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## Appeal Decision

Site visit made on 23 February 2026

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> March 2026

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**Appeal Ref: APP/W2845/C/24/3353546**

**5 Abington Street, Northampton NN1 2AN**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Raza Communication Limited against an enforcement notice issued by West Northamptonshire Council.
  - The enforcement notice was issued on 12 September 2024.
  - The breach of planning control as alleged in the notice is *Without planning permission, the installation of an unauthorised shopfront and the insertion of a pedestrian door to the front elevation.*
  - The requirements of the notice are:
    - i. *Remove the unauthorised shopfront including the pedestrian door at the side of the shopfront adjacent to property no. 7 Abington Street, Northampton*
    - ii. *Remove from the land to a place of authorised disposal all materials arising from the removal of the unauthorised shop front*
    - iii. *Replace the shopfront with that shown on Drawing no. A201 "existing front elevation" submitted as part of planning application WNN/2022/0643 on 31 May 2022 (copy attached).*
  - The period for compliance with these requirements is 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2) (a), (b) and (c) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended falls to be considered.
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### Decision

1. It is directed that the enforcement notice be corrected at paragraph 5 by: (1) altering the text *shop front* to *shopfront* in the second requirement; (2) deleting the text *planning application* in the third requirement and replacing it with the text *the application for a lawful development certificate*; and (3) omitting the text *iv.* from the last sentence.
2. Subject to those corrections, the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### The enforcement notice

3. My decision above makes 3 minor corrections to the enforcement notice. These should all be fairly self-explanatory. In particular, the application with the ref. WNN/2022/0643 was for a lawful development certificate and as there are only 3 requirements in the notice, the inclusion of the text *iv.* leads to unnecessary confusion. These corrections would not result in any injustice to the main parties.

### **The appeal on ground (b)**

4. This ground of appeal is that the breach of planning control alleged in the enforcement notice has not occurred as a matter of fact. The onus is on appellants to make out their case on the balance of probabilities.
5. The facts set out by the appellant on this ground refer to the role the shopfront shutters play in protecting his business from thieves, the existence of other shutters on shops in the locality and the reasoning for the pedestrian door to the front elevation. However, the roller shutters, although they were refused planning permission on 6 January 2023 under ref. WNN/2022/1170, do not form part of the enforcement notice. The alleged benefits of the pedestrian door are matters to be more properly considered under ground (a).
6. The appellant does not advance facts to show that what is alleged by the notice has not in fact occurred. It is clear from the evidence before me, from both the appellant and the Council, including the photographs it provided at Appendix C of its statement, that the unauthorised shopfront and the pedestrian door to the front elevation were installed prior to the issuing of the enforcement notice. The appeal on ground (b) fails.

### **The appeal on ground (c)**

7. Under this ground of appeal the onus of proof is on the appellant to demonstrate that the matters alleged in the notice do not constitute a breach of planning control. The standard of proof is again on the balance of probabilities. The development which has occurred is that which was alleged at the time the notice was issued.
8. Again, the appellant's submissions under ground (c) are, by and large, conflated with ground (a).
9. I first assess if the new shopfront and pedestrian door to the front elevation constitute '*development*'. Section 55(1) of the 1990 Act defines the word '*development*' as including the carrying out of building, engineering, mining or other operations in, on, over or under land. Section 55(1A) says that for the purposes of that Act '*building operations*' includes (a) demolition of buildings (b) rebuilding (c) structural alterations of or additions to buildings and (d) other operations normally undertaken by a person carrying on business as a builder. Section 57(1) says that, subject to the provisions of the section, planning permission is required for the carrying out of any development of land.
10. Shopfronts and pedestrian doors are not explicitly mentioned as being within the term '*building operations*' as set out in section 55(1A). However, given the manner and nature of the work to modify the previous 2 shop windows and double doorway shop entrance to create 2 single doorways, this amounted to a building operation. The work would have involved an element of pre-planning and the specific skills that would have been needed suggest that the work was undertaken by people who would normally carry on business as a builder. As such, I find that the works in question at the front of the appeal property fall within the last clause of the definition of '*building operations*'.

11. Section 55(2) excludes from the definition of development works for the maintenance, improvement or other alteration of any building which (i) affect only the interior of the building or (ii) do not materially affect the external appearance of the building. Whether works materially affect the external appearance of a building is a matter of planning judgement. Although the size of the overall shopfront has not been altered, the subdivision of one of the 2 shop windows and the enlargement of another to create 2 single doorways has had a material effect on the external appearance of the building when compared to the ground floor front elevation of the previous shop (Beauty Queen Cosmetics) at no. 5. The shopfront is a distinctive feature of the property, integral to its design and function, visible from a number of public vantage points and material to the appearance of the building as a whole. Thus, I find that the shopfront alterations and new pedestrian door are not excluded from the definition of development by virtue of section 55(2).
12. Express planning permission is therefore required for the works unless it can be shown that they would have been permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO). The appellant does not rely on the GPDO. Schedule 2, Part 7, Class A of the GPDO, which relates to the extension or alteration of a commercial, business or service establishment, would not permit the subject development as it falls within a conservation area and involves the insertion or creation of a new shopfront or the alteration or replacement of an existing shopfront. So, the development is not permitted under the GPDO.
13. Whilst the appellant was in correspondence with the Council in 2022, it is significant that the Council refused to issue a lawful development certificate in August 2022 (ref. WNN/2022/0643) for works involving the “...*proposed creation of new access door for flat upstairs.*”. From the evidence before me, the application for planning permission in November 2022, referred to by the appellant and refused in January 2023, related only to the front roller shutters (ref. WNN/2022/1170).
14. Express planning permission is required for the works the subject of the enforcement notice and this has not been obtained. Therefore, the matters alleged constitute a breach of planning control. The appeal on ground (c) fails.

### **The appeal on ground (a) and the deemed planning application**

15. This ground of appeal is that planning permission ought to be granted for the development enforced against. There is one substantive reason given for issuing the enforcement notice, from which the main issue raised is the effect of the development upon the character and appearance of the host building and the street scene and upon heritage assets, more specifically whether it preserves or enhances the character or appearance of the All Saints Conservation Area (ASCA), which the appeal property lies within, and its effects upon the setting of nearby listed and locally listed buildings.
16. The development plan includes the West Northamptonshire Joint Core Strategy Local Plan Part 1 (LP1) and the Northampton Local Plan Part 2 (LP2). The Northampton Shopfront Design Guide Supplementary Planning Document

(SPD) seeks to promote good shopfront design. The SPD is a material planning consideration as is the National Planning Policy Framework (the Framework), particularly its objectives of achieving well-designed places and of conserving and enhancing the historic environment.

17. The appeal concerns the ground floor frontage of a 3-storey, terraced building on the northern side of Abington Street within the centre of Northampton. The ASCA encompasses a wide area across the retail core of the town with All Saints Church and the civic space of Market Square providing 2 key focal points. No. 1 Abington Street, on the corner of Market Square, is the closest listed building (grade II), whilst nos 7-9 Abington Street, on the eastern edge of the ASCA, are locally listed buildings.
18. In this commercial core of the town, it is not surprising that there is diversity in the wider townscape in terms of building design, materials, shopfronts and the usage of buildings. Nonetheless, the 3-storey appeal property, which falls within a distinctive row of different properties and retains original features on the upper floors, makes a positive contribution to the character, appearance and significance of the ASCA.
19. I note the appellant's wish for a separate front doorway to provide independent access to storage and toilet/kitchen facilities upstairs. It is asserted that this would better protect the storage of expensive electronic items if something happened in the shop and that it has helped to enhance the shop area.
20. These alleged personal benefits of the scheme would not justify permanent physical changes to the prominent ground floor of the building if they would not be sensitively designed or carefully detailed and would not at least preserve the character and appearance of the building.
21. The former shopfront was simple in its design with shop windows of roughly equal proportions either side of a centrally-located double doorway entrance. This symmetrical layout gave emphasis to the shop entrance and was balanced with the windows across the upper floors of the building. Serious visual drawbacks have arisen from the alterations that have been seen, in effect, the installation of 2 single and separate front doorways.
22. The pedestrian door at the right-hand side of the shopfront is a plastic, inappropriately designed residential door with a solid appearance. This design fails to complement the period and style of the building onto which the doorway has been fitted. Moreover, the insertion of this doorway and the reduction of the former double doorway shop entrance down to a single doorway has significantly distorted the proportions and balance of the shop windows and the frontage as a whole and disrupted the former near symmetrical relationship with the windows on the floors above. In addition, the fascia board is a dominant feature as it seems to rise close to the first floor windows and has been bolted on quite crudely. The shopfront also displays tall metal panels which appear to be in place to receive the sides of the shutters. Even so, they form part of the outer face of the shopfront and are unattractive appendages to it.

23. I consider that the development detracts from the architectural composition of the building and the vitality and interest of the commercial ground floor street scene. It does not improve the character and quality of the area.
24. The development is not on such a significant scale that it adversely affects the ability of the public to experience the evidential, aesthetic and historic value and special interest of the nearby listed and locally listed buildings. I consider that the settings of those designated and non-designated heritage assets are preserved. Moreover, the Council has not laid out a specific case on that matter for me to think otherwise. Still, the inappropriate physical changes to the front of the appeal property have visually harmed the character and appearance of the ASCA. I attach considerable importance and weight to this matter given my statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The significance of this designated heritage asset – the conservation area – has been diluted.
25. In terms of the Framework, the magnitude of the harm to the significance of the ASCA may properly be considered to be less than substantial. That being the case, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. In this respect, the appellant has not really articulated any clear points in this appeal that could be included as a public benefit. There are no public benefits identified that can be considered to outweigh the harm I have found. The balance of judgement therefore remains firmly in favour of the preservation of the conservation area. Paragraph 212 of the Framework indicates that great weight should be given to a designated heritage asset's conservation when considering the impact of development upon its significance.
26. I find on the main issue that the development detracts from the character and appearance of the host building, the street scene and the ASCA, in conflict with the LP1 and LP2 policies clearly set out in the enforcement notice, which, when read together, broadly seek to encourage high quality design, protect the quality of the built environment and conserve and enhance designated heritage assets such as conservation areas. It fails to respect the aims of the SPD. The development represents an example of poor design that the Framework seeks to avoid; this along with the failure to conserve or enhance the designated heritage asset suggests to me that the development would not comprise sustainable development in the context of that document.
27. For the reasons given above, and having had regard to all other matters raised, I find that the appeal on ground (a) should fail.

## **Conclusion**

28. I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the deemed planning application.

*Andrew Dale* INSPECTOR