
Appeal Decisions

Site visit made on 28 April 2026

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

an Inspector appointed by the Secretary of State

Decision date: 8th May 2026

Appeal A Ref: APP/X4725/C/25/3365503

Appeal B Ref: APP/X4725/C/25/3365504

Land at 6 Millfield Cottages, Horbury, Wakefield, WF4 5ET

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr Robert Rycroft (Appeal A) and Mrs Joanne Rycroft (Appeal B) against an enforcement notice issued by Wakefield Metropolitan District Council.
- The notice was issued on 8 April 2025.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a detached outbuilding on the Land, shown hatched black on the Plan.
- The requirements of the notice are to:
 1. Demolish the outbuilding from the Land.
 2. Remove from the Land, any demolition materials resulting from compliance with the aforementioned requirements of the notice.
- The period for compliance with the requirements is 3 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).

Summary of Decisions: The appeals are dismissed, and the enforcement is upheld with a variation in the terms set out below in the Formal Decision.

Preliminary Matters

1. The appellants appealed under grounds (a), (f) and (g). However, the ground (a) appeal is barred under s174(2A) of the Town and Country Planning Act 1990 as amended (the 1990 Act) because the notice was issued within the two year period after the making of a related planning application¹ that is no longer under consideration. The appeals therefore proceed on grounds (f) and (g) only.
2. Although the appellants say they were wrongly advised that the outbuilding constituted permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015, there is no dispute that the development constitutes a breach of planning control.

The appeals on ground (f)

3. An appeal on ground (f) is that the steps required by the notice exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
4. When an appeal is made on ground (f), it is necessary to understand the purpose of the notice. S173(4) of the 1990 Act sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are either (a) remedying the breach by making any development comply with the terms

¹ Council Ref. 23/01553/FUL

(including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or (b) remedying any injury to amenity which has been caused by the breach. In this case, in requiring the removal of the outbuilding and all associated materials, the purpose of the notice is to remedy the breach of planning control.

5. The appellants consider the requirements are excessive and unreasonable having regard to the merits of the case, including the effect of the development on the surrounding area and the risk of flooding on the site, and their personal circumstances including the need for storage space. However, these matters relate to the planning merits of the development which in the absence of an appeal on ground (a) I am unable to consider.
6. It is argued that the building could be rebuilt on site at existing ground level so that it complies with permitted development rights. However, whilst it might be possible to rebuild the structure within the curtilage of the property within the parameters of permitted development, that would involve a separate act of development and falls outside the remit of these appeals. As I cannot be satisfied that the materials will be re-used on the site following demolition, the requirement to remove them from the site is not excessive but is necessary to fully remedy the breach.
7. There are no obvious alternatives or lesser steps to achieve the purpose of the notice. I therefore conclude that the requirements of the notice do not exceed what is reasonably required to remedy the breach of planning control. The appeals on ground (f) fail.

The appeals on ground (g)

8. An appeal on ground (g) is that the period given for compliance with the notice falls short of what should reasonably be allowed. The notice requires the building to be demolished and removed from the land within 3 months.
9. Taking into account the size of the outbuilding and the appellant's intention to undertake the works themselves and their requirement for alternative storage space, I consider that 3 months would likely be insufficient to comply with the requirements of the notice. However, the appellants' contention that it would take in excess of 12 months to complete the works has not been fully justified. While I note that the Council indicates it would be agreeable to extending the compliance period, I am also mindful that there is a need to ensure that the breach and the alleged harm are not prolonged unnecessarily. In this instance, therefore, I consider that 6 months would strike an appropriate balance, and I shall vary the compliance period accordingly. The appeals on ground (g) succeed to this extent.

Formal Decision: Appeals A and B

10. It is directed that the enforcement notice be varied by the deletion of "3 months" and the substitution of "6 months" as the period for compliance in paragraph 6 of the notice. Subject to that variation, the appeals are dismissed and the enforcement notice is upheld.

M Ollerenshaw

INSPECTOR