



Appeal Decision

Site visit made on 6 January 2026

by **Andrew McGlone BSc MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th January 2026

Appeal Ref: APP/Y2003/C/25/3369710

2 Brigg Road, Barton-upon-Humber, DN18 5DH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Miss Charlotte Kitching against an enforcement notice issued by North Lincolnshire Council.
- The notice was issued on 25 June 2025.
- The breach of planning control as alleged in the notice is without planning permission, the installation of a UPVC door to the front of the property.
- The requirements of the notice are: *i) removal of the UPVC door and frame from the front of the property in its entirety; ii) install a natural hardwood or accoya external grade door, made to fit the original opening ensuring the original proportion of the fanlight is unaltered, as shown on plan/photo X attached to this notice. The door shall be the same style as that shown in plan/photo Y annexed to this notice consisting of 1 no flat recessed panel to lower half and 9 no panes of glazing to upper half. All frames, rails, stiles, heads, jambs, panelling and glazing bars must be identical in dimension, proportion and form to the door shown in Appendix A attached to this notice as Appendix 1. Glazing bars for the glazed element of the door must be of ovolo profile and either solid glazing bars or applied to the face of the glazing and appropriately fixed in place (glazing bars sandwiched between the panes of glazing are not).*
- The period for compliance with the requirements is 6 months beginning with the date that this Notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(b) and (e) of the Town and Country Planning Act 1990 (as amended).

Decision

1. It is directed that the enforcement notice (EN) is corrected by:
 - the deletion of the words in requirement ii) and its substitution with the words "return the front door and frame to its previous style, appearance and material" in paragraph 5.

Subject to the correction, the appeal is dismissed, and the EN is upheld.

Reasons

The appeal on ground (e)

2. An appeal under ground (e) is that the EN was not properly served on everyone with an interest in the land.
3. The appellant claims that the EN was incorrectly served on 60 Manor Road Swanland, instead of the correct address of 60 Manor Road, Swanland. The only difference in the two is the presence of a comma after the road name. However, the correct address was 6b Manor Road, Swanland, East Yorkshire HU14 3PB. The appellant provided this address on the planning application form that was ultimately returned to her after the Council sought to obtain the necessary information to validate the planning application and then consider it.
4. Land registry searches carried out before the EN was issued, together with the

address provided by the appellant on the planning application form, led the Council to serve the EN on four addresses. Three of those related to the appellant, with the other address the appeal property itself and the tenant occupying the property. The Council obtained the information on the tenant from the electoral register.

5. Section 176(5) of the Act sets out that, where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the EN was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve them.
6. The appellant has not explained how or why they have been substantially prejudiced. Even if they were not directly served with the EN, they have known about it given that they were able to make their appeal within time. As such, I am satisfied that they have not been substantially prejudiced even if the Council failed to serve the EN correctly. The appeal on ground (e) therefore fails.

The appeal on ground (b)

7. An appeal under ground (b) is that those matters as stated in the EN have not occurred. However, there is no dispute that a door was installed to the front of the appeal property in the place of the door that was previously in situ by the time the EN was issued. Furthermore, planning permission has not been granted for the development in the face of the Article 4 direction in place.
8. The appellant says that the door in question and its associated frame is made from wood composite. The technical support information provided by the appellant does not confirm this. Nor is there any other substantive evidence to support this claim.
9. Instead, the Council observed a black uPVC door in the front elevation of the property set within a white frame with a fanlight above. That reflects the picture provided by the appellant and my own observations during my site visit. As such, the EN's allegation is correct.
10. In response to the appeal, the Council refers to various development plan policies and their objectives and assesses the alleged breach of planning control against them. Planning merits are not considered on ground (b), so these points are irrelevant to my determination on ground (b), and there is no ground (a) appeal. For the reasons explained above, the appeal on ground (b) fails.

The requirements of the EN

11. There is no scope for a EN to require an improvement to the land. Requirement ii) sets out a specific type, style and proportion of door that the Council seeks to have installed instead of the door subject of the EN. The requirement would also necessitate the appellant to install a door with its frame, rail, stile, head, jamb, panelling and glazing bars identical in dimension, proportion and form to the door in the front elevation of another property.
12. While I understand the Council's rationale for requirement ii), it could mean that a replacement door created in the same dimension as another property does not fit the opening where the front door is in the appeal property. That would lead to uncertainty, and I also am unclear whether the former door's materials are those specified in requirement ii). Hence, the requirement could result in an improvement and an injustice for the appellant.

13. The appellant should have the best knowledge of what the previous door comprised of. Although I understand the Council's wish not to see the property damaged by leaving the opening exposed to the elements without a suitable replacement door/window being inserted, this does not mean an improvement can be required. It would be for the appellant to carry out any improvement and seek any planning permission necessary from the Council during the compliance period.
14. I have the power to correct the EN under s176(1)(a) of the Act providing the change would not cause injustice to the parties. Hence, I sought the parties' views on an alternative wording for requirement ii). No injustice would arise by using the Council's suggested correction.

Conclusion

15. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN with a correction.

Andrew McGlone

INSPECTOR