

Appeal Decision

Site visit made on 8 April 2026

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st April 2026

Appeal Ref: APP/N4720/C/25/3376753

Land at 90 Street Lane, Roundhay, Leeds, LS8 2AL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Rand Coffee Roastery against an enforcement notice issued by Leeds City Council.
 - The notice was issued on 12 November 2025.
 - The breach of planning control as alleged in the notice is: without planning permission, the erection of canopy and boarded fencing to the front and side of canopy.
 - The requirements of the notice are:
 - Step 1) remove the unauthorised canopy and boarded fencing in their entirety; and
 - Step 2) remove all the materials and detritus resulting from step 1 from the land.
 - The period for compliance with the requirements is: three months beginning with the day on which the notice takes effect.

The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fees have not been paid within the specified period, any appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Decision

1. The appeal is dismissed and the notice is upheld.

Procedural Matter

2. The appeal made on ground (a) has lapsed due to the required fee not being paid within the specified period. However, even if the fee had been paid, S174(2) of the Town and Country Planning Act 1990, prevents appellants from having multiple attempts at getting planning permission for the same development within a two-year period. In this case, a retrospective application to retain the unauthorised works has already been refused planning permission, and an appeal against this decision was dismissed in August 2024, less than two years before the enforcement notice was served. Consequently, in determining this appeal, I am unable to take account of any planning merits, and my consideration is confined to matters relating to the ground (g) notice period.

The appeal on ground (g)

3. The appeal is made on the ground that the period for compliance specified in the notice falls short of what should reasonably be allowed. No alternative period for compliance has been specified.
4. The appellant states that three months is not sufficient time to tender for the required works and to enable the canopy and fencing to be dismantled and removed from the site. It is also stated that the costs of such works would be significant to a small business.

5. However, it appears to me that dismantling the canopy and fencing would be relatively straightforward and would not require any special equipment or expertise. A van or skip could be hired to remove the waste. As such, a formal tendering process is unlikely to be required.
6. There is no evidence before me to support the claim that the cost of the works would be significant or that the necessary works could not be undertaken outside of normal opening times to minimise disruption to customers. I acknowledge that planning permission has been granted for the external decking, however, the notice does not require the removal of this.
7. I am therefore satisfied that the three-month period specified in the notice is reasonable and proportionate to the breach of planning control, and I see no reason to extend it.

Conclusion

8. For the reasons given above, the appeal is dismissed and the notice is upheld.

R Bartlett

INSPECTOR