



Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 24 November 2025

Appeal Ref: APP/W2465/C/25/3361568

265 Hinckley Road, Leicester LE3 0TH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Antep Grill against an enforcement notice issued by Leicester City Council.
 - The notice was issued on 28 January 2025.
 - The breach of planning control as alleged in the notice is: The installation of a ventilation flue and ventilation system to the flat roof of the property.
 - The requirements of the notice are: 1. Remove the ventilation flue and ventilation system from the flat roof of 265 Hinckley Road; 2. Remove any resulting debris resulting from step 1.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

Preliminary Matters

2. An appeal solely under s174(2)(f) of the 1990 Act does not require any visual inspection of the site to assess the planning merits of the development, such as the effect of the scheme on the character and appearance of the area or on the living conditions of residential neighbours. Therefore, a site visit was not needed, and I have been able to determine the appeal based on the written evidence submitted by both sides. Neither side has been prejudiced by me not seeing the site in person.
3. The restaurant may have been operating for more than four years. However, there is nothing to show that the operational development attacked in the notice was carried out at least four years prior to the taking of enforcement action against it. I shall therefore not consider this point any further.

Reasons

4. The enforcement notice alleges the installation of a ventilation flue and ventilation system on the flat roof of the property, and it requires that all the work carried out to be removed, as well as any resulting debris. On that basis, the purpose of the notice is aimed at remedying the breach of planning control by restoring the land to its condition before the breach took place under s173(4)(a) of the 1990 Act. As the requirements do no more and no less than seek to remedy the breach of planning control, they do not exceed what is necessary.
5. Suggested alterations to the equipment such as raising the height of the flue and enclosing it with timber cladding, which may have already occurred, have no place when considering whether the requirements of the notice exceed what is necessary to remedy the breach of planning control. Furthermore, there is no

ground (a) appeal where such planning considerations could have been considered. Such modifications, at this stage, may be explored with the Council away from this appeal, although I offer no assurance about whether the Council may wish to consider them.

Conclusion

6. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Gareth Symons

INSPECTOR