



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 17 June 2026

Appeal ref: APP/Z2505/C/26/3377880

Land at 2 Red Lion Street, Boston, Lincs, PE21 6NY

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is brought by Mrs Wioletta Komar Levy against an enforcement notice issued by the Boston Borough Council.
- The notice was issued on 22 January 2026.
- The breach of planning control as alleged in the notice is: "Without planning permission, the installation of two uPVC windows in the front elevation of the property".
- The requirement of the notice is: "Remove the windows from the upper floors of the front elevation and replace them with windows that replicate, in terms of design (materials, frame width and profile colour) the windows that were removed and that are still evident in the attached adjacent property, number 1 Red Lion Street".
- The time period for compliance with the requirements of the notice is "6 months from the date 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.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The appellant states several reasons for requesting more time to comply with the requirements of the notice, such as to allow for a live planning appeal to be decided, obtain quotations and arrange for suitable contractors, source appropriate materials, minimise disruption to occupants and the business operating from the building, and to budget accordingly. She therefore requests that the compliance period be extended to 12 months.
2. While I acknowledge the reasons for this request, I am mindful that some 4 months have elapsed since this appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellant will effectively have had some 10 months - just 2 months short of that requested, in order for a decision to be made on the planning appeal, and for the appellant to make the necessary arrangements, as listed above, and to carry out the required works in order to comply with the requirements of the notice. I consider this period to be reasonable and proportionate, and I am not satisfied there is good reason to justify extending the compliance period further. The appeal fails accordingly.
3. However, while I am dismissing the appeal, should the appellant experience any genuine difficulties, such as a delay in the planning appeal decision being made, it

will be open to her to submit a request to the Council to use their powers under section 173A(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.

Formal decision

4. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld without variation.

K McEntee