
Appeal Decision

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4TH February 2026

Appeal Ref: APP/N4720/C/25/3374034

Land at Commercial Unit, 17-19 Woodview Street, Beeston, Leeds, LS11 6JY

- The appeal is made under b section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Raja Hussain, Desserts by Akbar against an enforcement notice issued by Leeds City Council.
- The notice was issued on 3 September 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, creation of a new shop front consisting of glazed bi-fold door, facial panel and roller shutter development fronting Woodview Road.
- The requirements of the notice are to:
Step One: Remove the unauthorised bi-fold door development, fascia board and roller shutter development facing Woodview Road within 3 months.
Step Two: Reinstate the brick wall that was there prior to the unauthorised works taking place within 3 months.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the ground set out in section 174(2)(d) of the Town and Country Planning Act 1990 (as amended).

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a correction in the terms set out below in the Formal Decision.

Preliminary Matters

1. No site visit was necessary in this case as the appeal can be determined based on the written evidence. Neither party has been prejudiced by this approach.
2. While I note the representations of third parties referring to the benefits of the development, in the absence of an appeal on ground (a), I am not considering the planning merits of the case. Planning permission for the development was refused by the Council in April 2023 and a subsequent appeal under s78 of the Act was dismissed in May 2024¹.

The Notice

3. The allegation in paragraph 3 of the notice refers to a “facial panel”, whereas paragraph 5 describes this more correctly as a “fascia board”. I can correct the allegation by replacing “facial panel” with “fascia board” as it would not alter the substance of the allegation or cause injustice to either party.

The appeal on ground (d)

4. An appeal on ground (d) is on the basis that, at the time the notice was issued, it was too late to take enforcement action against the matters stated in the notice.
5. Where there has been a breach of planning control consisting of operational development, in this case a new shop front, where the development was substantially complete before 25 April 2024, by virtue of s171B(1) of the Act, no

¹ Council ref. 22/07707/FU, Appeal ref. APP/N4720/Z/23/3321472

enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

6. There is no dispute that the development was substantially completed before 25 April 2024. The notice was issued on 3 September 2025. Therefore, in order to succeed on ground (d), the onus is on the appellant to demonstrate, on the balance of probabilities, that the whole of the alleged development was substantially completed on or before 3 September 2021.
7. The appellant's case is that the development was completed more than four years prior to the notice being issued and is therefore lawful due to the passage of time. They say that the pre-existing wall was removed and replaced with the bi-fold doors and shutter before the end of July 2021, and that the development has remained unchanged since completion. The appellant's supporting evidence includes a builders invoice dated 22 July 2021 confirming the removal of a wall and the installation of a lintel and bi-fold doors; a letter from a company confirming that it fitted the external shutters on 25 July 2021; and a signed witness statement from a local resident who states that the bi-fold doors were installed around July 2021.
8. The Council has provided a Google Street View image dated April 2021 which shows that the development had not been carried out at that point. The Council states that it received complaints about the new wall opening in June 2022, and that the complaints alleged it had been completed in the last couple of months. The Council's site visit photographs on 4 July and 23 August 2022 indicate that the shop front opening and roller shutter had been installed but the fascia board had not.
9. It therefore appears that the fascia board was added later than the other alleged works. It is, however, an integral part of the new shop front. The works to create the shop front, comprising the new opening in the wall, and installation of bi-fold doors, roller shutter and fascia board, were a single operation. Thus, the whole development was not completed until the fascia board had been installed.
10. Although the appellant indicates that the sign was completed before 3 September 2021, they have not provided any substantive evidence to demonstrate when the fascia board and signage were fitted. The Council's photographs show that the fascia board had not been installed by the time of a site visit on 23 August 2022. The Council contends that it was installed between November 2022 and February 2023. A subsequent site visit photograph dated 22 March 2023 shows the fascia board in place.
11. While the appellant's evidence therefore indicates that the shop front opening, bi-fold doors and roller shutter were installed in July 2021, the Council's evidence indicates that the fascia board was not installed until late 2022 or early 2023. Therefore, on the evidence before me, the shop front was not substantially completed on or before 3 September 2021.
12. Accordingly, the appellant has not demonstrated, on the balance of probabilities, that at the time the notice was issued, it was too late to take enforcement action against the development. The appeal on ground (d) therefore fails.

Conclusion

13. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction as set out below.

Formal Decision

14. It is directed that the enforcement notice be corrected by the deletion of the words “facial panel” and the substitution of the words “fascia board”, in paragraph 3.
15. Subject to this correction, the appeal is dismissed and the enforcement notice is upheld.

M Ollerenshaw

INSPECTOR