



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: 3rd August 2026

Appeal Ref: APP/B0230/C/24/3355784

197-199 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 M Munir against an enforcement notice issued by Luton Borough Council.
 - The notice was issued on 9 October 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission the erection of a canopy and shutter on the front and side of the property.
 - The requirements of the notice are to: (i) Remove the unauthorised development from the Land. (ii) Remove all associated building materials and rubble and waste materials arising from compliance with step (i) above from the Land.
 - The period for compliance with the requirements is two calendar months from the date the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(d) of the Town and Country Planning Act 1990 (as amended).
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Decision

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

The Appeal on Ground (d)

2. An appeal on Ground (d) is made on the basis that, at the time the notice was issued, it was too late for the Council to take enforcement action against the matters alleged. That links to the time limits imposed by section 171B of the Town and Country Planning Act 1990 (the Act). Under those provisions, as amended, no enforcement action may be taken in respect any unauthorised operational development after the end of the period of four years beginning with the date on which the operations were 'substantially completed', unless the breach occurred on or after 25 April 2024, in which case the relevant period is ten years.
3. The onus rests with an appellant to make their case, on the balance of probability. In this case, no information has been submitted in support of the appeal, beyond the single paragraph contained in the appeal form which stated:

We did not receive any information with regard to submit an application for planning permission. The appellant did not receive any correspondence with regard to the breach of planning, though requests were made to the enforcement office to send them any instructions if a planning application should be made.

4. Whilst submitted under Ground (d) that paragraph somewhat misses the point, as it provides no information regarding the time at which the development was carried out. In respect of the point which has been made, the onus clearly rests with those carrying out development to ascertain whether planning permission is required. It would be difficult, if not impossible, for a Council to write to someone informing

them of the need for permission if there was no indication that the development was about to take place.

5. The enforcement notice was issued on 09 October 2024. Council records, including street view imagery, show that, as of June 2022, the present canopy structure and roller shutter were absent. The images from that point in time show a much more light-weight retractable blind/ canopy, with some heras fencing separating the foodstuffs being displayed on the forecourt from the pavement beyond.
6. Fast forward to the images from September 2024 and the present structure is in place, with a galvanised metal framework, Perspex roof and built-in roller shutters. In the absence of any evidence to the contrary from the appellant, that indicates that the structure was erected some time between June 2022 and September 2024.
7. The appellant has not demonstrated that the structure was substantially completed before 25 April 2024, in which case the relevant period within which enforcement action can be taken is ten years, as set out above. Even if the relevant period was four years, the appeal would fail, given that the structure was clearly absent in June 2022.
8. Accordingly, the appeal on Ground (d) must fail and I shall dismiss the appeal and uphold the enforcement notice.

Chris Preston

INSPECTOR

