



Appeal Decision

Site visit made on 2 February 2026

by **T Bennett BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 March 2026

Appeal Ref: APP/W2465/C/25/3361936

6 Elms Road, Leicester, LE2 3JA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mohammed Ismail against an enforcement notice issued by Leicester City Council.
- The notice was issued on 4 February 2025.
- The breach of planning control as alleged in the notice is without planning permission, installation of a metal door and alterations to porch (facing Elms Road) of dwellinghouse.
- The requirements of the notice are to:
 1. Remove all windows from the porch, including from the porch dormer window.
 2. Remove the metal door from the west elevation (facing Elms Road), fill in the gap in the brick plinth with bricks and mortar to match the existing. Above this plinth, reinstate the fixed timber window, multi-pane tripartite, each one made up of six fixed panes supported by traditional, integral glazing bars and separated by moulded mullion. Sill detail to be simple, and not protrude beyond the brick plinth.
 3. Reinstall a timber replica door in the south elevation of the porch (facing Knighton Drive), set within a timber frame taking up the full depth of the porch. The door is to be semi-glazed with five fixed pane stained-glass panels (three over two) above the central lock rail supported by integral lambs tongue glazing bars. The stained glass is to be of traditional craftsmanship. The three smaller panels on the top row are each to consist of two central squares containing floral motif surrounded by a polychromatic border. The two larger panels are to consist of a central floral boss set inside a lozenge within a square, with paired panes above and below containing floral motifs and surrounded by a double border. The inner border is to be monochromatic (red) and narrower while the outer border is to be polychromatic. The lock rail is to contain a simple inset bronze letterbox and below, three timber raised panels.
 4. Reinstall two opening timber casements in the dormer window, each to be filled with traditional leaded glass (clear) with a narrow inner border in stained glass (red).
 5. Reinstall a timber multi-paned fixed window above the brick plinth in the north elevation (opposite end to the south facing elevation), consisting of six fixed panes supported by traditional, integral glazing bars within a timber frame. Sill detail to be simple, and not protrude beyond the brick plinth.
 6. In the gable at each end of the porch, reinstate a triangular fixed timber frame with traditional leaded glass (clear) with a narrow inner border in stained glass (blue) (one will be above the door frame).
 7. For the sake of clarity, reinstatement works should replicate details in Appendix A, attached.
- The period for compliance with the requirements is: 6 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) 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.

Summary Decision: No further action is taken.

Preliminary Matters

1. Section 173(1)(b) of the Town and Country Planning Act 1990 as amended (the Act) requires that Enforcement Notices 'shall state...the paragraph of section 171A(1) which applies'. This sets out what constitutes a breach of planning control, including carrying out development without the required planning permission.

However, the notice fails to refer to s171A(1) of the Act at all. I raised this with the parties and suggested that the Council consider withdrawing the enforcement notice as I may conclude that it is null.

2. The Council accept that the notice does not specify which paragraph of section 171A(1) of the Act applies. However, they set out that the remainder of the enforcement notice is clear that the breach of planning control comprises the carrying out development without the required planning permission referred to in paragraph (a) of section 171A(1) of the Act. They suggest that is implied by the rest of the notice. They invite me to amend the notice to include reference to section 171A(1)(a) of the Act. I am aware of my powers under section 176(1) of the Act to correct any defect, error or misdescription in the enforcement notice if I were satisfied the correction would not cause injustice to the appellant or the Local Planning Authority. Nevertheless, if a notice were null there would be nothing to be corrected or subject to any ground of appeal set out in section 174(2) of the Act.
3. I note that the Council suggest that a new notice would be issued in similar terms if I conclude the notice is null.
4. Section 173 of the Act set out the contents and effect of enforcement notices. Subsection (1)(a) requires notices to state the matters which constitute the breach of planning control. Subsection (2) states that a notice would comply with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are. However, that provision does not extend to subsection (1)(b). On that basis, this is a fundamental error in the enforcement notice as it does not meet the requirement of section 173(1)(b). Consequently, it must be null.
5. For these reasons, I conclude that the notice is a nullity. In these circumstances, the appeal on the ground set out in section 174(2)(a) of the Act and the application for planning permission deemed to have been made under section 177(5) of the Act do not fall to be considered.

Formal Decision

6. Since the notice is found to be a nullity, no further action will be taken in connection with the appeal. In the light of this finding the Local Planning Authority should consider reviewing the register kept under section 188 of the Act.

T Bennett

INSPECTOR