Planning Inspectorate

Appeal Decision

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2026

Appeal Ref: APP/L2440/C/26/3377425
Land at The Elms, Bushloe End, Wigston, Leicestershire LE18 2BA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Jignesh Poojara against an enforcement notice issued by Oadby and Wigston Borough Council.
- The notice was issued on 18 December 2025.
- The breach of planning control as alleged in the notice is without planning permission replacement of all timber windows and uPVC windows.
- The requirements of the notice are: (i) Remove all uPVC windows. (ii) Replace with timber windows replicating the original design, material, form and glazing pattern. (iii) Obtain written approval from the Local Planning Authority to the specification of the replacement windows to be installed before installation. (iv) Remove from the land all resultant materials to the above steps to an authorised place of disposal.
- The period for compliance with the requirements is six 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).

Decision

1. It is directed that the enforcement notice is varied by in paragraph 5 deleting step (iii) in its entirety and renumbering step (iv) to step (iii). Subject to the variations the appeal is dismissed and the enforcement notice is upheld.

Preliminary matters

2. Step (iii) of the enforcement notice requires the appellant to obtain the Council's written approval of the details of the replacement windows prior to their installation. This lacks sufficient certainty, as the appellant cannot reasonably tell what they have to do to comply with the step from within the notice. The steps at (i), (ii) and (iv) are nevertheless sufficiently precise. The appellant can be in little doubt as to what they must do to comply with those steps. The appellant will have the best knowledge of the condition of the land prior to the carrying out of the development described in the notice. Therefore, step (iii) notwithstanding the notice complies with s173 of the Act.

3. In the circumstances, I shall exercise the power in s176(1)(b) of the Act to vary the terms of the notice to delete step (iii), with the consequential renumbering of step (iv). There would be no injustice, to the appellant or the Council, in varying the notice accordingly. The remaining requirements are sufficient to restore the land to its condition before the breach took place.

4. 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

5. 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.

6. The appeal premises contains a substantial building in commercial use. The premises are located in the All Saints Conservation Area, in proximity to a number of listed buildings. The notice attacks uPVC framed windows installed on the building.

7. The appellant sought to extend the period allowed for carrying out the remedial works, which involve replacing the uPVC windows with timber framed windows, to a year. As the appeal is continuing solely on ground (g), the length of the compliance period is the only matter before me. Therefore, the appellant cannot have any reasonable expectation of the notice being quashed. By pursuing this limited appeal, they have already delayed the date the notice will come into effect, with the full knowledge that the notice will be upheld and the remedial works would have to be carried out.

8. Besides, it is unlikely that obtaining any necessary drawings and specifications of the replacement windows, engaging the services of a suitably qualified joiner to manufacture them and then having the remedial works carried out and completed, would take longer than six months. Manufacturing new windows which replicate the details of the pre-existing windows is likely to be a relatively straightforward task for a suitably experienced joinery firm and not especially time-consuming. Similarly, fitting the replacement windows is unlikely to be other than a fairly routine activity for such a firm and would be capable of being completed reasonably quickly. There is scant firm evidence before me which might point towards a different finding in respect of these matters.

9. Set in the above context, there is little sound reason to support a further delay to the carrying out of the remedial works beyond the end of the period specified. That affords ample time for the required works to be carried out and completed.

10. Accordingly, the specified compliance period is not too short and is reasonable; it strikes an appropriate balance between remedying the breach as soon as practicable whilst also avoiding imposing a disproportionate burden on the appellant. Extending that period on the other hand would serve little purpose other than to perpetuate the breach.

11. The ground (g) appeal fails.

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations.

Stephen Hawkins

INSPECTOR