Planning Inspectorate

Appeal Decision

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2026

Appeal Ref: APP/W2465/C/26/3377374
Parkside House, 72 Friday Street, Leicester LE1 3BW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Cosmopolitan Arts against an enforcement notice issued by Leicester City Council.
- The notice was issued on 12 January 2026.
- The breach of planning control as alleged in the notice is without planning permission, installation of uPVC windows and doors to building as shown in photographs produced in appendix 1 and 2 attached to the notice.
- The requirements of the notice are: 1. Remove all the uPVC windows from the property and reinstate timber windows of a matching style, design and colour as the windows as shown on the photos attached at appendix 1. For the avoidance of doubt the windows as shown outlined in red shall be sliding sash casement windows with a lamb's tongue horn detail and the windows outlined in blue shall be traditional stormproof opening windows. All replacement windows shall be fitted with concealed ventilation. 2. Remove the two uPVC doors from the northern gable of the property as outlined in green as shown on the photos attached at appendix 1 and reinstate timber doors matching the originally removed doors in terms of design, materials and colour. 3. Remove the black composite door from entrance porch located on the northeastern elevation of the property and reinstate a timber door to match the original in terms of colour and design as outlined in red on the photo attached at appendix 2. 4. Remove the brickwork infill from above the ground floor entrance door as outlined in yellow as shown on the photos attached at appendix 1 and reinstate a glazed fanlight to match in design to that which was previously removed. 5. For the avoidance of doubt there is to be no expending foam used in the installation of any of the replacement doors and windows.
- The period for compliance with the requirements is four months.
- The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fee has not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act has lapsed.

Decision

1. It is directed that the enforcement notice is varied by in paragraph 6 at steps 1-4 substituting 'four months' with 'one year' as the period for compliance. Subject to the variation, the enforcement notice is upheld.

Preliminary matter

2. The appeal can be determined without the need for a site visit, as I have been able to reach a decision based on the information already available.

Ground (g) appeal

3. The ground of appeal is that the period specified for complying with the requirements of the enforcement notice falls short of what should reasonably be allowed.

4. The appeal premises contains a detached two storey commercial building. The building originated in the late 19th Century as a Council Depot and is locally listed

as being of architectural and historic interest. The notice attacks the installation of uPVC windows and doors to the building, which have replaced traditional timber framed windows and timber doors.

5. The appellant, a community interest company which delivers local arts projects focussing on celebrating cultural diversity, sought to extend the four-month period for compliance specified, principally to afford more time to obtain sufficient funding for carrying out the remedial works.

6. Since the appeal is on ground (g) only, it is appropriate to take the time which has elapsed since the issuing of the notice into account when assessing the reasonableness of the compliance period. This is because the appeal was made solely to extend that period in the full knowledge that the notice would be upheld and the requirements would have to be complied with. In that context, it has been open to the appellant to progress complying with the notice, including seeking sources of funding for the works, during the period since the appeal was made.

7. On the other hand, I recognise the current significant constraints on public funding and of the uncertainty as well as the length of time potentially involved-a figure of up to eighteen months was mentioned-in seeking to obtain such funding. Also, in my view the compliance period should seek to minimise as far as possible any adverse effects of remedying the breach of planning control on the community benefits associated with the appellant's use of the building.

8. In the circumstances, I shall exercise the power set out in s176(1)(b) of the Act, to vary the terms of the notice by lengthening the period for compliance to one year. This would in my view strike an appropriate balance between remedying the breach as soon as practicable whilst also avoiding imposing a disproportionate burden on the appellant. There would be no injustice to the Council in lengthening the compliance period accordingly. The Council accepted that a compliance period which exceeded that specified in the notice as issued would be warranted in this instance.

Conclusion

9. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

Stephen Hawkins

INSPECTOR