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## Appeal Decision

Site visit made on 17 February 2026

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

an Inspector appointed by the Secretary of State

Decision date: 27<sup>th</sup> February 2026

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**Appeal Ref: APP/U4230/C/25/3368262**

**Land at 3 Bexley Square, Salford, M3 6DB**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Mr Damian Fiedler (Studio Space Manchester) against an enforcement notice issued by Salford City Council.
  - The notice was issued on 12 June 2025.
  - The breach of planning control as alleged in the notice is without planning permission,
    - (i) The erection of a new shopfront.
    - (ii) The erection of a roller shutter.
  - The requirements of the notice are to:
    - 1. Remove the new shopfront and replace it with one of the same design and proportions and materials to that which previously existed there, including glazing bars of the same section.
    - 2. Remove the roller shutter.
    - 3. Remove all demolition materials from the site.
  - The period for compliance with the requirements is 90 days.
  - The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).
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### Decision

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

### Preliminary Matters

2. The appellant appealed on grounds (a) and (f). However, the ground (a) appeal is barred under s174(2A) of the Act because the notice was issued within the two year period after the making of a related planning application<sup>1</sup> that is no longer under consideration. The appeal therefore proceeds on ground (f) only.
3. The appellant refers, amongst other things, to the security concerns which led them to install the roller shutter, together with the wider benefits of the development and its effects on the character of the area. However, I am unable to consider the planning merits of the development in the absence of an appeal on ground (a).

### The ground (f) appeal

4. An appeal on this ground is that the steps required by the notice exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
5. When an appeal is made on ground (f), it is necessary to understand the purpose of the notice. S173(4) of the Act sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are either (a)

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<sup>1</sup> Council ref. PA/2024/1572

remedying of the breach of planning control or (b) remedying any injury to amenity which has been caused by the breach.

6. The notice requires the removal of the new shop front and its replacement with one of the same design as existed previously, and the removal of the roller shutter and all demolition materials. The purpose of the notice must therefore be to remedy the breach of planning control by restoring the frontage of the building to its condition before the breach took place.
7. As an alternative to removing it entirely, the appellant proposes to retain the shop front and make alterations to it by cladding over the existing aluminium framework to recreate a traditional painted timber design. However, where there is no ground (a) appeal, and the purpose of the notice is to remedy the breach of planning control, as is the case here, any lesser step that would not remedy the breach cannot be accepted through the ground (f) appeal. Allowing the development to remain but in the altered form proposed would not remedy the breach.
8. There are no obvious alternatives or lesser steps to achieve the purpose of the notice. I therefore conclude that the requirements of the notice do not exceed what is reasonably required to remedy the breach of planning control. The appeal on ground (f) fails.

### **Conclusion**

9. For the reasons given, I conclude that the appeal should be dismissed, and I shall uphold the enforcement notice.

*M Ollerenshaw*

INSPECTOR