



Appeal Decision

Site visit made on 30 December 2025

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2026

Appeal Ref: APP/Z2505/C/25/3364389

57 Tawney Street, Boston, PE21 6PD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the Act").
 - The appeal is made by Mr Paul Brown against an enforcement notice issued by Boston Borough Council.
 - The notice was issued on 27 March 2025.
 - The breach of planning control as alleged in the notice is Without planning permission, the installation of new windows in the front elevation of the building.
 - The requirements of the notice are:
Remove the windows from the front elevation and replace them with windows that replicate precisely in terms of design, materials, frame width, profile and colour of the windows that were removed and are still evident in attached adjacent property, number 55 Tawney Street.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Act.
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DECISION

1. It is directed that the enforcement notice be varied in Section 6 by substituting "6 months" for 9 months.
2. Subject to the variation the appeal is dismissed and the enforcement notice is upheld.

Background

3. A related appeal (APP/Z2505/X/25/3364360) against the Council's refusal to issue a certificate of lawful use or development is subject of a separate Decision.

Appeal on ground (f)

4. There are two purposes which the requirements of an enforcement notice can seek to achieve. The first is to remedy the breach of planning control which has occurred (section 173(4)(a) of the Act). The second is to remedy any injury to amenity which has been caused by the breach (section 173(4)(b) of the Act).
5. Hence, an appeal on ground (f) is a claim that the requirements of the notice exceed what is necessary to remedy the breach of planning control, or, as the case may be, to remedy any harm to amenity resulting from the breach.
6. The notice requires the removal of the unauthorised windows and to replace them with ones that replicate the original ones. As such, this would restore the building to the condition that existed prior to the breach occurring. It is clear therefore that the purpose of the notice is to remedy the breach of planning control (section 174(3)(a) of the Act).

7. The appellant's arguments in support of the merits of retaining at least some of the development carried out, and also his comments relating to being mis-informed by the Council in his contacts with them, are not relevant to this ground (f) appeal. As set out above ground (f) is strictly limited to the question of whether the notice requirements *exceed what is necessary in order to remedy the breach*.
8. Given the purpose of the notice is to remedy the breach, the requirements to remove the windows and restore the building back to its former condition cannot be excessive since the requirements go no further than remedying the breach, Any lesser requirements would not fully remedy the breach of planning control.
9. I note that at the time of my visit to the appeal site the notice requirements had been partially complied with in that timber mullions and been re-inserted and the trickle vents removed from the upper frames of the uPVC windows. However, this does not full comply with the notice requirements.
10. The appeal on ground (f) therefore fails.

Appeal on ground (g)

11. An appeal on ground (g) is that the period of time for compliance with the notice requirements fall short of what should reasonably be allowed. The notice requires compliance within 6 months.
12. The appellant does not propose an alternative period of time but states that reinstating timber windows would incur significant cost and take a considerable period of time to have them made.
13. While I have no other information before me to support the appellant's view I also have no strong reason to take a contrary view, particular given that replacement windows are likely to be individually bespoke to the property. On balance I consider a period of 9 months would be more reasonable in all the circumstances.
14. I will vary the notice accordingly and the appeal on ground (g) succeeds to this extent.

Thomas Shields

INSPECTOR