

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

**Refusal of Certificate of Lawfulness**

**Applicant**

Ms Batbul Ibrahim  
Builders Yard Off Moseley Road  
(Rear of Ladybarn Mews)  
Manchester  
M14 6WN

**Agent (if used)**

Mr Hasnaat Saeed  
1 Bank Street  
Church  
Accrington  
BB5 4HH

**Part 1 – Particulars of the application/development**

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**Proposal:** Certificate of lawful proposed development for the erection of 2no. dwellinghouse's following the demolition of existing shed and fire damaged building

**Location:** Builders Yard Off Moseley Road (Rear Of Ladybarn Mews), Manchester

**Date of application:** 9 March 2021

**Application number:** 129651/LP/2021

**Part 2 – Particulars of decision**

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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**

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- 1) Refuse on the basis that Class ZA.2(2) of Schedule 2 Part 20 of the Town and Country Planning (General Permitted Development ) Order 2015 ( As amended) requires the applicant to apply to the Local Planning Authority for prior approval of the following matters.
- (a) transport and highways impacts of the development;
  - (b) contamination risks in relation to the new building;
  - (c) flooding risks in relation to the new building;
  - (d) the design of the new building;
  - (e) the external appearance of the new building;
  - (f) the provision of adequate natural light in all habitable rooms of each new dwellinghouse in or comprising the new building;
  - (g) the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light;
  - (h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;

(i)the impact on business and new residents of the development's introduction of, or increase in, residential use in the area in which the development is to take place;  
(j)the impact of the development on heritage and archaeology;  
(k)the method of demolition of the old building;  
(l)the plans for landscaping of the development, including the planting and maintenance of shrubs and trees; and  
(m)any—  
(i)air traffic and defence asset impacts of the development, and  
(ii)impact that, because of the siting of the new building, the development will have on a protected vista identified in the Directions Relating to Protected Vistas dated 15 March 2012 by the Secretary of State, unless no part of the new building (including plant, radio masts and antennae) occupies airspace not occupied by the old building (including plant, radio masts and antennae).

2) Refuse on the basis that the erection of two dwellinghouses is contrary to the provisions of Class ZA.(2)(b) of Schedule 2 of Class 20 of the Town and Country Planning (General Permitted Development )Order 2015 (As Amended) which allows only for the erection of a purpose built detached dwellinghouse.

3) Refuse on the basis that the footprint of the proposed dwellinghouse falls outside of the footprint of the old building, the development is therefore contrary to the provisions of Class ZA.1(h) of Schedule 2 , Part 20 of the Town and Country Planning (General Permitted Development )Order 2015 (As Amended)

Date: 23 March 2021

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](http://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.