



Appeal Decision

Site visit made on 9 September 2025

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 1 OCTOBER 2025

Appeal Ref: APP/N4720/C/24/3353348

Yew Trees , Main Street, Aberford, LEEDS, LS25 3AA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr S Best against an enforcement notice issued by Leeds City Council.
- The notice was issued on 18 September 2024.
- The breach of planning control as alleged in the notice is without planning permission the unauthorised installation of UPVC framed double glazed windows and composite doors to the office building that lays within Aberford Conservation Area.
- The requirements of the notice are: 1. Remove the unauthorised windows and doors; 2. Replace the unauthorised windows and doors with painted timber sliding sash windows, painted timber flush casement windows and painted timber doors to match that which existed prior.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(c), (f) and (g) of the Town and Country Planning Act 1990 (as amended)('the TCPA').

Decision

1. It is directed that the enforcement notice is varied by: the addition of the words “to the development alleged in the notice” after the word “prior” at the end of Requirement 2.
2. Subject to the variation, the appeal is dismissed and the enforcement notice is upheld.

The Notice

3. The second requirement is to “replace the unauthorised windows and doors with painted timber sliding sash windows, painted timber flush casement windows and painted timber doors to match that which existed prior.” The appellant argues that this is ambiguous and/or excessive as it does not specify which windows should be replaced with which type. The requirement would be clearer if it were changed to state that the replacements should match that which existed prior to the unauthorised development as alleged in the notice, but the appellant has the best knowledge of what the windows were like previously, and in any event, many of the previous frames are clearly shown on the photographs attached to the appellant’s statement of case.
4. I am therefore satisfied that I can make this variation to the second requirement for the purposes of clarity without causing injustice to the parties.

Ground (c)

5. This ground of appeal is on the basis that the matters alleged in the notice do not constitute a breach of planning control. The appellant’s case is that the matters described are not development as defined in the TCPA because they fall within the exception under section 55(2)(a) as operations which do not materially affect the external appearance of the building. This is notwithstanding that the appellant had

previously applied for, and was refused, retrospective permission for these works under application reference 23/04532 (and which was also dismissed on appeal).¹

6. The building has many windows on each elevation, and it also has several entrances. As such the windows and doors are prominent in the overall design and draw the eye when looking at the building. The replacement windows are different in both design, and in some cases type with top hung openings and glazing bars rather than individual panes. The material which has been used for the frames is now bulkier uPVC with different proportions to the timber which it replaced, and this material is readily apparent when looking at the building. The materials used for the doors are also a non-traditional and different from that replaced, and which is clearly perceived. The works described in the notice do therefore constitute development as they materially affect the external appearance of the building as a matter of fact and degree.

7. The appeal on ground (c) does not therefore succeed.

Ground (f)

8. The purpose of the notice is to remedy the breach of planning control, and as such the varied requirements will achieve this and are not excessive.

9. The appellant argues that the costs of replacing the windows and doors is disproportionate to the harm caused but this is an argument regarding the planning merits of the scheme, and as there is no ground (a) appeal cannot be considered as part of the determination.

10. The appeal on ground (f) does not succeed.

Ground (g)

11. The appellant has not provided any specific or persuasive argument as to why additional time is required to arrange for the replacement windows and doors to be installed. 6 months is proportionate in the circumstances and the appeal on ground (g) therefore fails.

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation.

Zoë Frank's

INSPECTOR

¹Ref: APP/N4720/W/W/24/3344441