
Appeal Decision

Site visit made on 20 January 2026

by **M Ollerenshaw BSc (Hons) MTPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th February 2026

Appeal Ref: APP/C4235/C/25/3365720

32 Eskdale Avenue, Bramhall, Stockport, SK7 1DU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Miss Sarah Carroll against an enforcement notice issued by Stockport Metropolitan Borough Council.
 - The enforcement notice was issued on 30 April 2025.
 - The breach of planning control as alleged in the notice is failure to comply with condition 1 imposed on a planning permission ref DC/090550 which was granted on 12 March 2024.
 - The development to which the permission relates is 'Demolition of single-storey conservatory and construction of two-storey rear and side extensions and balcony to the rear with elevational alterations (Re-submission of DC/089930).
 - Condition 1 states that: 'The development hereby permitted shall be carried out in accordance with the following approved drawings: Location plan, drawing no. 23_039_105 Rev 5, Existing layouts, drawing no. 23_039_101 Rev 5, Existing elevations, drawing no. 23_039_103 Rev 5, Proposed layouts, drawing no. 23_039_102 Rev 12, Proposed elevations, drawing no. 23_039_104 Rev 12, Householder energy checklist.
 - The notice alleges that the condition has not been complied with 'by failing to complete the development in accordance with Proposed Layout, drawing number 23_039_102 Rev 12 & Proposed Elevations, drawing number 23_039_104 Rev 12'.
 - The requirements of the notice are to complete the balcony to the rear elevation of the extensions to the dwellinghouse so that it fully complies with Proposed layout, drawing number 23_039_102 Rev 12 & Proposed Elevations, drawing number 23_039_104 Rev 12 as approved by condition 1 of Planning Permission DC/090550 (Demolition of single-storey conservatory and construction of two-storey rear and side extensions and balcony to the rear with elevational alterations (Re-submission of DC/089930)).
 - The period for compliance with the requirements is three 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 enforcement notice is quashed.

The Enforcement Notice

2. The alleged breach of planning control is the breach of condition 1 of planning permission DC/090550 for 'Demolition of single-storey conservatory and construction of two-storey rear and side extensions and balcony to the rear with elevational alterations (Re-submission of DC/089930)'. The notice requires the balcony to be completed so that it fully complies with the two drawings¹ listed in condition 1 of the planning permission.
3. S173(1) of the Town and Country Planning Act 1990 (the Act) sets out that an enforcement notice shall state (a) the matters constituting the breach of planning

¹ Proposed Layout, drawing number 23_039_102 Rev 12 and Proposed Elevations, drawing number 23_039_104 Rev 12

control, and (b) the paragraph of s171A(1) within which, in the opinion of the authority, the breach falls. A notice must enable any person on whom a copy of it is served to know what those matters are, as required under s173(2) of the Act.

4. Although the notice does not state which paragraph of s171A(1) of the Act the development is in breach of, it is clear from the notice taken as a whole that the breach relates to a failure to comply with a condition subject to which planning permission has been granted, which falls under section 171A(1)(b) of the Act. The Council has subsequently confirmed this. I have determined the appeal accordingly.
5. The allegation at section 3 of the notice states that there has been a breach of condition 1 by failing to complete the development in accordance with the approved drawings. It does not, however, clearly state what aspects of the development fail to comply with the approved drawings.
6. While it can be deduced from the reasons for taking enforcement action at section 4 of the notice and the requirements at section 5 that the breach relates to the balcony to the rear of the extensions, neither of these sections set out how the balcony does not accord with the approved drawings or what specific steps are required to remedy the matter. The Council's statement indicates that the balcony is larger than approved and a privacy screen is in a different position, but there are two privacy screens, and the notice does not specify which one is incorrectly sited. Moreover, the Council indicates that other changes have been made to the development that do not accord with the planning permission which adds to the confusion. The Council refers to the appellant's statement and correspondence between the parties which it says demonstrate that the appellant understood the allegation. However, these matters are not clearly stated in the notice itself.
7. I therefore find that the alleged breach of planning control is not sufficiently precise. It means that the recipient cannot ascertain with reasonable certainty what the breach of planning control consists of.
8. It is my duty to "try get the notice in order" if I can. Under s176(1) of the Act I can correct any defect, error or misdescription in the notice, but only where no injustice would be caused to the parties.
9. The Council contends that corrections can be made to the allegation without causing injustice, but none have been suggested. If I were to amend the allegation to specify precise departures from the approved drawings with corresponding changes to the requirements, that could alter the scope of the notice and affect the grounds on which the appellant might have wished to appeal. To alter the allegation and the requirements in these circumstances would cause injustice.

Conclusion

10. While I do not consider that the notice is so hopelessly ambiguous and uncertain that it is a nullity, the defect with the allegation and requirements go beyond a minor drafting issue and cannot be corrected under s176(1) without risk of injustice. I therefore conclude that the notice is invalid and it will be quashed. In these circumstances, the appeal on ground (f) does not fall to be considered.

M Ollerenshaw

INSPECTOR