
Appeal Decision

Site visit made on 24 March 2026

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th April 2026

Appeal Ref: APP/W2465/C/25/3360262

Unit 1A and Unit 1B, Bux Building, Temple Road, Leicester, LE5 4JE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Shamimbanu Farook Hassan, Bux Investments Ltd against an enforcement notice issued by Leicester City Council.
- The notice was issued on 16 January 2025.
- The breach of planning control as alleged in the notice is without planning permission, the installation of roller shutters to the front and side elevation of the building.
- The requirements of the notice are to: Remove all the shutter boxes and shutters curtains, guide rails for curtains from the windows and doors along the ground floor fronting Temple Road as well as from the side window and door along Elizabeth Street and remove all associated waste. These are shown in Appendix 1 photograph A and B marked with a red X.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) 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 of Decision: The appeal is dismissed and the enforcement notice is upheld with a variation.

The ground (a) appeal

Character and appearance

1. An appeal on ground (a) is that planning permission should be granted for what is alleged in the notice. The main issue in this case is the effect of the development on the character and appearance of the area and the host building, a non-designated heritage asset.
2. The appeal premises is a large two storey factory building which has been split into two units, known as Units 1A and 1B. The area surrounding the site is characterised by large industrial premises and is designated as a Primary Employment Area.
3. The appeal building is included on the Council's Local Heritage Asset Register (2023). There is no dispute that it is a non-designated heritage asset as part of 352-358 St Saviours Road, Former Faraday Works. The building derives significance as a good example of a late 19th century factory which was built to the designs of Arthur Wakerley, as part of the wider development of North Evington, providing employment for new residents of the area; and for its historic interest as the former factory of Gents and Company Limited, a renowned manufacturing company specialising in electrical equipment, in particular its electric clocks.
4. The building has a long frontage onto Temple Road and a shorter side elevation onto Elizabeth Street, with parking on the areas of hardstanding to both sides. The long runs of windows to the Temple Road elevation of the building are vertically

aligned across the ground and first floors. These are a distinctive feature of the building which emphasise the wide frontage onto Temple Road and the symmetry of this elevation, and positively contribute to its character.

5. The alleged breach of planning control relates to externally fitted roller shutters to the ground floor windows and doors on the front and side elevations of the building. I note that there was already an external roller shutter fitted to the door on the Elizabeth Street elevation, but this was replaced to match the design of the other shutters that have been installed on the building.
6. The roller shutters stretch across a substantial run of the windows and doors of the front elevation in particular which creates a cluttered and incongruous appearance. Due to the solid design of the shutter curtains the windows are completely covered when they are lowered, thereby concealing a key architectural feature of the building and harming the symmetry of the front elevation. While the adverse visual effects are reduced when the shutters are raised, the bulky shutter housing remains exposed. Furthermore, a number of the shutters appear to be frequently in the lowered position, including those to the front of Unit 1B, as they were at the time of my visit. This creates an impermeable and defensive impression which detracts from the character of both the building itself and the surrounding area.
7. There are other solid roller shutters on nearby business premises, including the examples referred to by the appellant, and I was able to see some of these during my site visit. However, many appear to be historic features and/or do not contribute positively to the appearance of the buildings to which they are attached. Moreover, they tend to be limited to individual windows or doors and do not cover substantial stretches of the buildings' window openings. As a result, these examples do not give rise to the same level of visual harm seen in the appeal development, which in any case I have considered on its own merits.
8. For the above reasons, I conclude that the development is harmful to the character and appearance of the area and the appeal building, a non-designated heritage asset. It therefore conflicts with saved policies BE10, BE11 and PS10 of the City of Leicester Local Plan (2006), and policy CS03 of the Leicester Core Strategy (2014). Amongst other things, these policies seek to ensure high quality design that contributes positively to the character and appearance of the built environment, and require security measures including roller shutters to be as unobtrusive as possible. It is also contrary to policy CS18 of the Core Strategy, which seeks to protect and enhance the historic environment including heritage assets. Saved policy PS10 of the Local Plan is concerned with the living conditions of residential occupiers and is not, therefore, relevant to the appeal development.

Other considerations

9. Following an arson incident at the building in 2020, several window openings were boarded up for security reasons, and the unauthorised roller shutters were subsequently installed in February 2021 as a permanent security measure. The appellant says that they were unable to obtain building insurance without external solid roller shutters and that the alternative security measures suggested by the Council, including internally fitted lattice shutters, would not protect the building from further vandalism and damage which presents a risk to the continued viability of the business. However, there is no substantive evidence before me to demonstrate that there are no other potential alternative security measures that

might be less intrusive than the appeal development. The appellant says that internally fitted shutters would necessitate alterations to the design of the windows, but I have seen no evidence to demonstrate that this would be the case. As a result, I attach only limited weight to these matters.

Conclusion on ground (a) appeal

10. For the reasons given above I conclude that the appeal scheme is harmful to the character and appearance of the area and the significance of the non-designated heritage asset. These harms are not outweighed by the other considerations outlined above. Therefore, the ground (a) appeal does not succeed.

The ground (g) appeal

11. An appeal on ground (g) is that the compliance period specified in the notice falls short of what should reasonably be allowed.
12. The compliance period is 3 months. The appellant suggests that a timeframe of 9 is required. The works required by the notice would appear to be a relatively straightforward matter and 3 months would seem to me to be more than sufficient to complete these. However, it will also take time to explore suitable alternative security measures which may also require the submission and approval of a planning application. Although a 9 month period has not been adequately justified, I consider that 6 months would strike an appropriate balance in this case.
13. For these reasons I shall vary the period for compliance to 6 months prior to upholding the notice. The appeal on ground (g) succeeds to that extent.

Formal Decision

14. It is directed that the enforcement notice is varied by the deletion of “3 months” and the substitution of “6 months” as the time for compliance with the requirements in paragraph 6 of the notice.
15. Subject to this variation, 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.

M Ollerenshaw

INSPECTOR