



Appeal Decision

Inquiry held on 21, 22 and 23 July 2026

Site visit made on 21 July 2026

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2026

Appeal Ref: APP/W4705/C/26/3378147

Land at Jacobs Wood Farm, Holden Lane, Silsden, Keighley, West Yorkshire BD20 0LT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by AZARA GIDA SAN.VE TIC.LTD.ŞTİ. against an enforcement notice issued by the City of Bradford Metropolitan District Council.
 - The notice was issued on 20 January 2026.
 - The breach of planning control as alleged in the notice is: Without planning permission operational development of the land involving: The formation of a concrete pad as seen on images 1A & 1B. The formation of a concrete pad, siting of a building and installation of septic tank as seen on images 2A, 2B & 2C. The formation of a concrete pad, siting of a building and installation of septic tank as shown on images 3A & 3B. The formation of a concrete pad, siting of a building and installation of septic tank as shown on images 4A, 4B & 4C. The formation of a concrete pad, siting of a building and installation of septic tank as shown on images 5A, 5B & 5C. The stockpiling of earth and aggregate as shown on images 6A, 6B & 6C. The importation of materials and profiling of the land to create access tracks shown in images 7A, 7B, 7C, 7D & 7E.
 - The requirements of the notice are: Step 1 – The four buildings and five concrete pads as identified shall be demolished and all resulting materials removed from the site. Step 2 – The septic tanks, their fixtures, fittings, pipes and apparatus as identified shall be carefully dismantled and all resulting materials removed from the site. Step 3 – The trenched (excavated) areas previously used for those septic tanks as described in Step 2 shall then be refilled with clean topsoil to BS 3882 (2015). Step 4 – Remove all stockpiled earth and aggregate as identified from the land. Step 5 – All imported materials forming the access track as identified shall be removed from the land. Step 6 – Plant 300 trees within the identified area. The trees shall be planted in accordance with BS 8545 (2014) and BS 3936 (1992) and protected in accordance with good forestry practice as set out in the latest edition of the United Kingdom Forestry Standard. The trees shall be planted at even spacing at no greater than two metre centres and shall comprise the identified species, specification and numbers.
 - The periods for compliance with the requirements are: Steps 1-5: Six calendar months; Step 6: by no later than 30 March 2027.
 - The appeal is proceeding on the grounds set out in section 174(2)(d), (f), (g) of the Town and Country Planning Act 1990 (as amended).
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Summary of Decision

1. The appeal is dismissed and the enforcement notice is upheld with corrections and variations.

Application for Costs

2. An application for costs was made by the City of Bradford Metropolitan District Council against the appellant. This application will be the subject of a separate Decision.

Preliminary Matters

3. A Case Management Conference (CMC) was held virtually with the main parties on 15 May 2026. This was purely procedural, and the merits of the appeal were not discussed.
4. The appellant withdrew their ground (a) appeal in writing on 6 July 2026. The appeal therefore proceeds on grounds (d), (f) and (g).

The Enforcement Notice

5. During the CMC I raised with the main parties that Step 6 of the notice cannot contain a 10-year maintenance requirement and that the time for compliance must be a period given from the date the notice takes effect, as opposed the date currently given of 30 March 2027. A period for compliance can however be given subject to my consideration of the ground (g) appeal. The Council has then subsequently agreed that the maintenance requirement should be omitted. The parties also agreed during the CMC that the word '*carefully*' can be omitted from Step 2 of the notice. Injustice subsequently does not arise from making these corrections.
6. The alleged breach of planning control contains reference to photographs which were taken in September 2025. The appellant provided during the Inquiry a single photograph taken in December 2025 showing part of the access track and building in Area 2, noting that the enforcement notice was issued in January 2026. It is however very clear, and having visited the site, that this photograph relates to the same development at a more advanced stage, as opposed for example a different building. The notice photographs therefore do not relate to the wrong form of development or a materially different one.
7. It is also suggested that the building in Area 2 could not have been described as a building based upon the September 2025 photographs. I however simply do not accept this and also note that no ground (b) appeal was originally made. The December 2025 photograph then shows a different part of the access track to that shown in the notice photographs.
8. As noted by the appellant, there was no obligation on the Council to identify the alleged breaches by reference to photographs. The notice photographs are however helpful but also sit alongside the wording of the allegation as well as identification on aerial photographs. The notice photographs are therefore not essential. The notice otherwise therefore still identifies with reasonable certainty the alleged breaches and the requirements for compliance do not make reference to the photographs, given the aerial photographs. The requirements, amongst other things, are then to demolish buildings and remove all imported materials forming the access track, which is clear.
9. The evidence is thus simply that the appellant continued unauthorised development at the site and that it's latter photograph better represents some of the development that existed at the date the notice was issued. The notice is therefore not hopelessly confused or related to a substantially different breach. The notice is therefore not a nullity, and simply can be corrected without injustice, given the appellant has provided the photograph, to substitute referral to the December 2025 photograph as a helpful image. The notice thus complies with S172(1) of the Act.

The ground (d) appeal

10. For the ground (d) appeal to succeed the onus is on the appellant to demonstrate, on the balance of probabilities, that at the time the enforcement notice was issued it was too late to take enforcement action against the matters stated in the notice.
11. The notice is directed at the siting of 4 buildings with the formation of 4 associated concrete pads and the installation of 4 septic tanks. There is also a further concrete pad. The notice is also directed at the stockpiling of earth and aggregate and the importation of materials and profiling of the land to create access tracks.
12. The appellant contends that aside from the building, concrete pad and septic tank identified by the notice in Area 2, the remaining developments were substantially complete by January 2020, and that being so, immunity from enforcement action would arise based upon a 4-year period.
13. The appellant's witness to the Inquiry had very little first-hand evidential knowledge of the site, having only first visited in the summer of 2025. The evidence before the Inquiry can then be broadly summarised as a witness statement from a builder and two further invoices, two letters from a land agent, sales particulars relating to the site, as well as a series of aerial photographs.
14. Areas 3, 4 and 5 as identified by the notice contain 3 buildings, hardstandings and septic tanks. The Council's witness accepted during cross-examination that taking the invoices alone, on the balance of probabilities there were 3 buildings in these areas as at September 2020. However, then viewing the evidence as a whole, it was only accepted on the balance of probabilities there were buildings in Area 3 and Area 5 as at September 2020.
15. There is then very little evidence that the further building works undertaken to those 2 buildings in 2024/2025 amounted to a fresh building operation that would undermine immunity, given the breach enforced against merely relates to the siting of buildings.
16. I accept that the sales particulars, which are from 2024, do not describe the presence of the buildings in Areas 3, 4 and 5. However, the former large building in Area 2 is not described either and the existence of this is not disputed by the parties. It is therefore clear to me that the sales particulars are not exhaustive and so I can only place limited evidential weight on it.
17. The site contains a large area of woodland. The witnesses have differed at various points as to the evidential value of the series of aerial photographs before the Inquiry. The dates given of the photographs are however not in dispute. In respect of some of the developments enforced against, they are of very little evidential value, given the tree canopies obscure what may have been beneath. However, I find that certain aerial photographs are of substantial evidential value, and so consequently the aerial photographs cannot be categorised as a whole.
18. Indeed, the 2025 aerial photograph in respect of Area 4 very clearly shows a large white area, appearing to be square or rectangular in shape. The Area 4 building however has a black roof, which would be in stark contrast to the white area shown in the 2025 aerial photograph. This casts considerable doubt in my mind about the presence of the building actually enforced against as it directly contradicts the appellant's version of events. The appellant's response is largely to

criticise the Council's witness for how it perceives there has been an inconsistent reliance on the aerial photographs. That however does very little to demonstrate on the balance of probabilities that the building actually enforced against in Area 4 is immune from enforcement action, given the aerial photograph contains compelling evidence that it was not sited in 2025.

19. On the above basis, the siting of the buildings in Areas 3 and 5 are on the balance of probabilities immune from enforcement action. This would also appear to be corroborated by the letters from the land agent, which were produced in 2024. The author of those letters has however since passed-away and they were clearly not written with the intention of being produced as evidence before an Inquiry. Nevertheless, I still afford these letters moderate weight.
20. The evidence from the builder also appears to corroborate that the siting of the buildings in Areas 3 and 5 are on the balance of probabilities immune from enforcement action. However, the builder did not attend the Inquiry to give evidence. The reason given simply of personal unavailability was not particularly convincing given he is said to remain involved in the site and was seemingly able to provide two invoices and a photograph to the appellant just days before the Inquiry opened. Put simply, the evidence of the builder potentially raised a number of points that could not be tested. I therefore only find this evidence to be of assistance where matters are corroborated or otherwise not disputed, and so as a whole this evidence is only of moderate weight.
21. Given my findings in respect of the siting of the buildings in Areas 3 and 5, as a matter of fact and degree it follows that the concrete pads beneath the sited buildings would also be immune from enforcement action, despite the Council's assertion of their apparent visual newness. Whilst I then accept there is evidence of hardstandings at the site, there is very little evidence to demonstrate on the balance of probabilities that the actual concrete pad enforced against in Area 4 would be immune from enforcement action.
22. There is also very little evidence to demonstrate on the balance of probabilities that the septic tanks had been constructed by a date such that they would be immune from enforcement action. It is clearly not for me to imagine otherwise.
23. There is a concrete pad in Area 1. There is very little evidence from the appellant to demonstrate on the balance of probabilities that the concrete pad actually enforced against would be immune from enforcement action. Indeed, it is clearly visible in the 2026 aerial photograph but is not visible in any prior to this and is situated in an area where there is more limited tree cover.
24. In Area 6 there has been the stockpiling of earth and aggregate. The appellant asserts that it is impossible to discern from the earlier aerial photographs whether or not earth and aggregate was being stockpiled. That is however not the relevant test to demonstrate immunity. There is then very little evidence from the appellant to demonstrate on the balance of probabilities that the stockpiling of earth and aggregate in Area 6 would be immune from enforcement action. It is also plain from the 2025 photographic evidence that stockpiling of the type and scale could not have been undertaken if trees had remained in situ.
25. Finally, it is not disputed that there was a length of access track or tracks at the site, no matter where they led. What has been enforced against however is the

importation of materials and profiling of the land to create access tracks, the extent of which is approximately identified on an aerial image attached to the notice.

26. There is no ground (c) appeal to contend that there has simply been the repair and maintenance of an existing track. That being so, even if the track enforced against overlaps an area where a track previously existed, it relates to a separate building operation which amounts to development for the purposes of Section 55 of the Act. Moreover, as a matter of fact and degree, the aerial photographs show the size and nature of the track, where overlap can be identified, has very likely increased. The works undertaken to facilitate this were also very evident during my site visit.
27. There is then very little evidence from the appellant to demonstrate on the balance of probabilities that the importation of materials and profiling of the land to create the access tracks that have actually been enforced against would be immune from enforcement action. I also note the notice then only requires the imported materials forming the access track enforced against be removed, as opposed anything more substantive, and which reinforces my view that it attacks only the more recent building operation.
28. As a matter of fact and degree, the appellant has therefore demonstrated on the balance of probabilities that it was too late to take enforcement action in respect of the formation of a concrete pad and siting of a building in Area 3 and Area 5 as identified by the notice. The appellant has however failed to demonstrate on the balance of probabilities that it was too late to take enforcement action against the remaining matters stated in the notice.
29. The appeal on ground (d) therefore succeeds to a limited extent.

The ground (f) appeal

30. The purpose of the enforcement notice is clearly to remedy the breach of planning control and it does not seek to under-enforce. Therefore, for an appeal on ground (f) to succeed it would be necessary for the appellant to explain why the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control and propose alternative steps.
31. The appellant contends that the planting of 300 trees is excessive as it is unknown as to how the Council's figure was arrived at, and it is asserted that 300 trees were not removed.
32. The Council has actually provided a methodology for how the figure was arrived at. However, the requirements of the notice must be to remedy the breach of planning control and the Council's figure is based upon an approach to restore woodland character to the site. That is clearly a very different approach and consequently would be excessive to remedy the breach of planning control.
33. Neither party has provided an evidenced based figure for how many trees have been felled. I do not accept that landslides are responsible for the majority loss of trees and because it is plain from the photographic evidence that stockpiling of the type and scale could not have been undertaken if trees had remained in situ.
34. In light of this and given the onus is otherwise on the appellant to demonstrate on the balance of probabilities a figure, as a matter of fact and degree the planting of 100 trees would not be excessive as part of the process of remedying the breach of planning control, even though the future maintenance of those trees cannot be

secured by the notice. It is thus not unusual for an enforcement notice to require replacement tree planting and there is little evidence of case law to preclude it in the circumstances that arise here.

35. The appellant also contends that the developments blend well into the landscape and that planning conditions could be imposed to allow works to be finished and further reduce impact, amongst other things. There is however no longer a ground (a) appeal before me, and so I am therefore unable to consider the planning merits of the developments enforced against and thus planning conditions.
36. The appeal on ground (f) therefore succeeds to a limited extent.

The ground (g) appeal

37. The appellant contends that the time given to comply with the requirements of the enforcement notice are too short.
38. Having reviewed the appellant's case, the Council has suggested that a period of 12 months for steps 1-5 of the notice and a date that equates to a period of approximately 20 months for step 6 would be more suitable than that originally afforded by the notice.
39. The appellant then provides very little evidence to demonstrate why longer periods than this for compliance would be necessary or is otherwise needed in respect of such things as the tendering process for works, the works themselves, or in respect of the bird nesting season. I am also not persuaded as to the relevance or equivalence of a generic major development scheme to this ground (g) appeal.
40. I will therefore accept the suggestions of the Council in light of the available evidence. Any longer period would accordingly unnecessarily perpetuate the breaches of planning control.
41. The appeal on ground (g) therefore succeeds to a limited extent.

Overall Conclusion

42. For the reasons given above I conclude that the appeal should not succeed overall. I shall therefore uphold the enforcement notice with corrections and variations.

Formal Decision

43. It is directed that the enforcement notice be corrected and varied by:

- deleting the words in section 3 of the notice and replacing with the words:

'Without planning permission operational development of the land involving:

The formation of a concrete pad as seen on images 1A & 1B and whose approximate location is identified as Area 1 on the attached Aerial Image 01.

The formation of a concrete pad, siting of a building and installation of septic tank as seen on images 23 Dec 2025 & 2C and whose approximate location is identified as Area 2 on the attached Aerial Image 01.

The installation of a septic tank as shown on image 3A and whose approximate location is identified as Area 3 on the attached Aerial Image 01.

The formation of a concrete pad, siting of a building and installation of septic tank as shown on images 4A, 4B & 4C and whose approximate location is identified as Area 4 on the attached Aerial Image 01.

The installation of a septic tank as shown on image 5C and whose approximate location is identified as Area 5 on the attached Aerial Image 01.

The stockpiling of earth and aggregate as shown on images 6A, 6B & 6C and whose approximate location is identified as Area 6 on the attached Aerial Image 01.

The importation of materials and profiling of the land to create access tracks shown in images 7A, 7B, 7C, 7D & 7E and whose approximate location is marked on the attached Aerial Image 02.'

- substituting the 'Image of 23 Dec 2025' attached to this decision for those attached to the notice as Images '2A, 2B'
- deleting Images '3B, 5A, 5B' from the notice
- deleting the words in section 5 of the notice and replacing with the words:

'Step 1 – The two buildings and three concrete pads as identified within Areas 1, 2 & 4 on Aerial Image 01 shall be demolished and all resulting materials removed from the site.

Step 2 – The septic tanks, their fixtures, fittings, pipes and apparatus as identified within Areas 2, 3, 4 & 5 on Aerial Image 01 shall be dismantled and all resulting materials removed from the site.

Step 3 – The trenched (excavated) areas previously used for those septic tanks as described in Step 2 shall then be refilled with clean topsoil to BS 3882 (2015).

Step 4 – Remove all stockpiled earth and aggregate as identified within Area 6 on Aerial Image 01 from the land.

Step 5 – All imported materials forming the access track, whose approximate location is marked on the attached Aerial Image 02 shall be removed from the land.

Step 6 - Plant 100 trees within the area marked Area 6 on the attached plan Aerial Image 01. The trees shall be planted in accordance with BS 8545 (2014) and BS 3936 (1992) and protected in accordance with good forestry practice as set out in the latest edition of the United Kingdom Forestry Standard. The trees shall be planted at even spacing at no greater than two metre centres and shall comprise the identified species, specification and numbers:

- 8-10cm girth Oak (*Quercus Robur*) x 40

- 8-10cm girth Silver Birch (*Betula Pendula*) x 10
- 6-8cm girth Field Maple (*Acer Campestre*) x 10
- 6-8cm girth Rowan (*Sorbus Aucuparia*) x 10
- 6-8cm girth Crab Apple (*Malus Sylvestris*) x 10
- 4-8cm girth Hazel (*Corylus Avellana*) x 10
- 4-6cm girth Hawthorn (*Crataegus Monogyna*) x 10'
- substituting 'Twelve Calendar Months' as the time for compliance in Section 6. Steps 1 – 5 of the notice
- substituting 'Twenty Calendar Months' as the time for compliance in Section 6. Step 6 of the notice

44. Subject to these corrections and variations the appeal is dismissed and the enforcement notice is upheld.

Paul T Hocking

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Daniel Henderson, Counsel for the Appellant

He called: Mr Sam Dewar, Director, DPA Planning Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr Howard Leithead, Counsel for the Local Planning Authority

He called: Mr Daniel Speedy, Enforcement Officer, City of Bradford Metropolitan District Council

DOCUMENTS:

1. Appearance sheet on behalf of the appellant
2. Covering email, photograph dated 23 December 2025 and two invoices dated 1 July 2019 and 1 September 2020 respectively on behalf of the appellant
3. Appellant opening submissions
4. Opening submissions on behalf of the Council
5. Email trail on behalf of the Council dated 21 and 22 July 2026
6. Closing submissions on behalf of the Council
7. Appellant closing submissions
8. Application for costs on behalf of the Council
9. Appellant costs response



The Planning Inspectorate

Image

This is the Image of 23 Dec 2025 referred to in the Formal Decision dated:18 August 2026

by Paul T Hocking BA MSc MRTPI

Land at Jacobs Wood Farm, Holden Lane, Silsden, Keighley, West Yorkshire BD20 0LT

Reference: APP/W4705/C/26/3378147

Scale: DO NOT SCALE



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Tuesday • 23 Dec 2025 • 11:56 am

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HEIF

Main Camera — 24 mm f1.78

24 MP • 5712 × 4284 • 4.9 MB

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