Planning Inspectorate

Appeal Decision

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2026

Appeal Ref: Appeal Ref: APP/Z4718/C/26/3377675
50 Parker Road, Thornhill Lees, Dewsbury WF12 0AP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Sadik Patel against an enforcement notice issued by Kirklees Metropolitan Council.
- The notice was issued on 17 December 2025.
- The breach of planning control as alleged in the notice is without the benefit of planning permission, the construction of an outbuilding to the rear of the property.
- The requirements of the notice are: (a) Dismantle and remove the outbuilding from the site. (b) Dismantle/break up any base and foundations of the outbuilding at the site. (c) Remove all dismantled resulting material from the site.
- The period for compliance with the requirements is sixty days.
- The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).

Decision

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

Preliminary matter

2. The appeal can be determined without the need for a site visit, as I have been able to reach a decision based on the information already available.

Ground (g) appeal

3. The ground of appeal is that the period specified for complying with the requirements of the enforcement notice falls short of what should reasonably be allowed.

4. The appeal property contains a mid-terrace dwelling. The notice attacks a residential outbuilding erected in the rear garden at the property. A planning application made in respect of the outbuilding was refused by the Council on 31 October 2025. [1]

5. The appellant sought to extend the period for complying with the notice from sixty days to a year. As the appeal is made solely on ground (g) the length of the compliance period is the only matter before me; planning merits considerations can form no part of my deliberations. The appellant cannot have any reasonable expectation of the notice being quashed. By pursuing this limited appeal, they have already delayed the date the notice will come into effect, with the full knowledge that the remedial works would have to be carried out.

6. Moreover, demolition of the outbuilding and the other associated remedial works would be a fairly straightforward task for a small building contractor. Such works

[1] Council Ref: 2025/62/92457/E

would not be of any great scale nor especially complex, specialist plant or equipment is unlikely to be needed and work is probably capable of being completed within a couple of weeks at most. There are likely to be a significant number of contractors with the relevant skills and experience to undertake the works and who would be available to do so, given a reasonable period of advance notice.

7. Consequently, whilst I can sympathise with the appellant's personal circumstances the period specified affords sufficient time in which to undertake any necessary preliminary steps such as obtaining professional/technical advice, searching for and securing the services of a suitable contractor and raising any required funding, along with making arrangements for the works to be undertaken, as well as allowing for the works to be carried out and completed safely and without leading to undue hardship. There is scant firm evidence which might show otherwise.

8. To sum up, there is little sound reason to support a further delay to complying with the notice requirements beyond the end of the period specified. The compliance period is not too short and is reasonable; an appropriate balance is struck between remedying the breach as soon as practicable, whilst also avoiding imposing a disproportionate burden on the appellant. Extending the compliance period on the other hand would serve little purpose other than to perpetuate the breach.

9. The ground (g) appeal fails.

Conclusion

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

Stephen Hawkins

INSPECTOR