



Appeal Decision

Site visit not required

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

an Inspector appointed by the Secretary of State

Decision date: 13 July 2026

Appeal Ref: APP/W4705/C/25/3375180

Walton View Hotel, 119 Westgate Hill Street, Tong, Bradford, BD4 0SF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Nurul Amin against an enforcement notice issued by City of Bradford Metropolitan District Council.
 - The notice was issued on 18 September 2025.
 - The breach of planning control as alleged in the notice is the formation of a track.
 - The requirements of the notice are to grub up and remove from the land all the hard core forming the access track and reinstate the land to its former condition.
 - The period for compliance with the requirement is three months from the date the notice 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) (the Act).
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Ground (g) appeal

2. An appeal on ground (g) is made on the basis that the period specified in the notice in accordance with section 173(9) of the Act falls short of what should reasonably be allowed.
3. The compliance period in the notice is three months. The appellant considers that a period of nine months, or four months from the completion of an agreement made under section 278 of the Highways Act 1980, would be more reasonable. This claim is based on the grant of planning permission on 4 April 2024 for alternative access/track arrangements under planning permission 23/04213/FUL¹ and the comment that *‘to carry out works ahead of such agreement would create a situation where we would be forced to breach a condition by the LPA themselves’*.
4. The evidence is that it is condition No. 03 of planning permission 23/04213/FUL which the appellant says would be breached unless the compliance period was extended. Condition No. 03 states *‘The new vehicular access from Tong Lane shall not be used until Traffic Regulation Orders have been successfully implemented on this stretch of road in accordance with the plan showing the extent of this Order that has been first submitted to and approved in writing by the Local Planning Authority’*.
5. The removal of the track which is the subject of this appeal would not in itself result in a breach of planning condition No. 03 of planning permission 23/04213/FUL. In this regard, the appellant’s claim that a longer compliance period is needed has not been reasonably substantiated. While I acknowledge that alternative

¹ Relocation of access and alterations to access road, alterations to patio, car parking and extension

access/track arrangements have been approved, there can be no guarantee that such a planning permission would be implemented, or indeed that all the conditions imposed would be discharged by the local planning authority (LPA) following the submission of discharge of condition applications. In respect of the latter, it is noteworthy that there is no evidence before me to indicate that a discharge of condition application has been submitted to the LPA in respect of condition No. 03 of planning permission 23/04213/FUL. This is despite the fact that this planning permission was approved on 4 April 2024.

6. Consequently, and, on the evidence that is before me, I find that the requirement to remove the unauthorised track within three months of the notice taking effect is reasonable and proportionate. This finding considers the planning harm identified in the reasons for issuing the notice which must be conclusively assumed in the absence of a ground (a) appeal and deemed planning application.
7. I emphasise that I have reached my decision on the evidence that is before me. If it subsequently transpires that there is a justified reason why additional time may be needed to comply with the requirement of the notice, then under section 173A(1)(b) of the Act the local planning authority can waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).
8. I therefore conclude that the ground (g) appeal fails.

Conclusion

9. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

D Hartley

INSPECTOR