



Appeal Decision

Site visit made on 27 January 2026

by **R Hitchcock BSc DipCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th January 2026

Appeal Ref: APP/B4215/C/24/3344698

3 Central Buildings, Kingsway, MANCHESTER, M19 1SP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Habib Rouf against an enforcement notice issued by Manchester City Council.
- The notice was issued on 24 April 2024.
- The breach of planning control as alleged in the notice is 'Without planning permission, the material change of use of part of the ground floor to a self-contained studio apartment (Class C3)'.
- The requirements of the notice are to:
 1. Cease the use of part of the ground floor, as shown on the attached plan referenced DA24007.003.1, as a self-contained studio apartment (Class C3).
 2. Remove from the building all manifestations of the residential use:
 - a) Fitted kitchen (comprising oven, hob, fitted kitchen cupboards and units, wall tiles, and fixtures and fittings);
 - b) Fitted bathroom (comprising toilet, shower tray and cubicle, shower, sink, and fixtures and fittings);
 - c) Hard and soft furnishings.
- The period for compliance with the requirements is: six months.
- The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).

Decision

1. The appeal is dismissed and the enforcement notice is upheld.

The Appeal on Ground (f)

2. An appeal on ground (f) is 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.
3. In this case the Notice requires the residential use to cease. Accordingly, the purpose of the Notice is to remedy the breach of planning control. Additionally, it requires the removal of kitchen and bathroom facilities, and furnishings from the building as integral works installed to enable the unauthorised use.
4. The appellant asserts that, following the reintegration of the former residential space with the commercial unit, the residential kitchen and bathroom facilities could be utilised as welfare facilities in conjunction with the use of that commercial unit. The kitchen facilities could also be used for product demonstrations or customer workshops, for example.
5. While I have little doubt those facilities could be used for welfare purposes and prevent an additional cost burden on the appellant, they are distinctly domestic in scale and appearance. They significantly exceed basic welfare facilities and

appear disproportionate to the size of the commercial unit in question. The bathroom includes a large shower unit, and the kitchen has an integrated oven, hob and hood alongside a separate kitchen 'island'.

6. At the time of my site visit, the entire ground floor appeared to be in commercial use. However, the main partition walls remain with a single door access between the main shop and the former residential area. In conjunction with a separate access from the rear of the building, the main physical manifestations and integrity of the facilities used to install the unauthorised residential use remain. Accordingly, resumption of the unauthorised use would be straightforward and the retention of the facilities in that arrangement would make it difficult for the Council to achieve effective enforcement.
7. Following the settled caselaw of *Murfitt* and *Somak Travel*¹ an enforcement notice directed at an alleged material change of use can require the removal of ancillary operational development and works that were installed to facilitate the change of use. This applies even if those works do not constitute 'development' for the purposes of s55 of the Act. In the absence of any obvious alternative scheme to reduce the burden on the appellant, I find retention of the domestic facilities would fall short of securing effective enforcement to remedy the breach of planning control because the use could otherwise be simply reinstated by sealing the internal door.
8. For the reasons above, I find the requirements of the Notice are necessary to remedy the breach of planning control in the case circumstances. The appeal on ground (f) therefore fails.

Other Matters

9. The representations by a neighbouring third party are noted. However, on the limited ground of appeal the matters of amenity, drainage or highway effects of the residential use, or compliance, or otherwise, with the Party Walls Act are beyond the scope of my considerations in the appeal.

Conclusion

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

R Hitchcock

INSPECTOR

¹ *Murfitt v SSE & East Cambridgeshire CC* [1980] JPL 598 and *Somak Travel v SSE & Brent LBC* [1987] JPL 630