
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/24/3350384**

12 Lindsay Road, Leicester, LE3 2EJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr G Singh against an enforcement notice issued by Leicester City Council.
 - The notice was issued on 23 July 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of a single storey extension to the rear of the Property.
 - The requirements of the notice are to:
 1. Demolish the single storey rear extension attached to the rear wall of the existing rear extension identified in plan A (attached).
 2. Remove all resultant materials produced due to step 1 above from the site.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. It is directed that the enforcement notice be corrected by deleting the words “12 Lindsay Road, Leicester, LE3 2EJ” in paragraph 2 and replacing them with “12 Lindsay Road, Leicester, LE3 2EJ”.
2. Subject to this correction the appeal is dismissed, and the enforcement notice is upheld.

Preliminary Matters

3. The appellant indicates that parts of the alleged structure have been in situ for over ten years. The submitted photographs dated 2011 and 2012 appear to show part of the walls and base of an extension adjacent to the boundary with 10 Lindsay Road. However, it was not fully enclosed at that time and was not substantially completed until sometime later. As such, there is no indication that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters alleged, and I note that the appellant has not pleaded ground (d) in any case. I have not therefore considered this matter further.
4. The appeal has been made on ground (c) only, where the question is whether or not as a matter of fact and law, the matters alleged in the notice constitute a breach of planning control. The appellant's submissions refer to a variety of matters including the planning merits of the development and the Council's handling of the case. These are outside the scope of the ground (c) appeal. The appellant has submitted details of a proposed alteration to the roof of the extension to reduce its impact on the neighbouring occupier. However, in the absence of appeals under grounds (a) and (f), I cannot consider whether planning permission should be granted for the development or for the proposed alternative scheme.

5. No Council representative was present at the appointed date and time of my site visit. I decided to undertake the visit on an unaccompanied basis, with the appellant and their agent there to provide access only, and I was able to see all I needed to. I am satisfied that neither party has been prejudiced by this approach.

The Notice

6. Paragraph 2 of the enforcement notice states that the land affected is “12 Lindsay Road”. This is a typographical error as the correct address of the property is “12 Lindsay Road”. Correcting this minor mistake by referring to the correct site address will not cause injustice to the parties.

The ground (c) appeal

7. To succeed on an appeal on ground (c) the appellant must demonstrate that the matters alleged in the notice do not constitute a breach of planning control. The onus is on the appellant to make out their case, with the relevant test of the evidence being on the balance of probabilities.
8. The alleged breach of planning control concerns a single storey rear extension which is identified on Plan A attached to the notice. The extension is situated to the rear of a pre-existing single storey extension and adjoins the boundary with 10 Lindsay Road. There is also another single storey extension to the rear of the property, but this is sited on the opposite boundary adjacent to 14 Lindsay Road. The latter extension was approved by the Council in August 2012 under application ref. 20120832.
9. There is no dispute between the parties that the alleged extension is not permitted development under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. I have no reason to find otherwise based on the evidence before me.
10. The appellant refers to discussions with a Council officer and subsequent correspondence in 2014 which they argue provide confirmation that the Council had approved the alleged extension. However, the Council’s letter refers specifically to changes to the ridge height of the other extension, which had been approved under application ref. 20120832. That is a separate development to the alleged extension the subject of this appeal, which does not benefit from planning permission.
11. All of the above considered and having regard to the evidence before me, I find that the extension constitutes a breach of planning control. Accordingly, the appeal on ground (c) fails.

Conclusion

12. For the reasons given, I conclude that the appeal should be dismissed and I shall uphold the enforcement notice subject to the necessary correction.

M Ollerenshaw

INSPECTOR