

Appeal Decision

Report of the Interim Chief Executive

APPLICATION NUMBER:	22/00040/ENF
LOCATION:	53 Main Street Kimberley Nottinghamshire NG16 2NG
PROPOSAL:	Roller shutter

CASE HISTORY

DECISION BY BROXTOWE BOROUGH COUNCIL - NOTICE OF REFUSAL FOR PLANNING PERMISSION REF: 22/00793/FUL DATED 24 FEBRUARY 2023

REASONS FOR REFUSAL –

- The proposed roller shutters provide an unacceptable appearance within the street scene given their solid design and would detract from the appearance of the existing building and the character of the street scene. Accordingly, the proposed development would be contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 18 of the Part 2 Local Plan (2019), and there are no other material considerations that justify treating this proposal as an exception to these policies.*

Level of decision: delegated

APPEAL AGAINST ENFORCEMENT NOTICE DATED 13 JUNE 2025**APPEAL DISMISSED – 28 NOVEMBER 2025**

The Enforcement Notice dated 12 May 2025 required the following:

- Remove in full the black metal roller security shutter from front of the Property, including the box housing the shutter and all fixtures and fittings associated with its installation.

The period for compliance is within 4 weeks from the date this notice takes effect.

GROUND OF APPEAL

Ground A - that planning permission should be granted for what is alleged in the notice.

Within his report the Inspector considers the main issues to be:

- The effect of the development on the character and appearance of the area and whether any harm in that respect is outweighed by other material considerations, specifically relating to the security needs of the business.

The Inspector concludes that the development is contrary to the relevant policies of the development plan and causes harm to the character and appearance of the area. That harm is not outweighed by other material considerations.

Ground F - that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

Within his report the Inspector states:

- In this case, the Council is seeking to remedy the breach of control and the removal of the shutter goes no further than is necessary to achieve that aim.
- No lesser alternative measures have been presented and none are immediately obvious, especially in the absence of any attempt to consider an alternative design.

The Inspector concludes that the appeal should not succeed. They uphold the enforcement notice and refuse to grant planning permission.

The Council's Enforcement Team will now be carrying out the relevant measures, to ensure full compliance. As this is a live enforcement case, no detailed discussion can be made during the public and press section of this meeting. If a Councillor wishes to discuss this case in more detail, please contact Mr Matthew Keay.