



Appeal Decisions

Site visit made on 7 July 2026

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

an Inspector appointed by the Secretary of State

Decision date: 16th July 2026

Appeal A Ref: APP/X4725/C/25/3360241

Appeal B Ref: APP/X4725/C/25/3360242

Land at 2 Storrs Hill Road, Ossett, WF5 0DL

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr Muhammad Zahid (Appeal A) and Mrs Taslim Zahid (Appeal B) against an enforcement notice issued by Wakefield Metropolitan District Council.
- The notice was issued on 7 January 2025.
- The breach of planning control as alleged in the notice is without planning permission, the construction of a rear conservatory/extension and a raised decking area above 30cm from ground level at the rear of the property on the Land.
- The requirements of the notice are to:
 1. Demolish the rear extension and raised decking area at the rear of the property.
 2. Remove from the Land all demolition material arising from compliance with the requirements of this 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 notice is upheld with a variation in the terms set out below in the Formal Decisions.

Preliminary Matters

1. Appeals A and B relate to the same site and the same enforcement notice. I shall therefore deal with them together.
2. The appellants submitted late evidence outside the appeal timetable. It largely concerns the reasons for constructing the development, the occupiers' personal and medical circumstances, and the effects of the development on the living conditions of the neighbours. Such matters are mainly relevant to the merits of the case which would be considered under a ground (a) appeal. As there is no appeal on ground (a) before me, I am not considering the planning merits of the development or whether to grant planning permission for it. The appellants have also referred to a breakdown in communications between themselves and their agent. However, this is not material to the determination of the appeals.

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. Section 173(4) of the Town and Country Planning Act 1990 (as amended) sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are either (a) the remedying of

the breach of planning control or (b) remedying any injury to amenity which has been caused by the breach.

5. In this case, the requirements of the notice are to remove the rear extension and raised decking, and all resulting demolition materials from the land. The purpose of the notice must therefore be to remedy the breach of planning control by restoring the land to its condition before the breach took place.
6. The appellants suggest that the development can be altered to reduce its effects, and that the neighbours are agreeable to this approach. However, where there is no ground (a) appeal, and the purpose of the notice is to remedy the breach of planning control, as is the case here, any lesser step that would not remedy the breach cannot be accepted through a ground (f) appeal. Allowing the development to remain in a revised form would not remedy the breach of planning control and would not therefore achieve the purpose of the notice. Details of potential alterations to the development have not been provided to allow for further consideration in any event.
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.
8. Accordingly, the appeals on ground (f) fail.

The ground (g) appeals

9. An appeal on ground (g) is that the period given for compliance with the notice falls short of what should reasonably be allowed.
10. In considering this matter, I have had due regard to Article 8 of the Human Rights Act 1998 and Article 1 of the First Protocol, and the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. The latter sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In this case, there is the potential for my decision to affect persons with a protected characteristic.
11. The notice requires the development to be removed within three months. The appellants have explained that due to their personal circumstances and the need to arrange for contractors to carry out the works, the three month compliance period is too short a timeframe to comply with the requirements. They have not suggested what period of time they consider would be reasonable.
12. The demolition of the development and removal of all resulting materials could be undertaken within three months. However, the appellants will also need to source and appoint a suitable contractor to undertake the works and raise necessary funding. In these circumstances, I consider that 3 months is unlikely to be sufficient to comply with the requirements. I have sought to strike an appropriate balance between the appellants' particular circumstances and the need to remedy the breach of planning control as soon as practicable. On that basis, I consider that 5 months would be a reasonable and proportionate period for compliance with the requirements. I shall vary the compliance period accordingly.
13. The appeals on ground (g) therefore succeed.

Conclusion

14. For the reasons given I conclude that the appeals on ground (f) fail but that the appeals on ground (g) succeed. I shall therefore vary the enforcement notice prior to upholding it.

Formal Decisions: Appeals A and B

15. It is directed that the enforcement notice be varied by the deletion of “3 months” and the substitution of “5 months” as the period for compliance in paragraph 6 of the notice.
16. Subject to that variation, the appeals are dismissed and the enforcement notice is upheld.

M Ollerenshaw

INSPECTOR