



Appeal Decision

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 12 March 2026

Appeal Ref: APP/C3240/C/25/3368706

Little Acorns, 2A New Road, Ironbridge, Telford, Shropshire TF8 7AS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Shiv Sharma against an enforcement notice issued by Telford and Wrekin Council.
 - The notice was issued on 5 June 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised removal of existing timber windows and installation of white UPVC windows on the front and side elevations of the property.
 - The requirements of the notice are to:
 1. Remove the 4no. unauthorised white UPVC windows from the front elevation of the property.
 2. Remove 1no. unauthorised white UPVC window from the east elevation (side elevation) of the property.
 3. Remove all unauthorised white UPVC windows from the conservatory of the property.
 4. Replace all unauthorised UPVC windows listed above with white painted timber windows of the same design, profiling and appearance as the previous windows which were in situ.
 - The period for compliance with the requirements is 3 (three) months.
 - The appeal is proceeding on the grounds 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 appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The only ground of appeal pursued is ground (f), which relates to whether the steps required by the enforcement notice exceed what is necessary to achieve its statutory purpose. Accordingly, and as there is no deemed planning application before me, issues of planning merit are restricted. I cannot therefore consider matters such as the effect of the development on heritage matters which, in this case, are the Ironbridge Gorge World Heritage Site and Severn Gorge Conservation Area, or the appropriateness or design of the development itself.
3. The nature of the development, and the limited remit of a ground (f) appeal means that a visual assessment of the appeal development and its surroundings was not needed and thus a site visit was not deemed necessary. Both parties were notified and given the opportunity to comment; no objections were received. I therefore consider that neither party has been prejudiced by my determining the appeal without a visit.

Reasons

4. Under section 173(4) of the 1990 Act, the purpose of an enforcement notice is either: (a) to remedy the breach of planning control; or (b) to remedy any injury to amenity.

5. The notice makes clear that its primary purpose is to remedy the breach of planning control, namely the removal of existing timber windows and the installation of replacement white UPVC windows on the front and side elevations of the property.
6. In a ground (f) appeal, the burden lies firmly with the appellant to identify any lesser steps that would achieve the stated purpose of the notice. The appellant argues that the replacement UPVC windows are of a similar style to those they replaced, and as the building dates from the 1960s, with later alterations, the UPVC additions are not out of keeping with the building's age or appearance. Furthermore, the windows replaced were soft wood, in a dilapidated state and not in a style reflective of the local vernacular. While these points relate to the appellant's perceived visual acceptability of the development, as referred to in my preliminary matters above, they are not relevant to an appeal on ground (f).
7. As there is no appeal on ground (a), it is not within my remit to assess the planning merits of the development or lesser requirements than the removal of the UPVC windows and their replacement with timber windows as required by the notice. Section 173(11) prevents ground (f) being used as a mechanism to retain unlawful development by reducing the remedial steps required. To allow retention of the UPVC windows through the imposition of lesser steps would effectively grant permission by default and would undermine the statutory enforcement process.
8. The requirements of the notice do no more than oblige the appellant to undo what has been done. They are the minimum necessary to comply with the notice and are proportionate to achieve its purpose to restore the property back to its condition before the breach took place. Since no lesser steps have been identified which would achieve that purpose, the appeal on ground (f) fails.

Conclusion

9. For the reasons given above, the appeal does not succeed and the enforcement notice is upheld.

S A Hanson

INSPECTOR