

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

ISSUED BY: Kirklees Council, 2nd Floor, Civic Centre III, Huddersfield HD1 2TG – hereinafter referred to as ‘the Council’

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A (1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the adopted Kirklees Local Plan dated 27th February 2019 (‘the Development Plan’) and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

14 Huddersfield Road, Birstall, Batley, WF17 9AA

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without the benefit of planning permission, an alteration to the roof consisting of the removal of grey concrete tiles and the installation of red tiles.

4. REASONS FOR ISSUING THIS NOTICE

A planning application, carrying reference number 2021/90907, was submitted to the Council for the “change of roof covering” on the 3rd of March 2021, this was considered and subsequently refused on the 12th of July 2021.

The land to which the Notice relates is a prominent property due to its size and location on the A62. The site is also located within Birstall conservation area and close to Birstall Methodist Church, which is a listed building. The roof is visible from the street scene and from the wider surrounding area. The red tiled roof is not in keeping with the wider street scene and causes harm to the historical environment and visual amenity of the surrounding area. Therefore, the development is contrary to the following local and national policies: LP24 – Design, LP35 – Historic Environment of the Kirklees Local Plan and chapter 16 of the NPPF.

The installation of the replacement roof constitutes development under Section 55 of the Town and Country Planning Act (as amended) and constitutes a breach of planning control.

It appears to the Council that the development has occurred within the 4 years.

As per the above, the development is contrary to the following Local Planning Policy:

LP24 – Design

5. WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH OF PLANNING CONTROL

- a) Remove the existing red double pantile roof tile and replace it with smooth grey concrete tiles matching what existed prior to the development taking place (see Appendix1).
- b) Remove any debris resulting from step (a).

6. TIME FOR COMPLIANCE

- 1) To complete steps 5 (a) and (b) above – 90 days after the notice takes effect.

Total time for compliance – 90 days after this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on **03 January 2024**, unless an appeal is made against it beforehand.

Dated: 22 November 2023

Signed by

Redacted

Julie Muscroft
Service Director – Legal, Governance & Commissioning
on behalf of:
Kirklees Council
Legal Services
PO Box 1720
Huddersfield

Site Plan:



Appendix 1:



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Town and Country Planning Act 1990 (as amended).

Enforcement Notice relating to Land and property at, 14, Huddersfield Road, Birstall, Batley, WF17 9AA.

This local planning authority, Kirklees Council has issued an enforcement notice relating to the above land and I now serve on you a copy of that notice as you have an interest in the land.

Copies of the notice are also being served on the parties listed at the end of this letter who, it is understood, also have an interest in the land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. To check your eligibility to appeal please see page 4 of the document '*Enforcement Notice Appeals: How to complete your appeal form*' available at <https://www.gov.uk/government/publications/enforcement-notice-appeals-how-to-complete-your-appeal-form>.

Unless an appeal is made, as described below, the notice will take effect on **03 January 2024** and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect is an offence and can result in prosecution and/or remedial action by the Council.

Please see the enclosed information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) **before 03 January 2024**.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) 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 which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 (as amended) this is the equivalent of applying for planning permission for the development alleged in the notice and **you will have to pay a fee of £468**, which is double the normal fee payable when making a planning application for the development alleged in the notice. You should pay the fee of **£468** to Kirklees Council (any cheque should be made payable to `Kirklees MBC'). Our preferred method of payment is visa debit or credit card. Please call 01484 416902 or 01484 221558 to pay via telephone. Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

Parties on whom the enforcement notice has been served:-

1. Mr Ayaz Ashraf, 9 Cawley Lane, Heckmondwike, WF16 0BJ
2. The Company Secretary, Evelex Ltd, 14 Huddersfield Road, Birstall, Batley, WF17 9AA
3. Mr Ayaz Ashraf, Evelex Ltd, 14 Huddersfield Road, Birstal, Batley, WF17 9AA

Enc – Letter issued by The Planning Inspectorate