Planning Inspectorate

Appeal Decision

No site visit made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2026

Appeal Ref: APP/X4725/C/25/3377154
Land at 6 Trinity Street, Wakefield WF1 5BS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
- The appeal is made by Mr Tahir Ashraf against an enforcement notice ("EN") issued by the Council of the City of Wakefield.
- The EN was issued on 4 December 2025.
- The breach of planning control as alleged in the EN is: Without planning permission, construction of a first-floor rear extension, on the Land.
- The requirements of the EN are to:
  1. Demolish the first-floor rear extension.
  2. Make good any damage caused to the existing building as a result of step 1 and ensure that all materials used match those in the existing building.
  3. Remove from the Land, all material and debris resulting from compliance with the aforementioned requirements of the notice.
- The period for compliance with the requirements is: 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the 1990 Act.

Decision

1. The appeal is dismissed and the EN is upheld.

Preliminary Matter

2. The EN has been appealed under grounds (f) and (g) therefore, the planning merits of the development are not relevant to this appeal. As such, a site visit would not help me reach a decision. Consequently, I advised the main appeal parties of my intention to determine the appeal without a site visit.

Appeal on Ground (f)

3. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy the breach of planning control or any injury to amenity.

4. The steps require the first floor rear extension to be demolished, any damage to the building to be made good, and all debris arising from the demolition to be removed from the land. The purpose of the EN is therefore to remedy the breach of planning control.

5. The appellant's submissions under ground (f) raise matters that are planning merits. These include: the extension does not have a detrimental effect on the appearance of 2-8 Trinity Street, it is enclosed and overlooks a blank gable, and it is consistent with similar approved rear extensions. However, I do not have a ground (a) appeal before me, nor has the necessary fee been paid, therefore I am unable to take these matters into consideration.

6. The appellant has not advanced any reasons why the EN's steps exceed what is necessary to remedy the breach of planning control.

7. Any step lesser than the demolition of the single storey rear extension, the making good of any damage, and the removal of any resultant debris from the land would not remedy the breach of planning control. Therefore, the EN's requirements are not excessive.

8. For these reasons, the appeal on ground (f) fails.

Appeal on Ground (g)

9. An appeal under ground (g) is that the period specified for compliance within the EN falls short of what should reasonably be allowed.

10. The period for compliance is three months. The appellant asserts they will be unable to find the necessary funds to comply with the EN's requirements within this timeframe. They state they cannot afford to hire a contractor and therefore, they will be doing the work themselves. Furthermore, they indicate that three months from the date of the EN would require the demolition to take place during the winter. Therefore, they assert that the period of compliance should be increased to a minimum of six months.

11. It is necessary for me to consider the time that has elapsed since the EN was issued when deciding what period of compliance is reasonable. The appellant submitted their appeal on 27 December 2025 and therefore, has had over 10 months to raise the necessary funds to comply with the EN's requirements.

12. The appellant has not advanced any substantive evidence to explain why undertaking the EN's requirements themselves would necessitate longer than three months, or why the work cannot be undertaken during winter.

13. To afford the appellant a further six months from the determination of this appeal would be a considerable time for the harm identified in the EN to persist. Accordingly, I find that the three month compliance period afforded by the EN is proportionate in the circumstances and does not fall short of what is reasonable.

14. The appeal under ground (g) therefore fails.

Conclusion

15. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN.

A Berry

INSPECTOR