

Town & Country Planning Act 1990 Section 192 (as amended)
Town & Country Planning (Development Management Procedure)
(England) Order 2015

Refusal of Certificate of Lawfulness

Applicant

M Luai Alkhatib
356 Wilmslow Road
Manchester
M14 6AB

Agent (if used)

Mr Daniel Llado
TDM Architectural Ltd
538 Rochdale Road
Oldham
OL2 6SF

Part 1 – Particulars of the application/development

Proposal: Certificate of Lawful Proposed Use - Use of basement and ground floor as a Dentists (use class E (e))

Location: 397 Wilmslow Road, Manchester, M20 4WA

Date of application: 14 February 2022

Application number: 132736/LP/2022

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) Refuse on the basis that the proposed change of use would be in breach of condition 9 attached to planning permission reference 043255/FU/SOUTH1/93, which says "The premises shall be used as a day nursery for a maximum of 40 children only and for no other purposes, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987." The proposed development would therefore be contrary to the provisions of Article 3(4) of the Town and Country Planning (General Permitted Development) Order 2015 (As amended) which states that: " Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Act otherwise than by this Order."

Date: 24 March 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.

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.