Planning Inspectorate

# Appeal Decision

Site visit made on 24 August 2026

**by G Robbie BA(Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 October 2026**

## Appeal Ref: APP/W0734/C/25/3375499
## 99 York Road, Middlesbrough TS5 6LJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Rasha Mansour against an enforcement notice issued by Middlesbrough Council.
- The notice was issued on 7 October 2025.
- The breach of planning control as alleged in the notice is Without planning permission, the erection of a single storey extension (porch) on the principal elevation of the dwellinghouse.
- The requirements of the notice are to:
  a) Demolish the single storey front extension / porch shown in photograph A (and indicated in the approximate position outlined and cross hatched in black on the attached plan).
  b) Remove from the land the resulting material and debris, together with any plant, tools and equipment used to undertake the required step.
- The period for compliance with the requirements is:
  One (1) month.
- The appeal is proceeding on the ground set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

**Summary Decision: The appeal is dismissed and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.**

## Formal Decision

1. It is directed that the enforcement notice is varied by:

   the deletion of '*One (1) month*'

   and

   its substitution with '*Six (6) months*' as the time for compliance.

2. Subject to the variation, the appeal is dismissed and the enforcement notice is upheld.

## Preliminary Matters

3. The subject matter of this appeal has a lengthy planning history and is set out by both parties. It is not my intention to rehearse that history here, suffice to summarise that planning permission was granted for works that included a porch to the front of the property in 2023[1], and which was formally revised in 2025[2].

4. The appeal was initially submitted on ground (a), as well as grounds (f) and (g). During the course of the appeal, and having regard to the property's recent planning history, the appellant has chosen not to pursue an appeal on ground (a) and rely instead upon grounds (f) and (g). I am thus invited to note that the latter of the applications referred to above was subsequently approved and that an acceptable scheme has been agreed as a consequence between the two main parties.

[1] LPA Ref No: 23/0259/FUL – Porch to front, two roof lights to rear and retrospective removal of chimney – Approved 29/6/2023
[2] LPA Ref No: 25/0533/VAR – Variation of condition 3 (approved plans) on planning application 23/0259/FUL to alter the scale of the porch extension to 2.28 metres by 1.33 metres and height of 3.16 metres and to reposition the entrance door and window to the front elevation – Approved 11/11/2025

5. Both main parties have provided comments in response to the recently published and revised National Planning Policy Framework[3]. As there is no ground (a) appeal, the planning merits of the matter enforced against do not fall to be considered under appeals on grounds (f) and (g) and these comments are not matters to which I attached weight in respect of appeals on grounds (f) and (g).

6. An appeal[4] against an enforcement notice that seeks to attack the erection of a single storey rear extension is also before me. I consider that matter in the context of a separate decision.

**The appeal on ground (f)**

7. An appeal on ground (f) may be brought if it is felt that the steps required for the notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. In this instance, the notice requires the demolition of the single storey front extension / porch and the removal from site of the resulting material and debris. These steps are consistent with the purpose of remedying the breach of planning control in accordance with s173(4)(a) of the Act, not to remedy injury to amenity, and not therefore excessive.

8. However, the main parties agree that an acceptable alternative exists in the form of the revised scheme approved in 2025. It is also agreed between the parties that the appellant would potentially benefit from the 'permitted development rights' afforded by Class D of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In *Tapecrown*[5] it was stated that 'the enforcement procedure is intended to be remedial rather than punitive'.

9. Nevertheless, an enforcement notice's allegation and requirements must enable the recipient to know 'what those matters are' [the allegation] and be able to tell 'with reasonable certainty what steps they had to take' [the requirements]. The notice currently provides such clarity and certainty. In this instance, the parties suggest either a 'permitted development' fallback or one that relies upon implementation of the revised planning permission scheme[3] as an alternative, lesser step to that required by the notice.

10. Whilst that may be so, I am not persuaded that the clarity and certainty currently provided by the notice and its requirements could be readily or appropriately brought forward into revised wording of the notice's requirements, particularly given the parties' references to either the 'permitted development' or 'planning permission' alternatives. Furthermore, notwithstanding that the enforcement procedure is intended to be remedial rather than punitive, it seems to me that there would not be much difference in terms of the extent of works required between carrying out the notice's requirements or trying to dismantle and rebuild parts of the existing structure to comply with either the 'permitted development' or 'planning permission' option.

[3] Published 17 August 2026
[4] APP/W0734/C/25/3375484
[5] *Tapecrown Ltd v FSS & Vale of White Horse DC* [2006] EWCA Civ 1744

11. The '*Mansi principle*'[6], which principally relates to existing use rights, has been referred to by the appellant, but not expanded upon in relation to permitted development rights in this instance. It is not a matter that is sufficient to persuade me of success in respect of the ground (f) appeal and thus, in the absence of a ground (a) appeal to consider the planning merits and for the reasons set out, the appeal on ground (f) fails.

**The appeal on ground (g)**

12. Whilst the porch itself is not a large structure, it strikes me that a period of one month is nevertheless a particularly short period of time within which to procure a builder to carry out the works required by the notice, as well as, at the very least, making good the resulting front entrance to the appeal property. Even if I were to accept the Council's position that the notice's period of one month, added to the time period between the service of the notice and it coming into effect, effectively equated to a two-month compliance period, this would still in my judgement be an unreasonably short period within which to ensure compliance with the notice. In any event, an appellant is entitled to assume success on any ground of appeal, even it that does not necessarily transpire to be the case.

13. Whilst the appeal on ground (f) fails for the reasons set out, there nevertheless remains options that the appellant could implement following compliance with the notice's requirements. A longer period for compliance to allow for one or other of those options to be exercised, together with an allowance for securing appropriate trades to carry out the notice's requirements, is not therefore unreasonable. I find no harm from the appellant's request for a six-month compliance period and conclude that the appeal on ground (g) should succeed accordingly.

**Conclusion**

14. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

*G Robbie*

INSPECTOR

[6] After *Mansi v Elstree RDC* [1964] 16 P&CR 153