
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: 27th February 2026

Appeal Ref: APP/B4215/C/25/3372339

Land at 393 Dickenson Road, Manchester, M13 0WG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by N Retail Ltd against an enforcement notice issued by Manchester City Council.
 - The notice was issued on 1 August 2025.
 - The breach of planning control as alleged in the notice is without planning permission, alterations to the front and side elevations and the installation of a shop front, as shown highlighted in red on the attached photograph ENF/01.
 - The requirements of the notice are to:
 1. Remove the unauthorised development in its entirety.
 2. Reinstate the building to its condition before the breach took place, as shown on the attached indicative illustration ENF/02, using the following materials:
 - a) Smooth faced red brick in Flemish bond pattern to match existing;
 - b) Natural stone heads and cills;
 - c) White PVCu windows.
 3. Remove all building materials, rubble and waste arising from carrying out the above steps.
 - The period for compliance with the requirements is ten 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).
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Decision

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

Application for costs

2. An application for costs was made by Manchester City Council against N Retail Ltd. This application is the subject of a separate decision.

Preliminary Matters

3. The appellant initially 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 that is no longer under consideration. The appeal therefore proceeds on ground (f) only.
4. The Council granted planning permission for external alterations and installation of a shop front at the property on 8 April 2025 (ref. 142155/FO/2025). This decision, however, was challenged by way of a judicial review, with the Council conceding that the permission had been issued in error. The permission was quashed, and the Council issued a new decision refusing the application on 10 July 2025. The appellant submitted a s78 appeal¹ against the refusal of planning permission, but

¹ Appeal ref. APP/B4215/W/25/3371976

this was dismissed. The enforcement notice relating to substantially the same development that had been refused, was issued on 1 August 2025.

5. The appellant refers, amongst other things, to the benefits of the development and its effects on the character of the area. However, in the absence of a ground (a) appeal and a deemed planning application, I am not considering the planning merits of the development.

The ground (f) appeal

6. 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.
7. 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) remedying of the breach of planning control or (b) remedying any injury to amenity which has been caused by the breach.
8. Step 1 of section 5 of the notice requires the removal of the unauthorised development and the reinstatement of the building to its condition before the breach took place, as shown on the indicative illustration ENF/02, using the materials specified in step 2, and step 3 requires the removal of all resultant materials, rubble and waste arising from steps 1 and 2. The purpose of the notice is to remedy the breach of planning control by restoring the building to its previous condition.
9. The appellant contends that illustration ENF/02 does not accurately reflect the site's appearance prior to the development taking place. As such, they argue that the notice does not provide a clear or enforceable baseline, making the requirements ambiguous and excessive.
10. An enforcement notice must be sufficiently clear that a recipient can understand what they are required to do. The legal force of the notice derives from its written requirements, not from the illustration. In this case, the written requirements clearly specify the removal of the unauthorised shop front and reinstatement of what existed before the breach. The appellant has not suggested that they are unable to identify the physical extent of the works that created the new shop front, nor have they disputed what elements were removed in order to install it.
11. It is not necessary for a notice to include a complete architectural record or precise technical drawings of the situation before the breach took place. Nor is a notice invalidated because an accompanying illustration omits minor details that do not alter the substance of the development that has taken place. Moreover, ENF/02 is described as indicative only and its purpose is to provide a general depiction of the frontage prior to the installation of the unauthorised shop front, rather than to catalogue every minor feature or temporary attachment.
12. The features identified by the appellant as missing from ENF/02 – the canopy, window coverings, signage and various fixtures – do not form part of the alleged operational development. They were not integral components of the previous shop front structure itself. Their presence or absence, therefore, does not determine the steps reasonably necessary to remedy the breach. The notice does not require the reinstatement of those items. When read as a whole, the notice is sufficiently clear

as to what the recipient must do. Therefore, the omissions alleged in ENF/02 do not undermine the clarity or proportionality of the requirements.

13. As an alternative to removing the development entirely, the appellant proposes to reduce the extent of the gold cladding frame around the windows and expose more of the brickwork. However, where there is no ground (a) appeal and the purpose of the notice is to remedy the breach of planning control, any lesser step that would not remedy the breach cannot be accepted through the ground (f) appeal. Allowing the development to remain in the altered form proposed would not remedy the breach of planning control.
14. 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.
15. The appeal on ground (f) therefore fails.

Conclusion

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

M Ollerenshaw

INSPECTOR