
Appeal Decision

Site visit made on 25 November 2025

by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal Ref: APP/J3015/C/25/3367400

53 Main Street, Kimberley, NOTTINGHAM, NG16 2NG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr M Stevenson against an enforcement notice issued by Broxtowe Borough Council.
 - The notice was issued on 12 May 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised development of the installation of a black metal roller security shutter to the front window of the Property.
 - The requirements of the notice are to: Remove in full the black metal roller security shutter from the front of the Property, including the box housing, the shutter and all fixtures and fittings associated with its installation.
 - The period for compliance with the requirement is within 4 weeks of the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) & (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Appeal on Ground (a)

2. The main issues in relation to the appeal on ground (a) are the effect of the development on the character and appearance of the area and whether any harm in that respect is outweighed by other material considerations, specifically relating to the security needs of the business.

Character and Appearance of the Area

3. The appeal site is a jewellers' shop within a Victorian terrace of commercial properties on Main Street, Kimberley, a bustling town centre with a mixture of traditional buildings and more modern retail units. The property in question is a comparatively small shop set between a pub to the right and a take-away to the left. It occupies a prominent position within the town, close to the junction adjacent to the War Memorial and opposite the pedestrian crossing, such that it is noticeable from numerous vantage points.
4. The shopfront is fully glazed, allowing views into the ground floor of the unit. In contrast, the roller shutters, when closed, present an opaque outward image which creates a somewhat sterile appearance. In addition, the box housing appears bulky, projecting from the frontage of the building, in contrast to traditional

shopfronts on Victorian properties such as this where signage tends to be flush with the front façade.

5. Whilst the unit is only small in size, the design of the security shutter undoubtedly detracts from the appearance of the building and the wider area, given its prominence. The appellant has pointed to another roller shutter in the vicinity. It is not clear if that benefits from planning permission. In any event, the presence of unsympathetic development elsewhere does not amount to a justification for allowing further harm. By and large, the town centre shopfronts are free from external shutters with box housings and the development represents an unsympathetic addition.
6. In fact, the appellant has not explicitly sought to suggest otherwise. His case is primarily centred around the need for enhanced security, rather than seeking to argue that the shutter is unharmed in appearance. For those reasons, the development is clearly contrary to Policy 10 of the Broxtowe Core Strategy (2014) (the CS) and Policies 17 and 18 of the Part 2 Broxtowe Local Plan (2019) (the Local Plan), all of which seek to ensure that proposals are designed to complement the context in which they are situated.
7. There is also direct conflict with paragraph 2 of Policy 18 of the Local Plan which states that roller shutters should ensure that at least two thirds of their area is of open grille design to provide a reasonable degree of visibility into shop units and that shutter boxes should be housed discreetly within the frontage.

Other Material Considerations

8. The appellant contends that additional security is needed given the nature of the business. He also maintains that open grille or perforated shutters are not considered sufficient by insurers. I have no doubt that security is a paramount concern for a business of this type which holds valuable items on the premises.
9. A letter from an insurance provider has been submitted which confirms that it is a requirement of the current policy to have non-perforated shutters at the premises. However, that clearly relates to the existing cover and policy. It may be that the existing cover was sought on the basis that solid shutters were in place and the premium reflected that position. It does not necessarily entail that perforated shutters would not be permitted on all policies or if different cover was sought. It may be that would result in a higher premium but it is not clear that such alternatives would be uninsurable. That is not what the letter says.
10. It is therefore difficult to see that the appellant has made any attempt to secure the premises in a way that doesn't cause harm to the character and appearance of the building. Have any alternatives actually been considered and put to insurers? If so, what were they? At my unaccompanied site visit I noticed that internal security bars had been fitted to the inside of the shopfront at ground floor, with bars also attached to the upper floor window. Whether a combination of internal and external measures, other than solid roller shutters, would satisfy insurers is not known from the information provided.
11. The appellant's statement is lacking in detail in those respects. In the absence of any obvious attempt to show that alternatives have been considered I do not attach much weight to the general comments relating to insurance providers. Similarly, I cannot attach significant weight to comments that the business would

be forced to close, with associated economic impacts, if the enforcement notice was upheld, because the appellant has failed to demonstrate that appropriate security could not be achieved in an alternative and more sensitive manner.

Other Matters

12. The appellant has questioned why he has been singled out for enforcement action by the Council when other shopfronts and security measures have not. I can only consider the appeal on its individual merits. It is not clear if the Council has investigated other premises or if permission has been granted elsewhere. That is a matter between the appellant and Council which does not have a bearing on my decision.

Conclusion on Ground (a)

13. For the reasons given above, the development is contrary to the relevant policies of the development plan and causes harm to the character and appearance of the area. That harm is not outweighed by other material considerations and it follows that planning permission should not be granted and that the appeal on ground (a) should be dismissed.

The Appeal on Ground (f)

14. An appeal on ground (f) is made on the basis that the measures required to be undertaken by the enforcement notice exceed what is necessary to remedy the breach of planning control or the injury to amenity, as the case may be. In this case, the Council is seeking to remedy the breach of control and the removal of the shutter goes no further than is necessary to achieve that aim.
15. Moreover, no lesser alternative measures have been presented and none are immediately obvious, especially in the absence of any attempt to consider an alternative design. The appellant's case on this ground is largely a re-run of comments made in relation to ground (a) relating to security and insurance matters, as covered above.
16. Accordingly, the appeal on ground (f) must fail.

Conclusion

17. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Chris Preston

INSPECTOR