

The Planning Inspectorate

ENFORCEMENT NOTICE APPEAL FORM (Online Version)

WARNING: The appeal **must** be received by the Inspectorate **before** the effective date of the local planning authority's enforcement notice.

Appeal Reference: APP/Z4718/C/19/3240147

A. APPELLANT DETAILS

Name	Mr Modafar Alkazraji
Company/Group Name	Westend Marine (Batley) Ltd
Address	Brookroyd Mills, 676 Bradford Road Batley Batley WF17 8ND
Phone number	07714 306746
Email	batleymarine@gmail.com
Preferred contact method	Email ☒ Post ☐

A(i). ADDITIONAL APPELLANTS

Do you want to use this form to submit appeals by more than one person (e.g. Mr and Mrs Smith), with the same address, against the same Enforcement notice? Yes ☐ No ☒

B. AGENT DETAILS

Do you have an Agent acting on your behalf?	Yes ☒ No ☐
Name	Mr Vardan Mkrtchyan
Address	10 Haverdale Road Havercroft WAKEFIELD WF4 2EL
Phone number	07790110732
Email	vardan@homecall.co.uk
Preferred contact method	Email ☒ Post ☐

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Kirklees Metropolitan Council

LPA reference number (if applicable)

DEV/SJH/GDM/D23-1232

Date of issue of enforcement notice

19/09/2019

Effective date of enforcement notice

31/10/2019

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes

☒ No

☐

Address

Brookroyd Mills, 676 Bradford Road
Batley
Batley
WF17 8ND

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

Yes

☐ No

☒

What is your/the appellant's interest in the land/building?

Owner

☒

Tenant

☐

Mortgagee

☐

None of the above

☐

E. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes

☐ No

☒

(a) That planning permission should be granted for what is alleged in the notice.

☒

The facts are set out in

☒ the box below

There was an approved planning permission on the main structure (ref: PP-06306520), however during building works there were alterations to approved height and a balcony from the south side was added. In addition the owner purchased a plot of sloping land from the council and made it a hard standing access from north side. The ground floor open space was walled for security reasons, as there were a few break-ins and theft of a track from ground floor car park (highlighted in media). A variation application was submitted on 12th of September 2018 sought to amend the plans previously approved. However after discussions with the planning and enforcement officers and a meeting on 28th January 2019 we agreed to withdraw the application and submit a new full planning application to cover all amendments and unauthorized development. The details of the new application were agreed with the planning and enforcement officers and measures were taken about their concern of overlooking the neighbour's garden. There were some delays in submitting the new application as we needed clarifications from the council about application fees. This however annoyed the council officials. On 13th of August the enforcement officer visited the site and warned the owner that if he didn't regularize the building an enforcement notice will be served. Following that warning we submitted a new planning application on 5th of September, which was invalidated on 18th of September because of delays of fee payment (Mr Alkazraji was on holiday). We re-submitted the application on 26th of September,

however this latest application was declined by the enforcement officer, despite that the details of the application were previously discussed and agreed with her and planning officer during the January meeting.

We think that the reasons described in enforcement notice paragraph 4 are very subjective. The development does not contradict any of the policies noted in enforcement notice, but follows them by design and safety measures. The development has the support of the local community, as it created a contemporary and pleasant appearance to the streetscape, brought more vibrant appearance to the area. The walkers in the park and customers have been consulted regarding this development. Although that was a verbal consultation, all of them praised the new appearance and stated that it is uplifting the area. Many of them have shown a willingness to sign a petition to preserve the current developments.

- (b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact. ☐
- (c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development"). ☐
- (d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. ☐
- (e) The notice was not properly served on everyone with an interest in the land. ☐
- (f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections. ☐
- (g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why. ☐

F. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations ☒

- (a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes ☒ No ☐
- (b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes ☒ No ☐

Please explain.

The part of the balcony where the measures will be taken to prevent overlooking is not visible from public land.

2. Hearing ☐

3. Inquiry ☐

G. FEE FOR THE DEEMED PLANNING APPLICATION

1. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes ☒ No ☐
- a) the date of the relevant application
2. Are there any planning reasons why a fee should not be paid for this appeal? Yes ☐ No ☒

If no, and you have pleaded ground (a) to have the deemed planning application considered as part of your appeal, you must pay the fee shown in the explanatory note accompanying your Enforcement Notice.

H. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided?

Yes

☐ No



I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

☒ [see 'Appeal Documents' section](#)

02. Plan (if applicable and not already attached)

☒ [see 'Appeal Documents' section](#)

J. CHECK SIGN AND DATE

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature

Mr Vardan Mkrtchyan

Date

29/10/2019 15:22:50

Name

Mr Vardan Mkrtchyan

On behalf of

Mr Modafar Alkazraji

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018. Further information about our Data Protection policy can be found on our website under Privacy Statement.

K. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the enforcement notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section: SUPPORTING DOCUMENTS

Document Description: 01. The Enforcement Notice.

File name: 1.jpg

File name: 2.jpg

File name: 3.jpg

File name: 4.jpg

File name: 5.jpg

File name: 6.jpg

File name: 7.jpg

File name: 8.jpg

Relates to Section: SUPPORTING DOCUMENTS

Document Description: 02. The Plan.

File name: design and access statement[760].pdf

File name: Drawing 4C - revised Ground Floor plan[761].pdf

File name: Drawing 5C - revised First Floor plan[762].pdf

File name: WestEnd Marine.dwg 1 A4 Location Plan[764].pdf

File name: WestEnd Marine.dwg A3- drawing 3 Block Plan[765].pdf

File name: WestEnd Marine.dwg A3- drawing 6 North and South Elevations[759].pdf

File name: WestEnd Marine.dwg A3- drawing 7 East and West Elevations[766].pdf

Completed by MR VARDAN MKRTCHYAN

Date 29/10/2019 15:22:50