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## Appeal Decision

Site visit made on 22 December 2025

**by M Savage BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 March 2026

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### Appeal Ref: APP/A1530/C/25/3361715

### Elliot Minimarket, 3 St. Botolphs Circus, Colchester CO2 7EF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by ELLIOT mini Market against an enforcement notice issued by Colchester City Council.
  - The notice was issued on 14 February 2025.
  - The breach of planning control as alleged in the notice is without the benefit of planning permission, the removal and replacement of the ground floor shopfront and the installation of a metal roller shutter. ("The Activity").
  - The requirements of the notice are to:
    - (i) Remove the shop front and metal roller shutter.
    - (ii) Re-instate the original shopfront (For the avoidance of doubt the shop front should replicate the shop front that was removed, see photograph taken from google street view attached to this notice).
  - The period for compliance with the requirements is: Four (4) calendar 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.
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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.

### Main Issue

2. The main issue of the appeal is the character and appearance of the local area, bearing in mind the extent to which it would preserve or enhance the character or appearance of the Colchester Conservation Area 1.

### Reasons

3. The Colchester Conservation Area 1 (the CCA) covers an area encompassing the historic walled town, including parts of the historic extra-mural settlements immediately outside the walls, including East Hill, Abbey Gate, St John's Green and St Botolph's. From my inspection of the CCA, I consider its significance is derived from the historic layout of development and the significant number and range of historic buildings, including walls, which date back as far as Roman times.
4. The appeal site is located in a prominent position on the edge of the CCA, to the south of the town centre, on the A134 Southway at its junction with St Botolph's Street, Mersea Road and Magdalen Street. The appeal building comprises part of a substantial three storey brick built building. While I have limited evidence regarding the host building itself, it is constructed of traditional materials, with

stone detailing and metalwork atop a redbrick parapet wall. At ground level, the building is occupied by commercial uses.

5. Prior to the breach, the shop front comprised a substantial glass pane, with what appears to be a wooden surround and a wooden door. I note that a board has previously been placed over the window, over which a 'To Let' sign has been placed, however, this is likely to have been a temporary feature while the premises was being advertised.
6. While the previous shopfront may not have been of historic interest, it appears to have had traditional features, such as a stall riser and is likely to have used traditional materials, which would have made a positive contribution to the character and appearance of the CCA. The appellant has replaced the shop front with uPVC doors and window and installed a roller shutter.
7. Policy SP7 of the North Essex Authorities' Shared Strategic Section 1 Plan (2021)(the LP1) seeks to ensure that all development must meet high standards of urban and architectural design, by, amongst other things, responding positively to local character and protecting and enhancing assets of historical value. Policy DM15 of the Colchester Borough Local Plan 2017-2033 Section 2 (the LP2) seeks development which respects and wherever possible enhances the character of the site, its context and surroundings in terms of materials and detailed design features, positively integrating the existing built environment and heritage assets and policy DM16 of the LP2 seeks to ensure that development affecting the historic environment conserves and enhances the significance of the heritage asset.
8. The Shopfront Design Guide Supplementary Planning Document 2011 (the SPD) advises that preference should be given the materials that have an affinity with the host building and with the local area and that buildings need to have a proper 'visual base' to connect them to the ground. Shopfronts that contain too great an expanse of glass without an obvious means of support for the upper storey can look unbalanced.
9. While I saw that there are a range of different materials used throughout the CCA, the use of traditional materials, such as wood, makes a positive contribution to the character and appearance of the area, as does traditional detailing, such as stall risers. The modern materials used in the shop front contrast with the traditional materials used in construction of the host building. The substantial double doors, with narrow full-length window to one side, fails to respect the symmetry of the host building and appears an odd feature when viewed from the public realm.
10. The appellant has drawn my attention to a number of examples of shop fronts within the area, including T4, which is located in the CCA. However, I do not have full details of the examples cited and so do not know whether they were granted planning permission and if so, whether the policy context has changed since they were approved. As explained in its introduction, the SPD has been prepared to maintain or raise the design quality of shop fronts.
11. Furthermore, I do not consider the examples cited to be comparable to the appeal scheme. T4, for example, has stall risers and symmetrical windows. The host building of First Essex is a modern, flat roofed building. Although not shown on the photograph provided by the appellant, the Subway has stall risers and a symmetrical window design.

12. Although a number of properties in the CCA have roller shutters, including shops along St Botolph's Street, the SPD states that permanent, external metal shutters **will no longer be permitted** (my emphasis), as they have a detrimental effect upon the appearance of the area and unnecessarily aggravate a perception of danger within the public realm. While the roller shutter which has been installed may be of a similar colour to the shop fascia, when in use, the metal roller shutter would appear an incongruous feature which contrasts with the host building and given its prominent location, harms the character and appearance of the area.
13. Paragraph 212 of the National Planning Policy Framework 2024 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets, or from development within their setting and that this should have a clear and convincing justification. Given the modest size of the appeal site, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
14. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant suggests that the appeal scheme is beneficial because it has replaced an older design that had deteriorated over time and better serves the appellant's business and customers and provides security, which is a genuine concern. However, the appellant has not explained how the previous design was a hindrance to customers, nor have they shown why any deterioration necessitated complete removal of the shop front. I therefore afford these matters very limited weight.
15. Although the roller shutter may provide security, it is unlikely to be the only means of securing the premises. The SPD, for example, advises that the use of toughened or laminated glass is the preferred, supplemental method of securing shop premises. Mesh or other opaque screens that are located behind the shop window are also stated to be acceptable, where a case can be made for additional security that cannot be achieved by toughened or laminated glass. I therefore afford this matter very limited weight.
16. The continued viable use of the appeal property as a shop is not dependent on the appeal scheme as the building has an ongoing use that would not cease in its absence. Given the above and in the absence of any significant public benefit, I conclude, on balance, the appeal scheme fails to preserve the character or appearance of the CCA. This fails to satisfy the requirements of the Act, paragraph 210 of the Framework and conflicts with policy SP7 of LP1 and policies DM15 and DM16 of LP2, the requirements of which are set out above. As a result the appeal scheme is not in accordance with the development plan.

## 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).

*M Savage*

INSPECTOR