



Appeal Decision

Site visit made on 28 January 2026

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2026

Appeal Ref: APP/Q4245/C/25/3372464

Alleyway adjacent to 45 Princess Road, Urmston, Manchester M41 5ST

- 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 Nathan Baker against an enforcement notice issued by Trafford Metropolitan Borough Council.
- The notice was issued on 2 September 2025.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of part of an alleyway to a joiner's workshop, including the erection of a lean-to shelter.
- The requirements of the notice are to:
 1. Cease the use of the land as a joiners workshop. Remove all building materials and tools from the land.
 2. Remove the timber lean-to shelter, the approximate location of which is shown on the attached plan ENF/01.
 3. Remove from the land all building materials, rubble and waste arising from carrying out the above steps.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Act. 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.

Decision

1. 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 Act.

Preliminary Matter

2. The appeal was initially submitted on grounds (c) and (f) and a request was made for ground (d) to be added. Subsequently, the appellant withdrew grounds (c) and (d) and requested that ground (a) be included. The appeal therefore proceeds on the basis of grounds (a) and (f). All parties were given an extended timescale in which to submit any further statement of cases or evidence. I have dealt with the appeal accordingly.

Appeal on ground (a)

3. This ground of appeal is that planning permission should be granted for the material change of use of part of an alleyway to a joiner's workshop, including the erection of a lean-to shelter.

Main issue

4. The main issue is the effect of the development on the living conditions of occupiers of neighbouring properties in terms of noise.

Reasons

5. The appellant states that there is no noisy activity from the workshop before 10:00 or late at night, further stating that acoustical control measures have been adopted including the installation of a noise insulating gate. The appellant claims that noise levels have been recorded peaking at 97dB with these levels dropping to a level averaging 51dB following the installation of acoustic control measures. However, no formal acoustic data or reports, such as a noise impact assessment, has been submitted to verify the noise levels emitted from the workshop.
6. Noise from a joinery workshop, which can include sounds from power saws, sanding tools, powered screwdrivers and such like, can be extremely noisy. Correspondence from local residents have indicated that they are being disturbed by noise from the workshop. The joiner's workshop is located within a predominantly residential area with residential properties located to the north, south, east and west in close proximity to the workshop. It is not usual for a commercial style operation, such as a joinery workshop that creates excessive noise levels, to be located in a densely populated residential area. Due to the operations that occur in the workshop and the distance with neighbouring properties, the joiner's workshop does have a detrimental effect on the living conditions of neighbouring occupiers with regards to noise.
7. I note that the appellant has engaged with some of the neighbouring occupiers with an aim to alleviate noise concerns. Nevertheless, a workshop which operates power tools can create noise that can not only affects the living conditions of residential occupiers immediately adjacent but also affect neighbouring properties which are further away. It is also noted that the living conditions of possible future occupiers of properties need to be protected from adverse noise levels.
8. Accordingly, the joiner's workshop does have a harmful effect on the living conditions of occupiers of neighbouring properties with regards to noise. It does not accord with Policy JP-P1 of the Places For Everyone Joint Development Plan Document and Policy L7 of the Trafford Local Plan Core Strategy which seeks development to not prejudice the amenity of occupants of adjacent properties by reason of noise.
9. I have had regard to the appellants statement of case which details that the business serves to help the local community, the workshop is built as an independent structure and not an eye sore, that the alleyway is not a public footpath being only of use to the neighbouring occupiers of the terrace and that the appellant has expressed concerns with regards to a lack of communication from the Council in respect of previous planning applications. These matters however do not outweigh the harm I have identified above with regards to the effect of noise on the living conditions of neighbouring occupiers.
10. The appellant also details that the joinery business is critical to his livelihood and family's well-being which could cause hardship and loss of income should it be removed, and that relocation costs are not affordable. There is minimal evidence submitted which details the extent of this joinery business and how much it supports the appellants livelihood. There is also minimal information on the affordability of other premises that may be suitable for the joinery business.

Conclusion on ground (a)

11. I recognise that the failure of this appeal could affect arrangements for the appellant. Having regard to the circumstances drawn to my attention, this would represent an interference with their rights under Article 8 of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998. However, having regard to the legitimate and well-established development plan policies which aim to safeguard living conditions of neighbouring occupiers, in this case I consider greater weight is attached to these. Dismissal of the appeal is therefore necessary and proportionate, and it would not result in a violation of the human rights of the appellant.
12. For all the reasons given above, I conclude that the material change of use of part of an alleyway to a joiner's workshop, including erection of a lean-to shelter results in harm to the living conditions of occupiers of neighbouring properties in respect of noise. As such, it conflicts with the development plan as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweighs this finding.

Appeal on ground (f)

13. An appeal on ground (f) is that requirements of the notice exceed what is necessary in order to remedy the breach of planning control or, as the case may be, the injury to amenity that is caused by the breach. Since the notice requires the use of the land as a joinery workshop to cease, the removal of the lean-to shelter and the removal of resulting materials, rubble and waste, it is clear that the purpose of the notice is to remedy the breaches.
14. The appellant argues that the removal of the building is excessive given there has only been complaints from one neighbour, and arguments are also repeated including the introduction of acoustic measures, hardship arguments and the communication concerns with the Council. These matters have been covered under ground (a).
15. The appellant also states that the development is barely visible due to the amount of foliage. The visibility of the development does not prevent the noise issues and the harm this creates to neighbouring occupants.
16. Given that in respect of the breach of planning control the notice requirements are to cease the use and remove the associated works, it is clear that the requirements clearly go no further than remedying the breaches. Anything less than removal would not fully remedy the breaches.
17. I therefore find that the requirements of the notice are not excessive and the appeal on ground (f) fails.

Conclusion

18. For the reasons given above, I conclude that the appeal should fail on grounds (a) and (f), and therefore the appeal is dismissed, and the enforcement notice should be upheld.

Chris Baxter

INSPECTOR