

---

## Appeal Decision

Site visit made on 26 August 2026

**by Chris Preston BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date 03 September 2026

---

**Appeal Ref: APP/B0230/C/25/3370976**

**7 Elmwood Crescent, Luton, Bedfordshire, LU2 7HX**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Mr M Hussain against an enforcement notice issued by Luton Borough Council.
  - The notice was issued on 2 July 2025.
  - The breach of planning control as alleged in the notice is: Without planning permission the erection of (a) a single storey rear extension, (b) a two storey side extension together with alterations to the roof consisting of a hip to gable roof extension, and (c) a rear dormer to the residential dwelling on the Land (together referred to as the “Unauthorised Development”).
  - 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 six months from the date the notice takes effect.
  - The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).
- 

### Decision

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

### The Appeal on Ground (g)

2. The appeal has been made on Ground (g) alone. An appeal on this ground is made on the basis that the period given for compliance with the requirements of the enforcement notice falls short of what should reasonably be allowed. In this case, the notice gives a period of 6 months for compliance whereas the appellant considers that 12 months would be more reasonable.
3. Essentially, such cases require a balance between the need to ensure effective enforcement of the planning system, remedying the harm caused by the development and the private and personal circumstances involved. The appellant does not dispute the need to comply with the requirements of the notice and has not sought planning permission for the development under Ground (a) of s174 of the Town and Country Planning Act 1990.
4. Thus, the issue involved is one of practicality and whether 6 months is a reasonable period of time to complete the necessary work. Once a contractor has been appointed the work involved in removing the unauthorised works would not be unduly extensive and could easily be carried out within the 6 month period.
5. The appellant points to a planning permission granted in 2019 for the construction of extensions to the property. However, what has been constructed is notably different in scale and design, particularly in relation to the roof form, which has a gable end rather than a hipped end (both to the extension and the original

dwelling) and in terms of the rear extension which has a flat roof, in contrast to the approved flat roof. The Council has not provided an option within the requirements of the notice to make the scheme comply with the terms of the 2019 permission which may indicate it considers the scheme is no longer extant. Whether that is the case is not a matter before me and no appeal has been made on Ground (f) on the basis that the requirements are excessive or should be varied to include such a step.

6. In any event, even if the 2019 permission was extant it does not alter my conclusion that a 6 month period is reasonable to carry out the required works. Given the clear harm that has been caused by the breach the onus is on the appellant to comply with the terms of the notice expeditiously.
7. Whilst he has requested a 12 month period so that a “revised, policy compliant solution” can be prepared and implemented, I note that the enforcement notice was issued in July 2025. Due to delays in handling the appeal we are now in late August 2026 so the appellant has already had over 12 months to seek permission for an alternative scheme. If I were to dismiss the appeal, the 6 month period given within the notice would run from the date of my decision, the end of which would be just over 18 months from the date the notice was served.
8. Given that there are no other grounds of appeal, it seems to me that it is reasonable to take into account the time that has already passed because it is reasonable to have expected the appellant to have been taking steps to comply during that period rather than waiting for the appeal decision.
9. Putting all of that together, the 6 month period for compliance is entirely reasonable given the scale of work required and the appeal on Ground (g) fails. It follows that I shall dismiss the appeal and uphold the enforcement notice.

*Chris Preston*

INSPECTOR