



Appeal Decision

Site visit made on 4 March 2026

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 MARCH 2026

Appeal Ref: APP/C4235/C/25/3375744

250B Finney Lane, Heald Green, Stockport, SK8 3QD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Mr Nafees Din against an enforcement notice issued by Stockport Metropolitan Borough Council.
 - The notice was issued on 16 October 2025.
 - The breach of planning control as alleged in the notice is without the benefit of planning permission, the installation of a replacement shop front.
 - The requirements of the notice are to 1) remove the shop front including all panels, glazed elements and fixing from the front ground elevation of 250B Finney Lane, or 2) install a shop front that is in full accordance with drawing number P101 Rev B as approved by planning permission DC/095221.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is varied by (i) the deletion of the words "*Six months beginning with the day on which this notice is served on you*" in section 6 and their substitution with the words "*Six months beginning with the day on which the notice takes effect*", and (ii) the deletion of the words "*or, install a shop front that is in full accordance with drawing number P1010 Rev B approved by planning permission DC/095221*" in section 5. Subject to the variations, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. A draft National Planning Policy Framework 'Plan-making and national decision-making policies' was issued by the Government for consultation on 16 December 2025 (Consultation Draft Framework) and with a deadline for comments by 10 March 2026. The Consultation Draft Framework has limited weight as a material planning consideration. In respect of the main issue which is pertinent to the consideration of the ground (a) deemed planning application, I have continued to afford full weight to the published National Planning Policy Framework 2024 (as amended) (the Framework) and the adopted development plan as a whole from the point of view of determining such an appeal. In this case, the Consultation Draft Framework does not alter or outweigh my conclusion below in respect of the ground (a) appeal.

The Notice

3. The period for compliance in the enforcement notice is *'six months beginning with the day on which this notice is served on you'*. The period for compliance with an enforcement notice starts to run from the date when the notice comes into effect. A notice does not come into effect if an appeal is lodged within the requisite time. It only then takes effect if, following the determination of an appeal, it is upheld. I shall therefore vary the wording of section six of the notice so that it reads *'six months beginning with the day on which the notice takes effect'*. This reflects paragraph 173(8) of the Act which states that *'an enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date'*. I am satisfied that this variation would not cause injustice to the main parties.

Ground (a) appeal and the deemed planning application

Main Issue

4. The appeal made on ground (a) of section 174(2) of the Act is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice. I have considered the reasons for issuing the notice and the main issue is the effect of the breach of planning control on the character and appearance of the area.

Reasons

5. The appeal property falls within a mixed commercial and residential area in Finney Lane. While there is a variety in the colour and style of shop fronts and associated fascias, there is nonetheless an overall consistency in respect of the proportions of the shop fronts in so far that most either have no or narrow pilasters and relatively narrow and shallow facias. This ensures that the shop fronts including the facias which accommodate advertisements do not dominate the buildings to which they are attached and there is a pleasing design cohesion between ground floor development and the mainly brick built architecture at first floor level.
6. The evidence indicates that advertisement consent was granted for the installation of shopfront signage to the appeal property on 29 April 2025¹ (2025 advertisement consent). This consent related only to the advertisement, and not to the whole of the shop front which is the subject of this appeal. The use of land or a building for the display of advertisements is controlled under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). Where such a display is exempted from control, or granted deemed or express consent under the Regulations, deemed planning permission for any structures and supports required for the display of the advertisement is granted deemed planning permission under section 222 of the Act. In my judgement, the whole of the unauthorised shop front is not required for the display of the advertisement.
7. Even if I were to take the view that the 2025 advertisement consent gave express planning permission for the whole of the shop front, which is a position that might be being claimed by the Council given the second requirement of the notice (I deal with this matter as part of the ground (f) appeal below), I nonetheless find that the extent of the visual/structural changes relative to drawing No. P101 Rev B of the

¹ Advertisement consent reference number DC/095221

2025 advertisement consent is that owing to the length, overall height and position of the fascia banding, and its contiguous connection with its wide pilasters/banding, it has had an unacceptably dominating and bulky impact on the host property: indeed, this part of the shop front appears dominant and disproportionate in scale to the host property when experienced by passers-by.

8. Moreover, I was able to experience on my site visit that the breach of planning control appears in stark contrast to the otherwise consistency afforded to the narrower and more proportionate fascias and pilasters which define most of the other commercial properties in Finney Lane and which collectively contribute positively and distinctively to the character and appearance of the area. While I find that the glazed part of the shop front is acceptable in principle, if the fascia element of the part of the shop front was not as high or as dominant as detailed in drawing No. P101 Rev B, then the glazed element of the shop front would be more extensive and hence would provide a more pleasing light weight articulation to the shop front when seen by passers-by in the street-scene.
9. In addition to the above, I have considered the character and appearance of the shop front which existed prior to the breach of planning control occurring, as well as that that which was granted planning permission in May 2006². This development is not as dominant or imposing in the street-scene as that which is the subject of the breach of planning control. Furthermore, such development is more proportionate in scale to the host property. Consequently, I do not find that it could reasonably be said that the appeal development constitutes an enhancement to the property or to the area in relative terms.
10. For the above reasons, I conclude that the breach of planning control constitutes poor design and causes significant harm to the character and appearance of the area. Therefore, it does not accord with the design, character and appearance requirements of saved policy SE1.2 of the Stockport Unitary Development Plan 2006; policies CS8 and SIE-1 of the Stockport Core Strategy DPD 2011, and chapter 12 of the Framework.

Ground (a) appeal conclusion

11. For the reasons given above, I conclude that the development does not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the ground (a) appeal fails.

Ground (f) appeal

12. The appeal on ground (f) is made on the basis 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 or to remedy any injury to amenity which has been caused by any such a breach.
13. The basis of the appeal made on ground (f) is that the shop front is not substantially different to that which has been approved previously including that shown on the advertisement consent approved drawing. I have already addressed this matter as part of the consideration of the ground (a) appeal.

² Planning permission reference number DC022514

14. The purpose of section 5(1) of the enforcement notice is to remedy the breach of planning control by removing the shop from the ground floor elevation of the property. This is not an excessive requirement as it seeks to remedy the breach of planning control.
15. The enforcement notice gives an alternative requirement of *'installing a shop front in accordance with drawing No. P101 Rev B as approved by planning permission DC/095221'*. In my judgement, the whole of the unauthorised shop front does not have deemed planning permission in respect of the 2025 advertisement consent even accounting for section 222 of the Act. It is not therefore possible in law for the appellant to comply with this requirement as planning permission does not exist for such development.
16. It is therefore necessary that I delete requirement 5(2) of the enforcement notice. In doing so, I am satisfied that injustice would not be caused to the main parties. I reach this conclusion because the compliance period in the enforcement notice is six months which offers ample time for the appellant to submit a planning application that addresses my ground (a) appeal concerns. It is clear from my reasoning that a shop front which reflects that shown in drawing No. P101 Rev B would be acceptable in planning terms from my point of view.
17. I have considered whether it would be necessary to vary requirement 5(1) of the enforcement notice so that it refers to a requirement to restore the land to its former condition in accordance with section 173(4)(a) of the Act. The latter states that an enforcement notice can require the restoration of the land *'to its condition before the breach took place'*. The enforcement notice does not currently include this requirement, and, in view of the inclusion of requirement 5(2) of the enforcement notice (which I shall delete for the reasons outlined), I find that there would be injustice caused to the appellant if I were to include these words. I shall therefore keep requirement 5(1) of the enforcement notice as currently drafted. This is in the knowledge that the compliance period (see below) will afford ample time for the appellant to obtain planning permission and install a suitable and lawful replacement shop front.
18. To the extent I shall delete requirement 5(2) of the enforcement notice, I conclude that the ground (f) appeal succeeds.

Ground (g) appeal

19. The appeal on ground (g) is made on the basis that the period specified in the notice in accordance with section 173(9) of the Act falls short of what should reasonably be allowed. The compliance period in the notice is six months.
20. The appellant claims that twelve months instead of six months is needed given the time needed to prepare and obtain planning permission for a revised design for a shop front and to procure replacement materials and engage contractors.
21. The above claim is not reasonably substantiated by the appellant and, in my judgement, a period of six months strikes a reasonable balance in terms of obtaining planning permission for an alternative design (an acceptable design exists already in terms of drawing No. P101 Rev B), procuring any necessary replacement materials and getting contractors in to carry out necessary works. This strikes a reasonable and proportionate balance between removing the harmful

development, while also ensuring that a suitable replacement development is capable of being put in place.

22. For the above reasons, I conclude that the ground (g) appeal fails. However, I emphasise that should more time be needed in respect of the compliance period, perhaps because the local planning authority needs longer to determine a planning application, then it would be open to the local planning authority to relax the compliance period, given section 181 of the Act. I do not doubt that if this circumstance were to arise, the local planning authority would exercise reasonable discretion in this regard.

Conclusion

23. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

D Hartley

INSPECTOR