



Appeal Decision

Site visit made on 29 July 2026

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03rd August 2026

Appeal Ref: APP/B0230/C/25/3372530

207B Dunstable Road, Luton, Bedfordshire, LU1 1DD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Hageel Ahmed against an enforcement notice issued by Luton Borough Council.
 - The notice was issued on 30 July 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission the erection of a single storey shop front canopy extension fronting the highway on the Land.
 - The requirements of the notice are to: (i) Remove the extension from the Land; and (ii) Remove all associated building materials and rubble and waste materials arising from compliance with step (i) above.
 - The period for compliance with the requirements is three calendar months from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (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.
-

Decision

1. 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.

The Appeal on Ground (a)

2. The main issue in respect of the appeal on Ground (a) is the effect of the development on the character and appearance of the area.
3. The appeal site relates to a mid-terraced property within a busy retail parade which stretches out along Dunstable Road. Retail units, hot food take-aways and other services line both sides of the carriageway, set back behind a reasonably wide pavement and forecourt. It is common practice for goods, particularly foodstuffs, to be displayed on the forecourts within the area and a line of metal studs, set into the pavement, appears to delineate between the pavement for foot traffic and the area associated with each store.
4. The display of goods for sale generally adds to the vibrant feel of the street. However, by and large, those goods are displayed under retractable canopies which have a light-weight appearance. Such canopies are a traditional feature, forming part of the shopfront which remains visible behind. Presumably out of opening hours, goods are cleared away such that the visual impact returns to that of a traditional shop frontage.
5. However, there appears to have been a trend of some shop units seeking to enclose the forecourt with more permanent structures, as is the case at the appeal

site. Many of those structures appear to be unauthorised and I am also dealing with an enforcement appeal relating to a similar structure a few doors down.

6. In the case of the appeal site, a planning appeal for a proposed extension to the front of the unit was dismissed in 2021. A further application for a front canopy was refused by the Council in 2023 but no appeal was made against that decision. The plans for those respective applications have not been submitted but from reading the appeal decision it would appear that the proposal was largely similar to the development, as now constructed. In fact, large sections of the appeal statement in the current appeal have essentially been cut and pasted from that used in the previous appeal.
7. The fact that the development has been constructed after permission was previously refused and dismissed at appeal indicates a wilful breach of planning control. Moreover, the issues identified by the previous Inspector remain. The structure is of more permanent construction than the previous retractable canopy and has the effect of enclosing the forecourt in a visual sense, jutting out awkwardly from the neighbouring shopfronts. The visual impact prevents views of the neighbouring, well-maintained, shopfront to the right which is a detrimental factor of itself.
8. The metal side panels and Perspex roof, provide a poor quality, ramshackle, feel which causes additional harm. Unlike a retractable canopy which allows the original shopfront to be viewed to the rear and out of hours, the impact of the development in question is permanent and undoubtedly harmful.
9. Whilst the appellant maintains that the external finish could be secured by planning condition, I am required to assess the development, as built, in relation to an enforcement appeal. In any event, no alternatives have been put forward and altering the materials would not overcome the incongruous nature of the extension which has no regard to the established pattern of development in the area.
10. The appellant has referred to enclosures to the front of shopfronts in the area – the same ones addressed by the previous Inspector who noted the differences and set out clearly why they were not comparable to the development at the appeal site, either in design terms or location. I fully agree with that analysis and need not repeat it. Moreover, even if permission had been granted for a development which, in retrospect, turned out to be harmful, I am not satisfied that would amount to justification to permit further harmful development at the appeal site.
11. For all of those reasons, the development has caused significant harm to the character and appearance of the area, in conflict with Policies LLP1 and LLP25 of the Local Luton Plan 2011-2031 (adopted November 2017), in so far as those policies promote high quality design and require all new development in the Borough to contribute to enhancing a sense of place and preserving or improving the character of the area.
12. Thus, the development is contrary to the relevant policies of the development plan and no material considerations have been put forward that would justify a decision other than in accordance with the development plan. It follows that the appeal on Ground (a) should fail and I shall refuse to grant planning permission for the development.

The Appeal on Ground (f)

13. An appeal on this ground is made on the basis that lesser steps than those required to be undertaken by the enforcement notice would remedy the breach of planning control or the injury to amenity, as the case may be. In this case, the Council is clearly aiming to remedy the breach of control in full. The appellant states that planning permission was granted in January 2003 for the erection of first-floor front and rear extensions and the installation of roller shutters. The suggestion is that the front extension was permitted by that permission, such that the requirement to remove it goes beyond what is necessary to remedy the breach of control.
14. However, there is no evidence that historic permission was ever implemented and it is likely to have lapsed. Nor have any plans been provided to enable a comparison between what was approved then and what has now been constructed. Permission was refused and dismissed at appeal more recently for a similar scheme to that before me.
15. Accordingly, there is no planning permission to fall back on. The development amounts to a flagrant breach of planning control and the requirement to remove it goes no further than required to remedy that breach. Therefore, the appeal on Ground (f) must fail.

The Appeal on Ground (g)

16. The appellant contends that the 3 month period for compliance with the notice is unreasonably short and that 12 months would be more reasonable, in order to allow for alternative space for the display of merchandise to be found. However, the notice does not prevent the display of merchandise to the front of the unit. Such an arrangement was carried out previously under a retractable canopy.
17. It may involve more work setting up at the beginning of the day and packing away at the end but the cited reason is not adequate justification for allowing the clear harm to continue for a 12 month period. The structure itself could easily be dismantled in a day or two and I find that the three month period is more than reasonable in that context. Accordingly, the appeal on Ground (g) fails.

Overall Conclusion

18. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Chris Preston

INSPECTOR