghouses on Church Street, Pear Street and Apple Street. Overall, the properties in this area have a unifying and coherent character and appearance. They are built in stone, have a utilitarian appearance and have pitched roofs.

6. While the appeal property is different to the surrounding terraced dwellinghouses, it and its neighbouring detached dwellinghouses assimilate well into the street-scene owing to the use of natural stone for its walls and the use of pitched roofs.
7. Overall, there is a design synergy which exists amongst the three detached dwellinghouses, as well as the terraced dwellinghouses which surround them. Moreover, prior to the unauthorised car port being erected, the land to the side of the appeal dwellinghouse was essentially undeveloped, and this provided some welcome relief and separation to the terraced dwellinghouses when experienced in the various streets. I find that these attributes add positively and distinctively to the overall significance of the CA when it is considered as a whole.
8. As part of my site visit, I was able to experience the car port from public land including Church Street, Pear Street and from parts of Hebden Bridge Road. From these areas, the car port appears as a dominating and imposing addition. Given its position, height and size, it does not appear as a subordinate addition to the host dwellinghouse. It is a high and bulky structure and has a large, corrugated sheet flat roof set above stone pillars. In my judgement, the high and large flat roof, constructed from an uncharacteristic material, is seen by passers-by as a discordant addition in the locality.
9. When seen against the pitched roofs of the appeal dwellinghouse, and the relative simplicity of the pitched roofs relating to both the neighbouring detached dwellinghouses, and the surrounding terraced dwellinghouses, I find that the development has not assimilated well into the area. In fact, the development has a visually jarring impact when experienced in this part of the CA. It has unacceptably enclosed what was otherwise undeveloped space and which provided some open relief between the terraced and detached dwellinghouses. Overall, the development constitutes poor design. It neither preserves nor enhances the character or appearance of the CA.
10. In the context of paragraph 215 of the Framework, I conclude that less than substantial harm has been caused to the significance of the CA. I find that on the spectrum of less than substantial harm, the harm is moderately adverse. While I note that there are private reasons for erecting the unauthorised structure (i.e., to park a caravan and camper van), there are no identified public benefits which outweigh the less than substantial harm caused to the significance of the CA.

Other Considerations

11. The appellant has drawn my attention to the officer report relating to planning permission¹ (2009 permission) being approved for two dwellinghouses on the land to which the appeal property is located. In the officer report, it states that prior to the dwellinghouses being erected the *'site itself did not make a strong positive contribution to the character of the Conservation Area'*. I note this comment although the site has since been developed. Such a comment does not obviate the

¹ Planning application 09/01780/FUL

need for new development to constitute good design and to either preserve or enhance the character or appearance of the CA.

12. Moreover, I emphasise that the officer report states that *'the proposed dwellings are proposed in stone with blue slate roofs and are designed to include vertical windows and some traditional elements in keeping with the local vernacular'*. Owing to the size, design and material used for the roof of the car port structure, it departs unacceptably from such identified attributes.
13. I recognise that some properties do ordinarily have permitted development rights and hence homeowners can sometimes build similar structures without the need for planning permission. However, the point is that the appeal site is located within a CA and planning permission is required for the development. A ground (c) appeal has not been lodged and there is no evidence to indicate that planning permission is not required for the breach of planning control.
14. The appellant has drawn my attention to a car port erected at No. 58 Heaton Croft, Oxenhope. The Council has confirmed that planning permission has not been granted for this development and that it is now investigating matters. This property does not fall within a conservation area, and, in any event, I have determined this appeal on its individual planning merits.
15. A third-party has claimed that there has been a breach of condition No. 5 of the 2009 permission. This is not a matter that is relevant to the consideration of this appeal. It is a matter that relates to a different breach of planning control.
16. The above matters do not alter or outweigh my ground (a) appeal conclusion below.

Ground (a) Appeal Conclusion

17. For the reasons outlined above, I conclude that the development has not preserved or enhanced the character or appearance of the CA, and, in general terms, it is experienced as a poorly designed addition to the host dwellinghouse, and which has caused material harm to the character and appearance of the area. Consequently, the development does not accord with the design and conservation requirements of policies DS1, DS3 and SC9 of the adopted Bradford Core Strategy Development Plan Document 2017, and chapters 12 and 16 of the Framework.
18. The development does not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the ground (a) appeal fails.

Overall Conclusion

19. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

D Hartley

INSPECTOR