



Appeal Decision

No site visit made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2026

Appeal Ref: APP/N4720/C/25/3371413

53 Commercial Street, Rothwell, Leeds LS26 0QD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr Arie Aziz against an enforcement notice ("EN") issued by Leeds City Council.
 - The EN was issued on 23 July 2025.
 - The breach of planning control as alleged in the EN is: Without the benefit of planning permission, the unauthorised carrying out of alterations to the shopfront within a conservation area.
 - The requirements of the EN are to:
Step One Remove the unauthorised shopfront development.
Step Two Reinstate the historic shopfront that was there prior to the unauthorised works taking place.
This includes:
 1. Reinstate the masonry stallriser.
 2. Reinstate the timber shop front with three light sections with decorative mullions.
 3. Install stained glass transom lights with decorative timber mullions above the light sections.
 4. Reinstate a decorative doorway with fluted architraves with plinth and capital details.
 5. Reinstate fasci above the shop front.
 - The period for compliance with the requirements is: Six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the 1990 Act.
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Decision

1. It is directed that the EN is corrected and varied by:
 - *the deletion of the words "...within a conservation area." in section 3.*
 - *the substitution of the words "Remove the unauthorised shopfront development" within Step One of the requirements in section 5 and their replacement with the words, "Remove the unauthorised alterations to the shopfront".*
 - *the deletion of the word "historic" from Step Two of the requirements in section 5.*
2. Subject to the correction and variations, the appeal is dismissed and the EN is upheld.

Matter Concerning the Notice

3. The breach of planning control includes the phrase *"...within a conservation area"*. This is not an act of development and therefore, I have omitted it from section 3 of the EN. As this correction is for precision, I am satisfied that it would not cause injustice to either main appeal party.

Preliminary Matter

4. The EN has been appealed under grounds (f) and (g) therefore, the planning merits of the development are not relevant to this appeal. As such, a site visit would not help me reach a decision. Consequently, I advised the main appeal parties of my intention to determine the appeal without a site visit.

Appeal on Ground (f)

5. An appeal under ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy the breach of planning control or any injury to amenity.
6. It is necessary for the breach of planning control to be described consistently throughout the EN. Therefore, I have varied its description within Step 1 of the requirements. Step 2 of the requirements seeks the reinstatement of the historic shopfront. However, it is not known if the shopfront was historic. Therefore, I have varied Step 2 to omit "*historic*" from the sentence. As these variations are for precision, I am satisfied they would not cause injustice to either main party.
7. The breach of planning control is the carrying out of unauthorised alterations to the shopfront. The EN seeks the removal of the unauthorised shopfront and the reinstatement of the shopfront that was there prior to the unauthorised works taking place. Therefore, the purpose of the EN is to remedy the breach of planning control.
8. The appellant states that the reinstatement of the previous shopfront in its exact form goes beyond what is necessary to remedy the breach of planning control. They assert that it could be replaced with a traditional timber-framed shopfront of appropriate proportions and detailing without requiring the reconstruction of ornate elements where the detailing may no longer exist or be evidenced.
9. The appellant has provided an alternative wording for Step 2 of the requirements which requires the installation of a timber-framed shopfront incorporating vertically proportioned multi-light display windows, a solid timber panelled door with glazed upper section, and a painted timber fascia with full details to be submitted and agreed with the Local Planning Authority prior to installation.
10. I have no details before me to show what the alternative shopfront would look like. Notwithstanding this, there is no ground (a) appeal before me. Therefore, I am unable to consider whether an alternative shopfront would accord with the relevant development plan policies, nor can I impose a condition for the submission and approval of details.
11. The purpose of the EN is to remedy the breach of planning control. Therefore, any step lesser than the removal of the unauthorised shopfront and the reinstatement of a shopfront that replicates the shopfront that was removed, would not remedy the breach. The Council has provided photographic evidence of the former shopfront and therefore, I can find no justification for the appellant's assertion that they would be unable to replicate the former shopfront.
12. It is for these reasons that the steps required by the EN are not excessive to remedy the breach of planning control. The appeal on ground (f) therefore fails.

Appeal on Ground (g)

13. An appeal under ground (g) is that the period specified for compliance within the EN falls short of what should reasonably be allowed.
14. The period for compliance is 6 months. The appellant asserts that 6 months is insufficient given the specialist nature of the works which would require heritage joinery, traditional glazing, and may require prior written agreement with the Council. They assert that securing the Council's agreement can take 8-12 weeks, and heritage joinery lead times are typically 3-6 months, with contractor scheduling and weather constraints adding further delays. They therefore request a 12 month compliance period.
15. A period of 12 months would be a significant period for the harm identified in the EN to continue, especially given the time that has lapsed since the EN was issued. The agreement of the Council to the design of the shopfront would not be required as the shopfront should replicate what is shown in the photographic evidence. I acknowledge that specialist contractors may be required to replicate the former shopfront. However, the assertion that joinery lead times are typically 3-6 months has not been supported with evidence.
16. Accordingly, I am satisfied that 6 months would be sufficient to comply with the EN's requirements. For these reasons, I do not find that the compliance period afforded by the EN falls short of what is reasonable. Therefore, the appeal on ground (g) fails.
17. Should the appellant face legitimate delays in lead times, the Council has discretion under s173A(1) and (2) of the 1990 Act to extend the compliance period specified, even if the EN has taken effect. Therefore, the period of compliance could be extended if the Council considered it appropriate to do so.

Conclusion

18. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN with a correction and variations.

A Berry

INSPECTOR