

# Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 25 October 2023

**D**

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## Summary Statement - Part Two

### Miscellaneous Items

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action	(4)
Decisions made by the Secretary of State - Allowed	(4)
Decisions made by the Secretary of State - Dismissed	(6)

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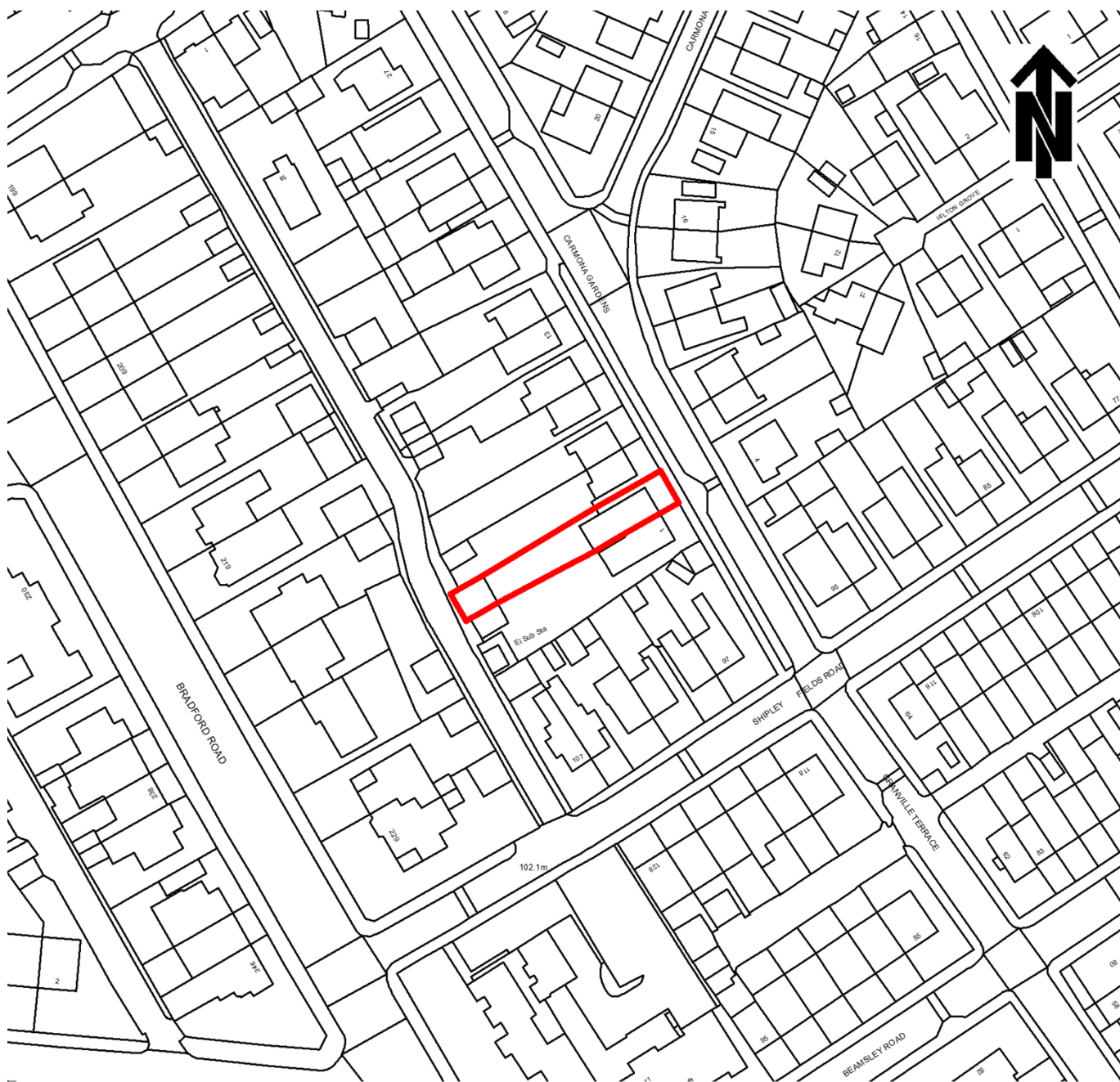
**Portfolio:**  
Regeneration, Planning & Transport

**Overview & Scrutiny Committee Area:**  
Regeneration and Environment

**20/01175/ENFUNA**



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**3 Carmona Gardens  
Shipley  
BD18 2AF**

**25 October 2023**

**Item Number: A**  
**Ward: Heaton**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
20/01175/ENFUNA

**Site Location:**  
3 Carmona Gardens Shipley West Yorkshire BD18 2AF

**Breach of Planning Control:**  
Unauthorised rear dormer window

**Circumstances:**  
In August 2020 the Council received an enquiry regarding development works at the property.

An inspection showed that a rear dormer window had been constructed, for which the Council had no record of planning permission having been granted.

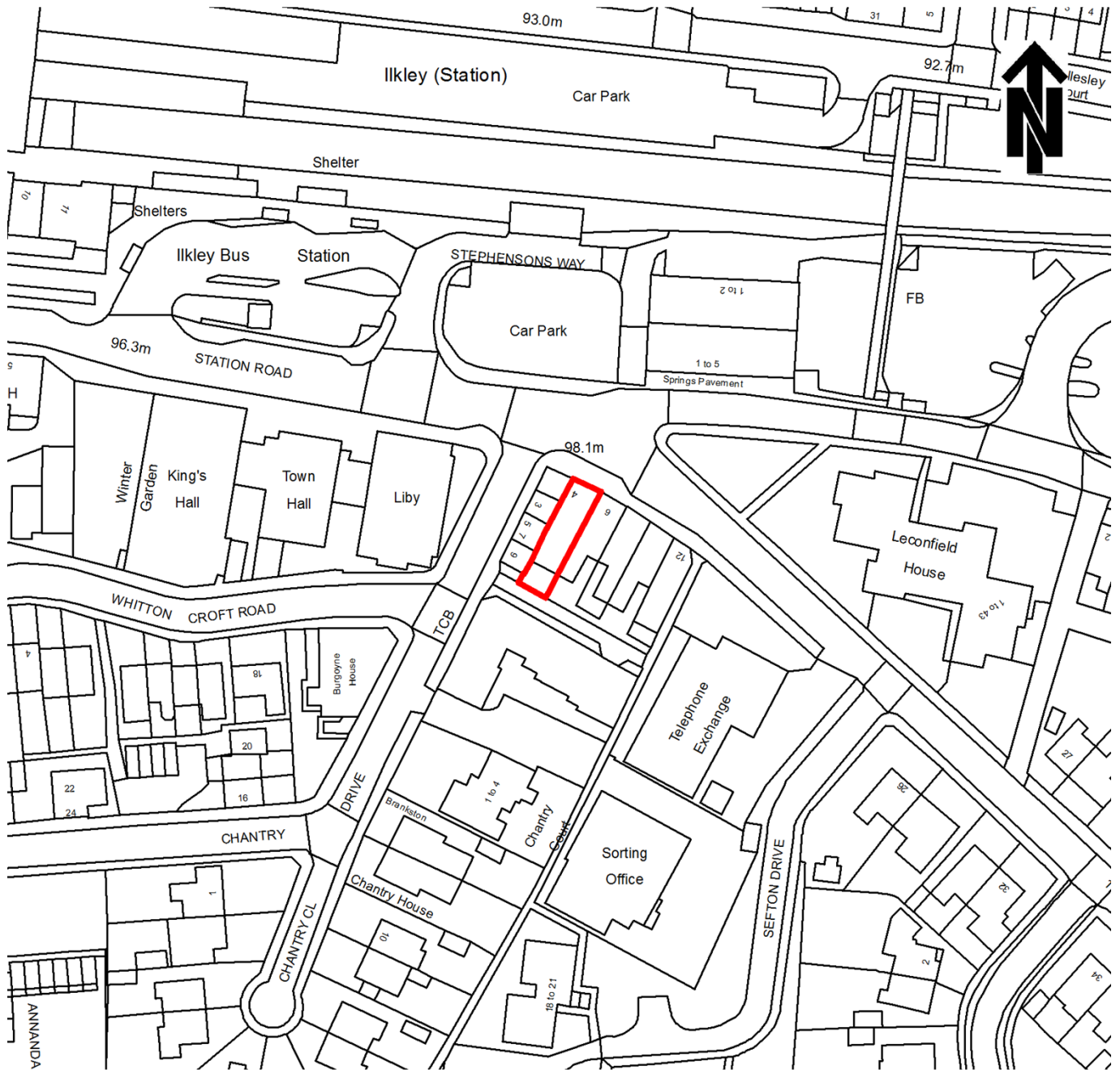
The owner of the property has been given the opportunity to rectify the breach of planning control, however no action has been taken.

On 16th August 2023 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised rear dormer window is detrimental to visual amenity by virtue of its design and appearance, forming an incongruous feature on the building and within the street scene, contrary to Policies DS1 and DS3 of the Council's adopted Core Strategy Development Plan Document, the Council's adopted Householder Supplementary Planning Document and the principles of the National Planning Policy Framework.

22/00765/ENFUNA



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**4 Cowpasture Road**  
**Ilkley**  
**LS29 8SR**

**25 October 2023**

**Item Number: B**  
**Ward: Ilkley**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
22/00765/ENFUNA

**Site Location:**  
4 Cowpasture Road Ilkley West Yorkshire LS29 8SR

**Breach of Planning Control:**

Without planning permission, the material change of use of the land to an area for customers to congregate including as a drinking and seating area (Sui Generis) in connection with the adjacent drinking establishment (at 4 Cowpasture Road) and associated operational development comprising the siting of timber boundary fencing, timber and plastic canopy and fixed seating

**Circumstances:**

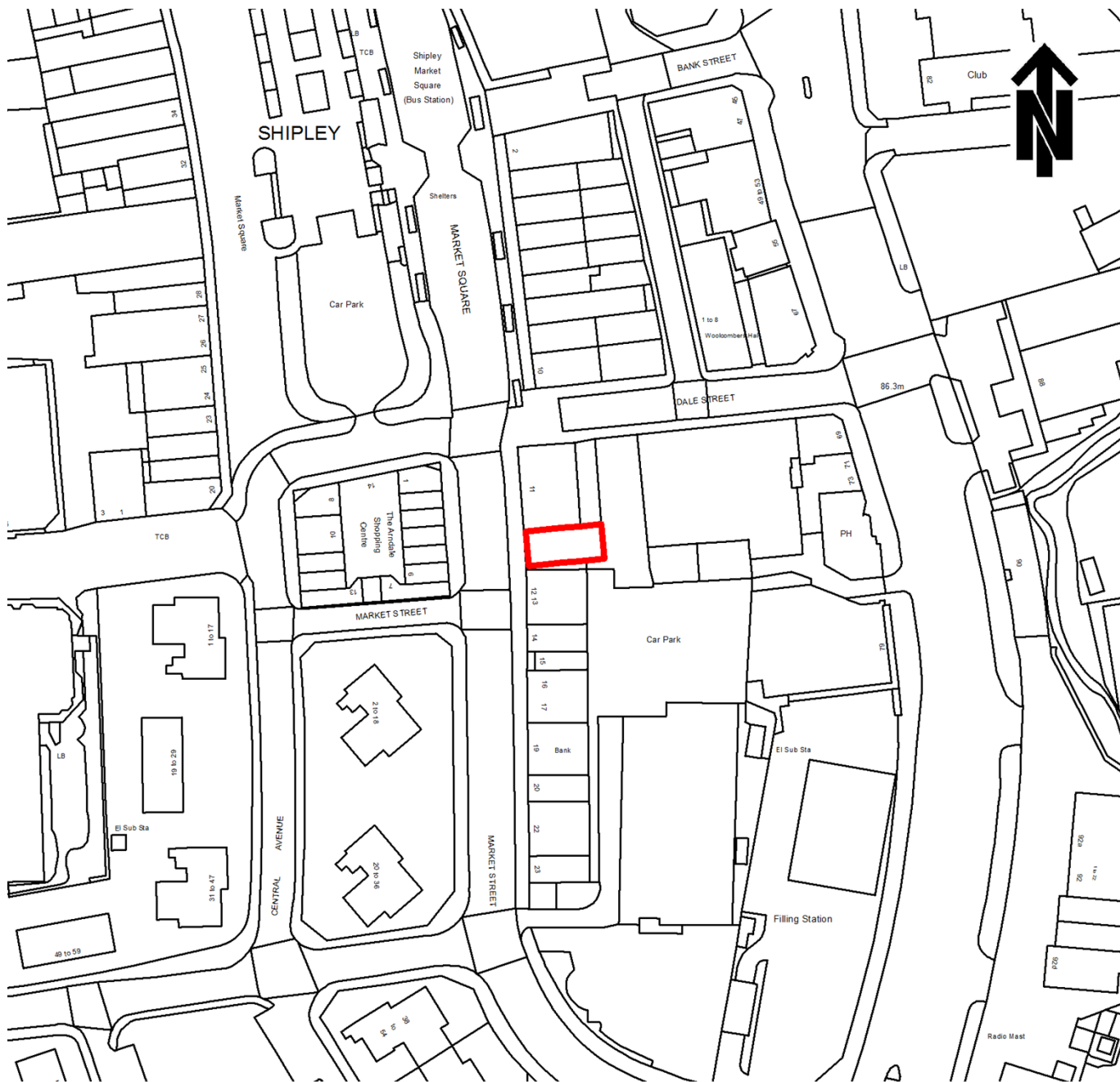
The Local Planning Authority was made aware of the unauthorised use of the land to the rear of the property by customers of the adjacent drinking establishment and associated operational development causing significant detriment to neighbour and visual amenity. Despite correspondence sent to the owner the unauthorised use continues and associated development including fencing, seating and canopy remains in situ and unauthorised.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 05 July 2023. The Notice will require cessation of the unauthorised use and removal of the fencing, fixed seating and canopy.

23/00175/ENFCON



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**Ground Floor**  
**11B Market Street**  
**Shipley**  
**BD18 3QD**

**25 October 2023**

**Item Number:** C  
**Ward:** Shipley  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
23/00175/ENFCON

**Site Location:**  
Ground Floor 11B Market Street Shipley West Yorkshire BD18 3QD

**Breach of Planning Control:**  
Breach of condition 5 of planning permission reference 14/04400/FUL

**Circumstances:**  
Planning permission reference 14/04400/FUL for a development including a ground floor hot food takeaway unit was granted by the Council in December 2014.

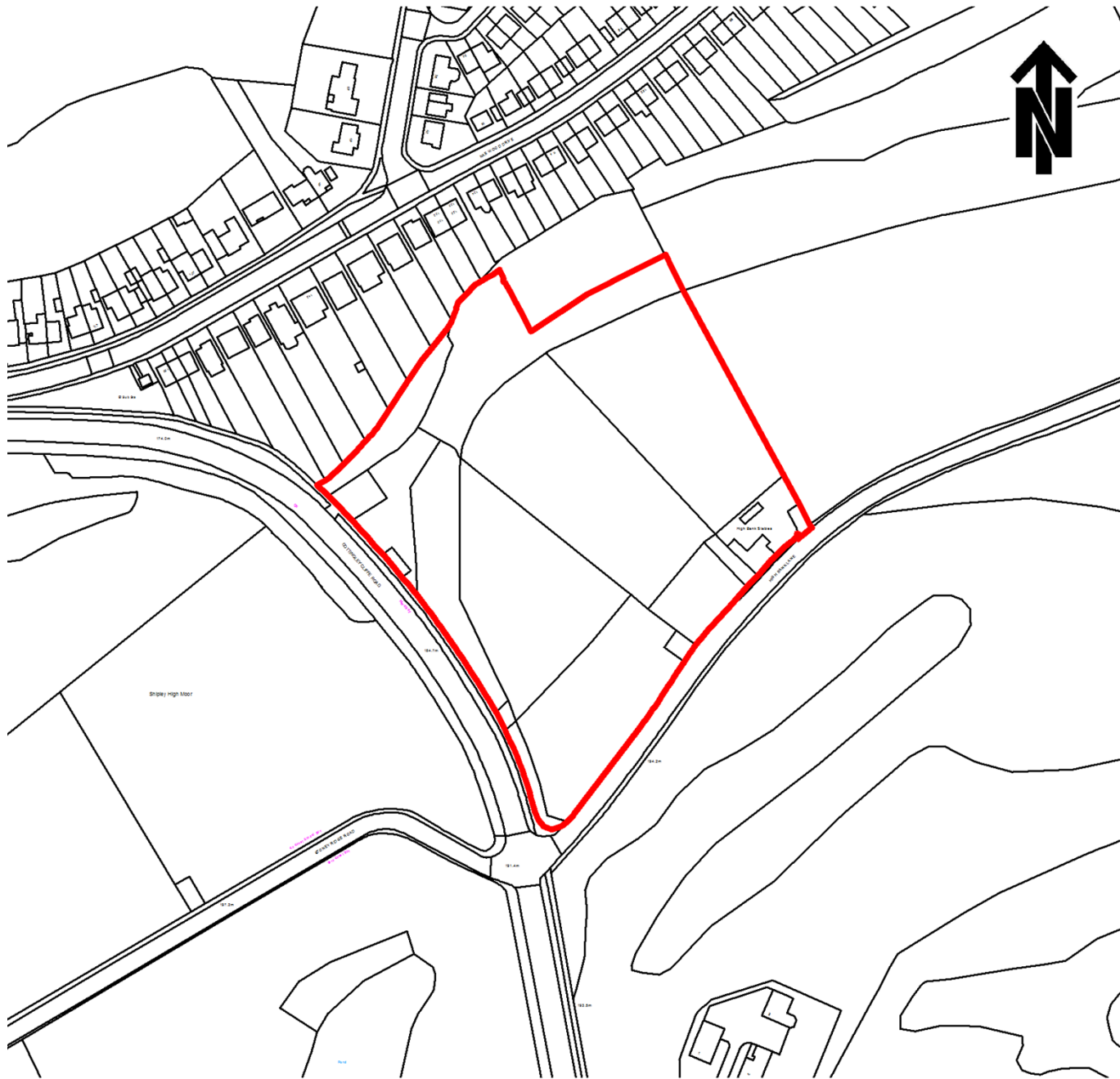
Condition 5 of the planning permission requires the hot food takeaway to be open for business only between the hours of 0800 and 2300.

The occupier of the property has been advised to adhere to the approved opening hours, however the condition is not being complied with.

On 12th September 2023 the Planning Manager (Enforcement & Trees) authorised the issue of a Breach of Condition Notice. It is considered expedient to instigate Enforcement (Legal) Action, as the breach of condition 5 of the planning permission is detrimental to the residential amenity of nearby residents.



**23/00378/ENFUNA**



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**Land Adjacent To  
High Bank Lane  
Shipley**



**25 October 2023**

**Item Number:** D  
**Ward:** Shipley  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
23/00378/ENFUNA

**Site Location:**  
Land Adjacent To High Bank Lane Shipley West Yorkshire

**Breach of Planning Control:**  
Unauthorised single storey building

**Circumstances:**  
An Enforcement Notice was issued in June 2022 in respect of unauthorised structures on part of the parcel of land.

In February 2023 it was noted that the requirements of the Enforcement Notice had been complied with. However, an unauthorised single storey building had been re-positioned onto land outside the red line boundary of the land subject to the Enforcement Notice.

The occupier of the land has been requested to rectify the breach of planning control, however no action has been taken.

On 4th July 2023, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised single storey building is sited on designated Green Belt land and does not fall within any of the exceptions set out in National Planning Policy Framework paragraph 149. The single storey building is considered to be inappropriate development in the Green Belt and to have a detrimental effect on the character of the landscape by virtue of its position, design and appearance, contrary to Policies SC7 and EN4 of the Council's adopted Core Strategy Development Plan Document.

## DECISIONS MADE BY THE SECRETARY OF STATE

### Appeal Allowed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
E.	Baildon (ward 01)	4 Heaton Drive Baildon BD17 5PQ  Demolition of existing garage and store. Construction of two storey side extension. - Case No: 23/01268/HOU  Appeal Ref: 23/00053/APPHOU
F.	Bingley Rural (ward 03)	4 Wood Nook Whalley Lane Denholme Bradford BD13 4LH  Construction of detached garage and workshop - Case No: 23/01130/HOU  Appeal Ref: 23/00049/APPHOU
G.	Bingley Rural (ward 03)	7 Lees Moor Meadows Cullingworth Bradford BD13 5GY  Certificate of Lawfulness for existing use of garage as vehicle wash/valeting service - Case No: 22/03116/CLE  Appeal Ref: 22/00140/APPCLC
H.	Craven (ward 09)	Land At 5 Westy Bank Croft Steeton With Eastburn  Construction of agricultural shed and associated works (retrospective) (resubmission of 22/03095/FUL) - Case No: 23/00822/FUL  Appeal Ref: 23/00036/APPFL2

## Appeal Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
I.	Wharfedale (ward 26)	2 Hopps Barn Back Lane Burley In Wharfedale Ilkley LS29 7ED  Cladding of outbuilding with timber (retrospective) - Case No: 23/00150/HOU  Appeal Ref: 23/00037/APPHOU
J.	Keighley West (ward 17)	55 Low Fell Close Keighley BD22 6ER  Single storey rear extension - Case No: 23/00701/HOU  Appeal Ref: 23/00039/APPHOU
K.	Keighley West (ward 17)	6 Sunny Hill Grove Keighley BD21 1RU  Appeal against Enforcement Notice - Case No: 21/00428/ENFUNA  Appeal Ref: 22/00160/APPENF
L.	Keighley East (ward 16)	Dimples Cottage Dimples Lane East Morton Keighley BD20 5SU  Construction of two detached houses - Case No: 22/02826/FUL  Appeal Ref: 23/00017/APPFL2
M.	Worth Valley (ward 29)	Kirklands Outside Lane Oxenhope Keighley BD22 9QY  Single storey sunroom extension - Case No: 22/05158/HOU  Appeal Ref: 23/00035/APPHOU

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
N.	Bingley (ward 02)	Land At Crossflatts Cricket Club Keighley Road Bingley  Change of use of cafe to form residential dwelling (Plot 5) with associated works, construction of one pair of semi-detached houses (Plots 6 and 7), three terraced houses (Plots 8, 9 and 10) and two detached houses (Plots 11 and 12) with associated parking, access and landscaping - Case No: 20/01995/FUL1  Appeal Ref: 23/00005/APPFL2

### **Appeals Upheld**

There are no Appeal Upheld Decisions to report this month

### **Appeals Upheld (Enforcements Only)**

There are no Appeal Upheld Decisions to report this month

### **Appeals Withdrawn**

There are no Appeal Withdrawn Decisions to report this month

### **Appeal Allowed in Part/Part Dismissed**

There are no Appeals Allowed in Part/Part Dismissed to report this month

### **Notice Upheld**

There are no Notice Upheld to report this month

### **Notice Varied and Upheld**

There are no Notice Varied and Upheld to report this month