



Appeal Decision

Site visit not required

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2026

Appeal Ref: APP/A4710/C/25/3374587

Barsey Farm, Barkisland, Halifax, HX4 0BG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Christopher Gradon against an enforcement notice issued by Calderdale Metropolitan Borough Council.
 - The notice was issued on 16 September 2025.
 - The breach of planning control as alleged in the notice is without planning permission: the construction of two storey double detached garage on the Land (in the approximate position indicated on the attached Plan ENF1 and as seen in the digital photographs attached to this Notice at Appendix 1).
 - The requirements of the notice are to (i) permanently remove the two-storey detached a garage (referred to in paragraph 3 of this Notice) in its entirety from the Land and (ii) remove from the Land all debris and material arising compliance with requirement (i) above.
 - The period for compliance with the requirements is six months from the date the Notice takes effect.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decision

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

Ground (f) appeal

2. An appeal on ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control, or to remedy any injury to amenity which has been caused by any such a breach.
3. The appellant's claim on ground (f) is that the entire removal of the detached garage is excessive as planning permission was approved for a detached garage in the same location. He also states that prior to the Council visiting the site in 2024, no complaint had been made by the public or the Council in respect of the breach of planning control.
4. The evidence indicates that planning permission was approved for a two-storey side extension and a detached double garage on 22 December 2020¹ (2020 Planning Permission). The 2020 Planning Permission was approved subject to several conditions including a requirement to commence the approved development within three years and to ensure compliance with the approved plans. The garage which is the subject of this appeal is materially larger than the garage which was approved to be constructed in 2020.

¹ Planning permission reference number 20/00572/HSE

5. There is no precise and unambiguous evidence before me to demonstrate, on the balance of probability, that the 2020 Planning Permission was implemented within the three-year commencement of development period. The garage that has been built does not reflect what was approved under the 2020 Planning Permission. It is materially different and does not accord with the approved plans.
6. The evidence is that the 2020 Planning Permission has now expired. Therefore, there is no lawful fallback position that I need to consider as part of this ground (f) appeal. There is no ground (a) appeal and deemed planning application before me. In fact, a ground (a) appeal is barred in this case. Therefore, the planning harm that has been caused from the breach of planning control, as outlined in the reasons for issuing the notice, must be conclusively presumed in this case.
7. The notice requires the removal of the two-storey detached garage. Therefore, the purpose of the notice is to remedy the breach of planning control. The requirements of the notice are not excessive in so far that they remedy the breach of planning control and essentially seek to restore the land to its condition before the breach of planning control took place. The alleged absence of a complaint about the appeal garage from the public and the Council prior to 2024 does not change this finding. This is not in any event a relevant ground (f) appeal matter.
8. I therefore find that the ground (f) 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