MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Afzal Bashir
375 Moston Lane
Moston
Manchester
M40 9NB

Agent (if used)

Mr Waheed Khan
Wesleyan Kaine Architecture
1 Shallow Valley Court
Accrington
Lancashire
BB5 ODH

Part 1 – Particulars of the application/development

Proposal: Elevational alterations to the front elevation, including the removal of two existing window openings and their replacement with two elongated openings to ground level, together with the installation of two externally mounted roller shutters over the new openings, to enable the display and storage of merchandise

Location: 375 Moston Lane, Moston, Manchester, M40 9NB

Date of application: 7 October 2013

Application number: 103835/FO/2013/N1

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Refused** in accordance with the application and plans submitted for the reason(s) listed below.

Article 31 Declaration

Officers have worked with the Agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, it has been necessary to provide the Applicant with a reasoned justification as to why it is considered that the development fails to meet the requirements of planning policy as expressed in the Core Strategy for the City of Manchester, and the NPPF.

Reason(s) for decision

1) The new openings and externally mounted roller shutters are contrary to policies SP1, EN3 and DM1 of Manchester's Core Strategy, and policies 7 (Requiring good design) and 12 (historic environment) of the National Policy Planning Framework (NPPF), as the proposal will comprise prominent unsympathetic alterations and additions, which will harmfully detract from the character and appearance of this

prominent historic asset to the Moston Lane local shopping area, having a harmful affect upon the visual quality of the street scene, and the economic vitality of the regeneration area.

2) The Application fails to demonstrate that stock, browsing and sales would be entirely located within the building, in the interests of the safe operation of the public highway, by reason of the submitted Application site edged in red and plans, which is contrary to policy DM1 of Manchester's Core Strategy, which requires that all development should have regard to appropriate design and impact.

Date: 29 November 2013

Signed: 

Julie Roscoe
Head of Planning, Building Control & Licensing

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

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the Appeals area of the Planning Portal – www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

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, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.