Planning Inspectorate

Appeal Decision

Site visit made on 4 November 2026

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2026

Appeal Ref: APP/M3455/C/26/3378045
34 Hope Street, Hanley, Stoke-On-Trent ST1 5BS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Li Li Xue against an enforcement notice issued by Stoke-on-Trent City Council.
- The notice was issued on 18 February 2026.
- The breach of planning control as alleged in the notice is without planning permission, the installation of an external roller shutter, its box housing and associated projecting guides.
- The requirements of the notice are to:
  1. Remove from the land the external security roller shutter, shutter box and all associated guide rails from the front elevation of the property.
  2. Make good any damage to the front elevation of the building caused by compliance with requirement 1 above, using materials and finishes that match the existing elevation.
  3. Remove from the Land all materials and debris resulting from steps 1-2 above.
- The period for compliance with the requirements is: 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (d) 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.

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.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 17 August 2026. The parties have been given the opportunity to comment on the implication of its publication for this appeal.

Ground (d)

3. An appeal under ground (d) is made on the basis that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by the matters stated in the notice. The enforcement notice was issued on 18 February 2026 and so the appellant will need to show, on the balance of probabilities, that the works were substantially completed on or before 18 February 2022 (the relevant date).

4. The appellant states that, at the time the enforcement notice was issued, it was too late to take enforcement action. However, the appellant has not explained when the works were carried out or when they were substantially completed. Furthermore, they have provided no contemporaneous evidence to support their case.

5. The Council has provided an image, dated October 2021, which shows that the works were not *in situ* on this date. While this is a number of months before the relevant date, this leaves a relatively narrow window of time within which the works would have to have been substantially completed to become immune from enforcement action by virtue of the passage of time, which seems unlikely.

6. The burden in a legal ground of appeal is firmly on the appellant to make their case, to the civil standard, which is the balance of probabilities, or whether something is more likely than not. It is simply not clear from the appellant's evidence when the works were done, or when they were substantially completed and so the appellant has not discharged their burden of proof in this case. The appeal under ground (d) therefore fails.

Ground (a)

7. An appeal under ground (a) is made on the basis that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.

Main Issue

8. The main issue is the effect of the appeal scheme on the character and appearance of the area.

Reasons

9. The appeal site is located within the City Centre[1], along a section of Hope Street which is generally characterised by two storey terraced properties, with commercial units on the ground floor. The shop fronts are of varying design, with box housing and roller shutters a common feature. During my visit, I saw two nearby units with doors boarded up.

10. Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (2006-2026)(the CS) seeks to ensure that development is well designed to respect the character of the townscape and, provide active ground floor frontages where located in the City Centre, Newcastle Town centre, local or district centres. The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)(the SPD) similarly identifies the importance of active frontages.

11. Policy DP3 of the National Planning Policy Framework 2026 (the Framework) sets out key principles for well-designed places and states that, to create well-designed places, development proposals should, amongst other things, create visually attractive, distinctive and characterful development to establish or maintain a strong sense of place and pride. DP3 advises that development proposals should be refused if, without clear justification, they conflict with relevant aspects of the principles in paragraph 2, or with any explicit design standards set out in the development plan.

12. An external roller shutter, with its box housing and associated projecting guides has been erected to the front of the property, with signage located on the box

[1] As shown in the Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010)(the SPD)

housing. The box housing sits above the main shop window and is of limited height, revealing part of the original (or previous) shop fascia, sitting proud of it. The projecting guide rails also sit proud of the brickwork behind. Given its projection from the fascia and brickwork and contrasting colour, the box housing and associated guides fail to integrate into the overall design of the shop front.

13. While the appeal site provides an active ground floor frontage during opening hours, when the roller shutter is in use, it dominates the frontage at ground floor level, covering the window, door and much of the brickwork below, which is harmful to the character and appearance of the area. The appellant suggests that the street has a well-known issue with anti-social behaviour and break-ins and has drawn my attention to a nearby property which, they say, has been the victim of a break-in and has its front door boarded up. Indeed, during my visit, I was able to see boarding on the premises referred to by the appellant.

14. The appellant states that the installation of the external roller shutter is a necessary and proportionate security measure for their food retail business, protecting their livelihood and meeting their insurance requirements. However, while I appreciate that roller shutters may provide security when the premises is closed, they are unlikely to be the only means of securing the premises. Furthermore, even when the roller shutters are not in use, the box housing and associated guides fail to integrate into the overall design of the shop, which itself is harmful to the character and appearance of the area.

15. I acknowledge that there are various other examples of roller shutters along Hope Street, along with box housing of various designs and colours. However, I do not know the circumstances of their installation, when they were carried out or what the policy context was at that time. I therefore afford this matter very limited weight. Moreover, the purpose of local plan policy, the design guide and the Framework is to create well-designed places. Indeed, the SPD seeks, amongst other things, to improve the image and appeal of the City Centre.

16. For the reasons given above, I find that the appeal scheme harms the character and appearance of the area, contrary to policy CSP1 of the CS, the requirements of which are set out above, the advice within the SPD and the relevant expectations of the Framework. The appeal scheme conflicts with the development plan as a whole and that there are no material considerations that indicate that the decision should be taken other than in accordance with the development plan. Consequently, the appeal under ground (a) fails.

Conclusion

17. 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).

M Savage

INSPECTOR