



Appeal Decision

Site visit made on 8 October 2026

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2026

Appeal Ref: APP/B0230/C/26/3377554

86 Leagrave Road, Luton, Bedfordshire LU4 8HZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr S Alam against an enforcement notice issued by Luton Borough Council.
 - The notice was issued on 17 December 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a single storey front shop canopy style extension and facilitating structure fronting the highway on the land, shown for identification purposes only on the attached photo ("the extension").
 - The requirements of the notice are to:
 - (i) Remove the extension 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: three calendar months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) 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.
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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.

Appeal on ground (a) and the deemed planning application

2. The appeal made on ground (a) of section 174(2) of the Act is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The land accommodates a mid-terrace convenience shop within the Bury Park District Area. The area has a busy commercial character and contains a range of shops, restaurants and hot food takeaways. No 86 sits within a row of commercial buildings. Although the commercial buildings in the row are varied in their design, they are generally set back from the pavement by forecourts. Some of these forecourts are used for parking or for the display of goods for sale, however they are mostly undeveloped and this creates a consistency which is characteristic of the immediate area.

5. The development comprises a solid metal frame with a corrugated roof, and retractable shutters to the sides and front. It extends from the front of the building to cover around half the depth of the forecourt. Within this, fruit, vegetables and other goods are on display. The structure has been secured to the ground and to the building. The shutters were open at the time of my site visit.
6. Even with the shutters open, the development appears as a substantially sized structure projecting forward significantly from the facade of the host building, interrupting the openness in front of the row of commercial units. With its shutters closed its visual effect would be even greater.
7. Many of the other commercial units nearby have fabric awnings which fold or retract back to the front elevation of the shops, but none have a solid canopy like the one at No 86. Indeed, the nearest solid canopy structures similar to that subject of the appeal are at No 32, and No 114. However, being in different terraces, neither of these are seen in the setting of No 86. They also do not appear as solid in their construction, and I am unaware if they have planning permission.
8. The appellant refers to some other examples of solid canopies in the wider area, such on Biscot Road, which was granted planning permission in 2019, and on Dunstable Road, granted permission in 2014. However, these are both some considerable distance from the site and do not inform its context. Nor do they represent a Borough wide commitment to support retailers through the support for front extensions. Some images of other solid canopies, such as on Bury Park Road, have also been provided, and I saw at my site visit that there are others in the wider area. But these represent a limited number of examples in an extensive commercial area and do not justify further harm.
9. The appellant suggests retractable fabric canopies, such as that which was previously at the site, are not adequate to protect fruit and vegetables from inclement weather. However, I see no reason why these structures would not provide sufficient protection, and indeed at my site visit I saw many such canopies at other grocery shops being used effectively to shield their produce from the weather. Indeed at the time of my site visit, some of the produce at the appeal site was in full sun despite the presence of the extension.
10. Overall, the extension appears as a solid, incongruous development, detracting from the characteristic openness of the forecourts in this immediate area. It therefore detracts harmfully from the character and appearance of the area. It conflicts with Luton Local Plan (2017) policies LLP1 and LLP25 which, taken together, require all development to preserve or improve the character of the area including the townscape and the street scene.

Conclusion

11. 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).

Andrew Owen

INSPECTOR