
Appeal Decision

Site visit made on 12 August 2026

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 20th August 2026

Appeal Ref: APP/P4605/C/25/3364185
448 Alum Rock Road, Birmingham B8 3HT

- The appeal is made by Naveed Ahmed under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 2023/0023/ENF) issued by Birmingham City Council on 28 February 2025.
 - The breach of planning control alleged in the notice is the erection of a front canopy structure.
 - The requirements of the notice are to demolish the front canopy structure and to remove all building materials and rubble arising therefrom.
 - The period for compliance with these requirements is two months.
 - The appeal is proceeding on the ground set out in section 174(2)(d) only.
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Decision

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

Reasons for the decision

2. The purpose of an appeal on ground (d) is to demonstrate that at the date when the enforcement notice was issued, no enforcement action could be taken because it was too late to do so. A four-year time limit applies in this instance, that is the period of four years beginning with the date on which the erection of the front canopy structure was substantially completed.
3. The appellant states that the structure existed in September 2021 and he has supplied a Google image dated September 2021 in support of this, with further images showing it was still in place in the following years.
4. This evidence is not disputed by the Council. However, the Council has supplied Google images which show that the structure did not exist in March 2021 or on 4 April 2021 and that the retractable blind it replaced still existed then.
5. I conclude from this evidence that the structure was erected at some time between 4 April 2021 and September 2021. The 'cut-off' date for the issue of the enforcement notice under the '4-year rule' was therefore sometime later in April 2025 at the earliest. Since the notice was issued on 28 February 2025, it was issued in time and the appeal on ground (d) must therefore fail.

D.A.Hainsworth

INSPECTOR
