



Appeal Decision

Site visit made on 14 July 2026

by **Richard S Jones BA(Hons), BTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date 24 September 2026

Appeal Ref: APP/C4235/F/25/3368653

Belmont House, 57 Schools Hill, Cheadle, Stockport SK8 1JE

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
 - The appeal is made by Mr Daniel Richardson (CG Recovery Limited acting as Receivers of Belmont Estates (Manchester) Ltd) against a listed building enforcement notice issued by Stockport Metropolitan Borough Council.
 - The listed building enforcement notice was issued on 4 June 2025.
 - The contravention of listed building control alleged in the notice is that it appears to the Council that the unauthorised demolition work that has been carried out on the building constitutes a contravention of section 7(1) of the Act.
 - The requirements of the notice are to:
 1. To ensure all structural props and scaffolding remain in situ until such time that they are required to be removed (under supervision) during the implementation of the relevant Planning Permission and Listed Building Consent.
 2. To retain and not demolish the remaining element of the Building.
 3. To rebuild the Building so that it is in complete compliance with drawings:
 - a. Site Location Plan drawing no. L(--)900
 - b. Proposed Ground Level Plan drawing no. L(--)100
 - c. Proposed First Level Plan drawing no. L(--)101
 - d. Proposed Roof Level Plan drawing no. L(--)102
 - e. Proposed Northern Elevation drawing no. L(--)120
 - f. Proposed Eastern Elevation drawing no. L(--)121
 - g. Proposed Southern Elevation drawing no. L(--)122
 - h. Proposed Western Elevation drawing no. L(--)123
 - i. Proposed Basement Level Alterations drawing no. L(--)150
 - j. Proposed Ground Level Alterations drawing no. L(--)151
 - k. Proposed First Level Alterations drawing no. L(--)152
 - l. Proposed Roof Level Alterations drawing no. L(--)153
 - m. Proposed Northern Elevation Alterations drawing no. L(--)154
 - n. Proposed Eastern Elevation Alterations drawing no. L(--)155
 - o. Proposed Southern Elevation Alterations drawing no. L(--)156
 - p. Proposed Western Elevation Alterations drawing no. L(--)157
- As approved by Listed Building Consent DC/088026 and Planning Permission DC/088025 both granted by the Council on 15 March 2023 for the rebuilding of the Building.
4. To ensure that when completed the Building replicates both externally and internally the statutory listing, List Entry Number 1476781 dated 28 July 2021 as detailed on the National Heritage List for England as maintained by Historic England and the Heritage Statement: Significance and Impact as prepared by Stephen Levrant, Heritage & Impact dated 7 July 2020.
 5. To ensure that the materials shown on the recovered material schedule dated 15 June 2023 prepared by Hodder and Partners are utilised for restoration [and] are incorporated into the rebuilding of the Building.
 6. To ensure that the materials shown on the recovered material schedule dated 15 June 2023 as prepared by Hodder and Partners and marked for replicate are used to produce exact facsimiles of the items which shall then be incorporated in the rebuilding of the Building.
- The period for compliance with the requirements is eighteen months.
 - The appeal is made on the grounds set out in section 39(1)(g) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. It is directed that the enforcement notice is varied by:
 - Deleting requirements 1 and 2 and their substitution with “Retain (not demolish) the remaining parts of the Building and ensure their structural stability through appropriate temporary support measures.”
 - Deleting requirements 3, 4, 5 and 6 and their substitution with “Rebuild and restore the Building to its condition before the demolition works were carried out, as evidenced by the Belmont House, Cheadle - Fire Damage, Structural Appraisal, and accompanying photographs, dated 11 August 2021 (carried out by Civic Engineers).”
 - Numbering the above varied requirements as requirements 1 and 2.
2. Subject to the variations, the appeal is dismissed and the enforcement notice is upheld.

The Appeal on Ground (g)

3. An appeal on ground (g) is that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out.
4. The appeal relates to a Grade II listed building known as Belmont House. The Council explains that the building suffered substantial fire damage on 23 July 2021 and, in that regard, refers to the “Belmont House, Cheadle - Fire Damage, Structural Appraisal” dated 11 August 2021. The purpose of the appraisal, carried out a week earlier on 4 August, was to assess the remains of the building following what is described as a series of separate fires started within it. The appraiser understood that the last and most serious of those fires began on the evening of 27 July 2021, which differs slightly from the date given by the Council. However, for the purposes of this appeal, that difference is not material, as both dates precede the building’s listing on 28 July 2021.
5. The appraisal states that as a result of the fires, the timber roof and floor structures had either completely perished or had been very badly charred to the extent that only residual sections of primary members remained. The appraisal refers to large areas of open floor, where the original timber floor and joists had been destroyed by the fires. It is explained that even before the fires, a large portion of the lead and flashings to the roof had been vandalized and/or stolen, thereby allowing water ingress into the building. Consequently, the original building fabric had already been deteriorating. Nevertheless, the appraisal goes on to state that the external walls remained in situ, although noting that they had lost the majority of the lateral restraint provided by the internal floor structures and roof trusses.
6. The state of the structure at the time of the appraisal was described as hazardous, with elements at risk of imminent collapse but with the exception of the front elevation and additional identified wall defects which required immediate remedial measures, it found that it was probably possible to save the external brick walls, with immediate stabilising works in the form of a temporary external retention frame.

7. However, the Council explains that on 15 March 2022 it received a complaint that the building was in the process of being demolished. It says that an officer attending the site on that day confirmed that, with the exception of the front wall and a depth of approximately 4m, the building had been demolished and that there were mounds of rubble and material on site along with plant equipment.
8. The Council subsequently took the decision to take injunctive action, which, amongst other things, required the then owner (respondent) to submit a planning application and an application for listed building consent (LBC) for the rebuilding of Belmont House. Both were granted by the Council on 15 March 2024 under references DC/088026 (the LBC) and DC/088025 (the planning permission).
9. As acknowledged by the Council, the LBEN incorrectly refers to those decisions being made on 15 March 2023. Nevertheless, I am satisfied that, taken in isolation, I would be able to correct that drafting error without causing injustice. That is because the appellant has also pointed it out and is clearly aware of the correct date and associated documents. The enforcement notice is not rendered invalid as a result of that error. In any case, the respective arguments on this issue are moot because I shall delete the requirement containing the incorrect date, for the reasons explained below.
10. On 3 February 2025 the developers (respondents) were put into receivership so were unable to comply with the consent order which was binding on them only. The Council subsequently decided it was expedient to issue the LBEN for the purpose of rebuilding Belmont House. The appellant, acting as receivers, was served with a copy of the same. As the land has since been sold and the appellant no longer has an interest in it, the Council questions on what basis they are continuing with the appeal. However, the wording of s39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the LBCA Act) requires the interest in the land to exist at the time the appeal is made.
11. S38(2) of the LBCA Act states, that a LBEN shall specify the alleged contravention and require such steps as may be specified in the notice to be taken - (a) for restoring the building to its former state; or (b) to alleviate the effect of the works which were carried out without LBC; or (c) for bringing the building to the state in which it would have been if the terms and conditions of any listed building consent which has been granted for the works had been complied with.
12. Although the notice doesn't specify which of purposes within s38(2) the LBEN requirements relate, requirement 3 requires complete compliance with the terms of the LBC, thereby suggesting purpose (c). However, s38(2)(c) only relates to a situation where LBC has been granted for a scheme of works and then subsequently in carrying out those works there was a breach of condition and/or non-compliance with the approved plans. That is not applicable here. Indeed, the LBC cited in the LBEN did not exist when the works were carried out. The purpose of the LBEN must therefore be s38(2)(a), to restore the building to its former state.
13. In that regard, requirement 4 is to ensure that when completed, the building replicates both internally and externally the statutory listing. However, the best evidence of the building's likely condition at the time of listing is the Fire Damage Structural Appraisal dated 11 August 2021 and its accompanying photographs, rather than being reflective of the listing description, which was evidently made sometime before the fires took place.

14. Moreover, demolition of, or damage to a listed building arising through an accident which was outside the control of the owner is generally regarded as not constituting a contravention of control. In such circumstances an LBEN cannot require reinstatement of the damaged property. The use of the word “works” in s7 of the LBCA Act indicates that they are to be premeditated.
15. In any event, the contravention solely relates to unauthorised demolition work. The only demolition work referred to by the Council was that which took place after the fires, in March 2022, which, on the basis of the appraisal, must have been largely related to the external walls. Therefore, all the LBEN can require is that the demolished elements are rebuilt. It cannot require works to comply with the listing description or the LBC as that would go substantially beyond the allegation and the condition of the building when it was officially listed - its former authorised state.
16. Requirement 5 is to ensure that the materials shown on the recovered material schedule dated 15 June 2023 are utilised for restoration and are incorporated into the rebuilding of the building. Requirement 6 is to ensure that the materials shown on that same schedule, marked for replicate, are used to produce exact facsimiles of the items then to be incorporated in the rebuilding of the building.
17. The appellant states that many of the materials referenced in the schedule were disposed of (some with the Council’s knowledge) and are no longer available on site. It is thus argued that requiring reinstatement using non-existent or unsalvageable materials is unreasonable, unachievable, and disproportionate.
18. In any case, many of the materials listed are internal, so are unlikely to have formed part of the condition of the building at the time of listing, before the demolition works were carried out. For the external materials in the schedule, it is not possible to know which formed part of the condition of the building before the demolition works were carried out, and much of the material listed is, in any case, categorised as unusable.
19. I therefore find that requirements 3-6 (inclusive) exceed what is necessary for restoring the building to its condition before the works were carried out. They should therefore be deleted and substituted with a single requirement requiring the building to be restored to its condition at the time of listing, as evidenced by the structural appraisal of 11 August 2021, and its accompanying photographic record.
20. Requirement 1 is to ensure all structural props and scaffolding remain in situ until such time that they are required to be removed (under supervision) during the implementation of the relevant planning permission and LBC. The Council’s view is that the scaffolding frame is required to ensure the stability of the remaining part of the building. However, the appellant refers to an Inspection Report dated 22 July 2025 which found the scaffolding to be ineffective to the east and west elevations in its current arrangement and would require adjustment to ensure the walls are suitably restrained.
21. The appellant has also sought to draw my attention to the conclusions contained within the inspection report that the building in its current state is unsafe for construction workers to access. Their recommendation is that a controlled dismantling be undertaken to avoid the uncontrolled collapse of walls which are, in their opinion, at imminent risk of failure. They go on to recommend that the safest approach would be to encourage the collapse of some walls from a distance using machinery, under the direction of a structural engineer and the Council’s

conservation officer, and then to reassess the remaining structure to ensure it can be made safe and the scaffolding adapted to restrain all elements of remaining masonry.

22. The report acknowledges that this approach is likely to cause further damage to the remaining built fabric, but states that the precarious nature of the structure is such that it is unlikely that a safe method of working can be developed that doesn't put construction personnel at risk. The appellant argues that in these circumstances, any requirement to retain existing scaffolding is not only unachievable but also presents a material risk to life, so must be withdrawn or amended.
23. Leaving the scaffolding issue aside for the moment, it is necessary to explain that it would be beyond the scope of this appeal to vary the requirements to allow for further dismantling/demolition works. Moreover, requirement 2, to retain and not demolish the remaining element of the building, is necessary in conjunction with required rebuilding works for the purposes of restoring the building to its condition before the works were carried out.
24. Returning to the scaffolding issue, in the absence of any contradictory evidence, I have no reason to dispute the deficiencies highlighted. Requirements 1 and 2 should therefore be corrected and replaced with a single requirement to "Retain (not demolish) the remaining parts of the building and ensure their structural stability through appropriate temporary support measures." That would provide a more logical flow and does not wed the appellant/owner to the particular stability measures in place at the time of issuing the LBEN, or indeed a particular engineering solution, thereby allowing for any identified deficiencies to be addressed as appropriate.
25. Should works be urgently necessary in the interests of safety and health, or for the preservation of the building, that will be a matter between the appellant/owner and the Council, as would the replacement of any existing scaffolding for legal/ownership reasons.
26. Nevertheless, the appeal on ground (g) succeeds to the extent explained.

The Appeal on Ground (h)

27. The appellant's ground (h) appeal is that the 18 months given for compliance is too short given the scale and sensitivity of the reconstruction and the complexity of sourcing replacement materials or manufacturing replicas. Reference is also made to ownership transitions and the time required by the new owner to fully understand site conditions and programme specialist work. In the circumstances, the appellant initially argued that 24 months would be reasonable but has since increased the requested compliance period to a minimum of 36 months.
28. However, for the reasons explained under ground (g), the corrected requirements are substantially reduced in their scope and complexity, being effectively reduced to rebuilding the demolished walls, rather than complete reconstruction. The appellant/owner would no longer be required to implement the LBC and would not therefore be delayed by the process of discharging conditions.
29. Moreover, whilst the appellant is entitled to assume success on any ground of appeal prior to a decision being issued, the ownership of the building was

transferred to the new owners more than a year ago so it is reasonable to assume that they have sufficiently acquainted themselves with the site. Indeed, it is also reasonable to assume that prior to purchase the new owners would have carried out relevant due diligence so as to fully understand the nature of the property and the requirement of the LBEN.

30. Accordingly, even a 24-month period for compliance is excessive and unjustified. An 18 month compliance period is more than sufficient to comply with the corrected requirements and would strike a reasonable and proportionate balance between any difficulties which may be encountered and the public interest in this case.
31. The appeal on ground (h) fails.

Richard S Jones

INSPECTOR