



Appeal Decisions

Site visit made on 22 July 2026

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Date of decisions: 10th August 2026

Appeal refs. APP/W2465/C/25/3375206 (Appeal A) & APP/W2465/C/25/3375207 (Appeal B) Property at 88 Headland Road, Leicester LE5 6AD

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended.
- The appeals are made by Mr Kamran Khan (Appeal A) and Mrs Maria Nawaz (Appeal B) against an enforcement notice issued by Leicester City Council.
- The enforcement notice was issued on 30 September 2025.
- The breach of planning control as alleged in the notice is: "Without planning permission, a single storey extension and canopy at front; with grey stone tile appearance cladding to front elevation and a single storey rear garage extension was built."
- The requirements of the notice are:
 1. Remove the structure beyond the front elevation of the property that includes the porch, canopy and cladding to first floor front elevation of the two storey house.
 2. Restore the front elevation of the property to its state prior to the unauthorised works as shown in the photograph attached as appendix 1.
 3. Remove a part of the rear single storey building as shown hatched in the photograph shown as appendix 2. Construct an end wall to the remainder of the building using matching material to that of the rear single storey building.
 4. Remove all resultant materials in their entirety produced due to step 1-3 above from the land."
- The period for compliance with those requirements is 6 months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a), (c) and (f) of the Town and Country Planning Act 1990 as amended, and by virtue of section 177(5), the appellant is deemed to have made an application for planning permission in respect of the matters stated in the enforcement notice as constituting the breach of planning control. Appeal B is proceeding on the grounds set out in section 174(2)(c) and (f) of the Town and Country Planning Act 1990 as amended.

Decisions on Appeals A and B

1. It is directed that the enforcement notice be corrected so that the word "garage" in section 3 is omitted and the word "hatched" in the first sentence of step 3 in section 5 is replaced with the words "shaded in red". Subject to those corrections, the appeals are dismissed, the enforcement notice is upheld as corrected and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Corrections to the enforcement notice

2. Insofar as the rear and northern side of no. 88 have been configured in recent times, the reference to a "garage" extension in the breach of planning control alleged at section 3 of the notice is either at worst wrong or at best superfluous. The third step of the notice seeks the removal of part of the rear single storey building as identified by a photograph in Appendix 2. The part in question, rather than being "hatched" on the photograph, is depicted by an area shaded in red. The appellants have not been obviously misled by these matters but the word "garage"

should be omitted and the red shaded area ought to be referred to. I am satisfied that I can correct the notice accordingly without causing injustice to any parties.

Matters of clarification

3. Notwithstanding the heading of the statement submitted on behalf of the appellants, there is no appeal made under section 78 of the 1990 Act as amended before me, as clarified with the parties at my site visit.
4. The appeals made under section 174 include ground (c): that the matters stated in the enforcement notice do not constitute a breach of planning control. However, the appellants made points in their written submissions under this ground that appear to be more relevant to ground (d): that, at the date when the enforcement notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters. Consequently, I shall deal with the appeals as if they had also been made on ground (d). After reading all the papers before me from all the parties, I find that there would be no unfairness in addressing this implied ground of appeal.
5. In March 2025, the Council refused a planning application (ref. 20250136), made retrospectively, for "...construction of single storey extension and canopy at front; cladding to front elevation; alterations to house...". Much of those works are the subject of the enforcement notice. It was agreed by the parties at the site visit that the plans submitted with application ref. 20250136 broadly accord with what has been built on site. Even though the plans show the single storey rear extension being part of a larger rear projecting wing containing the kitchen, neither the extension nor the rear wing as a whole were formally included in the planning application. The rear extension to that wing is part of the enforcement notice.
6. Third party representations mention a new front boundary wall at no. 88 next to the front garden of no. 90. That wall is not the subject of the enforcement notice. It is not therefore before me in these appeals. I make no further comment about it.
7. Since the notice was issued and the appeals were lodged, the Leicester Local Plan 2020 to 2036 (LP) was adopted by the Council in June 2026. It replaces the Leicester City Core Strategy 2014 and the saved policies of the City of Leicester Local Plan 2006, so the policies from those 2 documents cited in the reasons for issuing the notice no longer form part of the development plan and have no weight. The main parties were given an opportunity to provide observations on this change in the development plan background.

Appeals A and B – the ground (c) appeals and implied ground (d) appeals

8. The burden of proving why the appeals should succeed on ground (c), or failing that, on ground (d) as implied, rests firmly with the appellants, the relevant test of the evidence being on the balance of probabilities. These grounds of appeal are strictly concerned with matters of fact and law.
9. Section 1.2 of the appellants' statement limits the ground (c) appeal to the rear extension. Section 3.3 states that as that part of the alleged breach is over 4 years old, it is immune from enforcement action. However, further to my comments in paragraph 4 above, that assertion is more properly covered under ground (d).

10. The appellants offer no evidence to demonstrate that the matters stated in the notice, including the rear extension, do not constitute a breach of planning control. All the works the subject of the notice fall within the definition of development as set out in section 55(1) of the 1990 Act as amended. Planning permission is required for the development of land, having regard to section 57(1).
11. Express planning permission has not been obtained for the works. The Council explains why the works fail to comply with the terms of the permitted development rights set out under Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015. The appellants do not dispute that explanation and neither do I. The appeals on ground (c) fail.
12. Ground (d) is that, at the date the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by the matters stated in the notice. The appellants claim that the rear extension is immune from enforcement action, having subsisted for over 4 years.
13. Section 171B(1) of the 1990 Act as amended provides that no enforcement action may be taken in respect any unauthorised operational development after the end of the period of 4 years beginning with the date on which the operations were substantially completed, unless the breach occurs on or after 25 April 2024 and the period is 10 years.
14. The sole item of information offered by the appellants is an extract from the planning officer's report on planning application ref. 20250136 which indicates that the rear extension appears to have been in place for more than 4 years and may therefore be immune from enforcement action. Some caution should be exercised in relation to that extract since it was not from an enforcement report and the rear extension was not specifically part of that application. More notably, photographic evidence has been produced since that report which clearly shows that at some point between March 2022 and April 2024 the rear building was enlarged in length and width and substantially completed to its current size and form.
15. The appellants have not challenged those photographs. When the notice was issued on 30 September 2025, it was therefore not too late for enforcement action to be taken against the rear extension. The implied appeals on ground (d) fail.

Appeal A - the appeal on ground (a) and the deemed planning application

16. Reading the reasons for issuing the notice, the decision whether or not to grant planning permission for the matters stated in the notice raises 2 main issues. These are the effects of the works at the front upon the visual amenity of the host property and its surroundings and the effects of the rear extension upon the residential amenity of the neighbouring property at no. 90.
17. Nos 86 and 88 form a pair of semi-detached 2-storey houses situated on the western side of Headland Road which falls in gradient from south to north. They stand within a row (nos 68-96 even) of similar houses to the north of Linden Primary School. It is this row which provides the setting for the appeal property. The front elevations are prominent in public views. Even though the locality does not possess any outstanding examples of urban architecture, this is nonetheless a

pleasant residential setting which is characterised by brick-built houses. There are only minor variations in the colour of the bricks in the row of houses.

18. Houses finished in painted render, as shown in the appellant's last photograph, are found further to the south on the opposite side of the road. However, a front elevation of brickwork is a key element in the character and identity of the original host property and other houses nearby in the same row, including the adjoining property at no. 86. Although some of the houses in the row have evolved over time and there is no rigid uniformity as such, the consistent use of brick lends a sense of coherence to the locality. The appellant has not pointed to any houses in Headland Road in the same row or even further afield along the road which are fully clad across their front elevation in tiles that give a stone-like appearance, as has unfortunately occurred at no. 88.
19. All reference to the brick material has been lost. I consider the use of tiles that give the look of stone to be unacceptable in principle here because they do not sufficiently replicate the varied colour, shading, pattern, texture and pointing of brickwork and because such tiling is not a walling material that is evident within this area. The front cladding tiles, which also cover the porch, appear prominently at odds with the original host building and the other nearby houses and diminish the sense of coherence that enhances the visual amenity of the street scene. New development should fit harmoniously with its surroundings. Instead, the tiling is not sympathetic to local character, rather it dilutes the sense of place provided by the consistency of the established palette of brick materials.
20. The front single storey porch with a gabled roof is combined with the adjoining mono-pitched overhanging canopy to each side of it. These developments sprawl across the property's entire front elevation. Their scale, height, design and location make them obvious elements that stand out forward of the host property's principal elevation and disrupt the building line, especially when viewing downhill or against the paired house at no. 86. These parts of the alleged breach are not sufficiently subservient or complementary to the host building where, as at no. 86, there was no pre-existing projecting porch or canopy as such.
21. Instead, they make for an incongruous and dominant addition to the front of the dwelling, significantly changing and damaging its appearance and that of the semi-detached pair and causing harm to the visual amenities of the street scene. The adverse visual impact is made worse by the higher land level of no. 88 compared to no. 90, the use of tiles that do not match those on the main roof, the inclusion of large pillars at each end of the canopy and the awkward appearance of the northern end of the canopy given the absence of a 2-storey backdrop to it and its very close proximity to the boundary with no. 90.
22. The simple lean-to front porch at no. 90 is not out of scale with that property. The sizeable front alterations at no. 78 have been added to a property that has also been extended sideways in bricks that are a reasonable match to those on the original dwelling. I do not know the planning history of no. 78 but the front canopy there, whilst not being a particularly good example to follow, does not reach out beyond the 2-storey backdrop and incorporates matching roof tiles.
23. I find that the works at the front of no. 88 therefore harm the visual amenity of the host property and its surroundings. Insofar as the rear extension is concerned,

things are even more clear-cut. I saw that the incremental single storey extensions to the rear have gone a step too far. No. 90 has a wide set of fully glazed doors at the rear at ground floor level serving a habitable room and a patio area just outside those doors. This neighbouring property is at a significantly lower level. The mono-pitched roof over the rear extension leaves the highest wall next to the boundary with no. 90. The excessive depth, height and scale of the rear extension at no. 88 results in a visually intrusive, dominant, and unneighbourly form of development built close to the boundary with the neighbouring residential garden at no. 90. The development, given its proximity and increased massing well above the existing boundary fence, appears oppressive and overbearing from this neighbouring garden and habitable room. It has resulted in a material loss of outlook, daylight and sunlight that has spoilt the reasonable enjoyment of that neighbouring house.

24. The appellants have submitted an image from April 2019 showing that there was a pre-existing side extension at the rear of no. 88. Taken from the front of the property, this image does not provide good evidence about its overall volume or rearward extent at that time. Later photographs show that the structure has been significantly enlarged since that time. I find that the rear extension has harmed the residential amenity of the neighbouring property at no. 90
25. There would be no conditions that would overcome the harm that has been caused. When the notice was issued, the development was in conflict with adopted development plan policies that existed to protect residential surroundings and the amenities of residents. Following similar design principles is a continuing theme in the LP and of course good design is a cornerstone of the National Planning Policy Framework. Good design has not been achieved. There are no other material considerations to outweigh my findings. So, the ground (a) appeal under Appeal A has been dismissed and planning permission has been refused.

Appeals A and B - the appeals on ground (f)

26. The issue in ground (f) is whether the requirements of the enforcement notice are excessive to achieve the purpose of that notice.
27. Section 173 of the Act explains that an enforcement notice can have the purpose of remedying the breach of planning control by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place **or** it can seek to remedy any injury to amenity caused by the breach.
28. The notice at section 5 seeks the removal of the various operational developments and all resultant materials from the land. On that basis, its purpose is aimed at remedying the breach of planning control that has occurred by restoring the land to its condition before the breach took place. As the requirements do no more and no less than seek to remedy the breach of planning control, they cannot be described as excessive or disproportionate. Put simply, the requirements of the notice are the minimum necessary to achieve the purpose of the notice.
29. For the ground (f) appeals, section 1.2 of the appellants' statement is specifically concerned with the complete removal of the front structures. The gist of the case put by the appellants is that the complete removal of these parts of the

development is an unjustified and disproportionate remedy, as it is said that they are consistent with the street's character and not harmful. Rather, I found the opposite to be the case under the ground (a) appeal.

30. Should limited harm be found, the appellants argue that a more proportionate remedy would be to require modifications under a condition attached to a planning permission. However, there are no precise plan details or other information showing how the appellants intend the front elevation to appear. The appellants' approach could possibly lead to parts of the unauthorised development at the front remaining in situ, so it would sustain rather than remedy the breach. Any modifications to the front of no. 88, at this stage, may be explored with the Council away from these appeals. Any future planning application would be considered by the Council in the first instance.
31. To sum up, the breach of planning control alleged would be remedied by the requirements in the notice. No acceptable, alternative lesser steps have been put before me that would achieve the statutory purpose behind the notice. The requirements of the notice are not excessive. Rather, they amount to a proportionate remedy to achieve the purpose of the notice. The appeals on ground (f) have therefore failed.

Overall conclusion

32. For the reasons given above, and taking into account all other matters raised, I conclude that the appeals should not succeed. I shall uphold the enforcement notice with corrections and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Andrew Dale

INSPECTOR