
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/25/3366978

Land at 72 Wilmslow Road, Manchester, M14 5AL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr S Kamani, SSH Property Investments Limited against an enforcement notice issued by Manchester City Council.
 - The notice was issued on 12 May 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a front canopy extension.
 - The requirements of the notice are to:
 1. Demolish the unauthorised canopy extension in its entirety, as highlighted blue on the attached drawing ENF/01, and return the front of the premise to its previous condition.
 2. Remove all building materials, rubble, waste, etc. arising from carrying out the above step.
 - The period for compliance with the requirements is two 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 Mr S Kamani of SSH Property Investments Limited. This application is the subject of a separate decision.

Preliminary Matters

3. Drawing ENF/01 referred to in section 5 of the notice highlights only one side of the unauthorised canopy extension, and not the other elevations. The appellant says this creates ambiguity as to which elements of the structure must be removed. However, the drawing is indicative only and its purpose is to identify the structure, not to narrow the scope of the requirements. Section 5 expressly requires demolition of the canopy extension in its entirety and the reinstatement of the frontage to its previous condition. When the notice is read as a whole, with its clear written requirement for complete removal, there is no ambiguity as to what the recipient is required to do. I therefore find that the notice is sufficiently precise for the purposes of s173 of the Act.
4. I note that a planning application (ref. 139227/FO/2024) for the retention of the canopy extension was refused by the Council on 23 December 2024. A s78 appeal against that refusal was not accepted.
5. The appellant refers, amongst other things, to the benefits of the development and contends that the Council has exaggerated the harm arising from it. However, in

the absence of an appeal on ground (a) and a deemed planning application, I am unable to consider the planning merits of the development or whether planning permission should be granted for it.

6. The appellant suggests that the Council's reliance on the case of *Miaris v SSCLG & Bath & NE Somerset Council* [2016] EWCA1564 (Admin) should attract limited weight because, since that judgment, s118 of the Land Use (Amendment) Regulations 2024 has restricted the circumstances in which a ground (a) appeal may be brought where a planning application has already been refused. This does not, however, alter the statutory limits of a ground (f) appeal, which remains confined to assessing whether the steps required by the notice exceed what is necessary to achieve the purpose identified under s173(4) of the Act. It cannot expand the scope of what can be considered under ground (f) to include consideration of the planning merits of alternative schemes or provide a route to secure permission for a revised development.

The ground (f) appeal

7. For the appeal to succeed on this ground, it must be demonstrated that the steps required to comply with the notice are excessive and that lesser steps could overcome the breach of planning control alleged in the notice.
8. 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.
9. Section 5 of the notice requires the removal of the canopy extension and the reinstatement of the front of the building to its previous condition. Notwithstanding the reference in the reasons for issuing the notice to harm to amenity, the purpose of the notice is to remedy the breach of planning control by restoring the land to its condition before the breach took place.
10. As an alternative to removing the development entirely, the appellant suggests that any harm can be mitigated by removing or modifying only part of the structure. Plans have been submitted to this effect, showing how the projecting roof section could be replaced with a lightweight retractable covering to reduce the impact. 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 this altered form would not remedy the breach. There are no obvious alternatives or lesser steps to achieve the purpose of the notice.
11. I 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

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

M Ollerenshaw

INSPECTOR