



Appeal Decisions

No site visit made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2026

Appeal A Ref: APP/Z4718/C/25/3368547

Appeal B Ref: APP/Z4718/C/25/3368548

4 Rydal Grove, Roberttown, Liversedge WF15 7DN

- 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 Christopher Firth and Appeal B is made by Mrs Phillippa Firth against an enforcement notice ("EN") issued by Kirklees Metropolitan Council.
 - The EN was issued on 21 May 2025.
 - The breach of planning control as alleged in the EN is: Without the benefit of planning permission, the erection of an outbuilding.
 - The requirements of the EN are to:
 - a) Permanently dismantle and remove the outbuilding from the site.
 - b) Permanently dismantle/break up the base and foundations of the outbuilding at the site.
 - c) Remove all dismantled resulting material from the site and return the site to its former condition prior to the development taking place.
 - The period for compliance with the requirements is: 60 days after the notice takes effect.
 - The appeals are proceeding on the grounds set out in section 174(2)(f) and (g) of the 1990 Act.
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Decision

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

Preliminary Matter

2. The EN has been appealed under grounds (f) and (g) therefore, the planning merits of the development are not relevant to these appeals. As such, a site visit would not help me reach a decision. Consequently, I advised the main appeal parties of my intention to determine the appeals without a site visit.

Appeal A and Appeal B on Ground (f)

3. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy the breach of planning control or any injury to amenity.
4. The breach of planning control is the erection of an outbuilding. The EN seeks the removal of the outbuilding including its foundations and the restoration of the land. Therefore, the purpose of the EN is to remedy the breach of planning control.
5. The appellants' seek to adapt the outbuilding to bring it within permitted development tolerances under Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO"). They also assert that there are other similar outbuildings in the surrounding area, and that they would like to work with the Council to find an acceptable solution rather than demolishing the outbuilding in its entirety.

6. There is no ground (a) appeal before me. Therefore, I am unable to consider the planning merits of the development, or to consider whether the outbuilding could be altered to comply with Class E of Part 1, Schedule 2 of the GPDO. Furthermore, the appellants have had since the EN was issued on 25 May 2025 to liaise with the Council to seek a possible alternative to the outbuilding's demolition.
7. The purpose of the EN is to remedy the breach of planning control. Therefore, any step lesser than the demolition of the outbuilding in its entirety and the restoration of the land would not remedy the breach. Consequently, the steps required by the EN are not excessive to remedy the breach of planning control.
8. Appeal A and Appeal B on ground (f) therefore fail.

Appeal A and Appeal B on Ground (g)

9. An appeal under ground (g) is that the period specified for compliance within the EN falls short of what should reasonably be allowed.
10. The period for compliance is 60 days. The appellants assert that 60 days would be insufficient to find a suitable contractor to alter the building and for the work to be undertaken. They therefore seek a period of 100-120 days. The Council assert that the timeframe provided within the EN is sufficient to undertake the EN's requirements.
11. As detailed within ground (f) above, I am unable to consider if the outbuilding could be altered as I do not have a ground (a) appeal before me.
12. The outbuilding is single storey and does not have a substantially large footprint. I have not been made aware of any difficulties the appellants would experience in complying with the EN's requirements within the 60 days afforded. Accordingly, I am satisfied that 60 days would be sufficient to comply with the EN's requirements.
13. For these reasons, I do not find that the compliance period afforded by the EN falls short of what is reasonable. Therefore, Appeal A and Appeal B on ground (g) fail.

Conclusion

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

A Berry

INSPECTOR