

Town & Country Planning Act 1990 Section 191 (as amended)
Town & Country Planning (Development Management Procedure)
(England) Order 2015

Refusal of Certificate of Lawfulness

Applicant

Mr Mahboob Butt
321 Dickenson Road
Manchester
M13 0NR

Agent (if used)

Mr Frank Summerfield
Torplan Ltd
216 Heaton Moor Road
Stockport
SK4 4DU

Part 1 – Particulars of the application/development

Proposal: Application for a Certificate of Existing Lawful Development relating to use of property as: one, self contained basement flat, landlords residential accommodation, four rented bedrooms with shared facilities and ground floor pharmacy / homeopathy business for a period exceeding 4 and 10 years

Location: 321 Dickenson Road, Manchester, M13 0NR

Date of application: 10 January 2022

Application number: 128541/LE/2020

Part 2 – Particulars of decision

Based on the information provided, Manchester City Council is not satisfied of the lawfulness of the use at the time of the application and therefore refuses the application for the reason(s) listed below.

Reason(s) for decision

1) The applicant has failed to demonstrate on the balance of probability that the property was partially in use/occupation one, self-contained basement flat (Class C3), landlord's residential accommodation (sui generis) and four rented bedrooms with shared facilities comprising a (Class C4) under the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), for a continual period of 4 years (for Class C3 use) and 10 years (for the Class C4 and sui generis use) (up to the date of the receipt of the CLEUD application on 10 January 2022).

Date: 19 April 2022

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. If you are aggrieved by the decision of the local planning authority to refuse to grant a certificate of lawfulness, then you may appeal to the Secretary of State under section 195 of the Town and Country Planning Act 1990.

2. There is no deadline for submitting your appeal. The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the Gov.uk website – www.gov.uk/planning-inspectorate. The Inspectorate will publish details of your appeal on the internet.

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.