



Planning

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Miss Nazia Shah
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Date: 5 September 2025

Dear Sir/Madam,

Decline to Determine Application

Application No: 143426/FH/2025

Proposal: Erection of rear dormer

Address: 8 James Leach Vc Road, Manchester, M40 7PW,

I refer to the above planning application, which was registered valid on 11 July 2025.

Under Section 70A of the Town and Country Planning Act 1990 (as amended), a Local Planning Authority may decline to determine an application for planning permission, if the Secretary of State has dismissed an appeal against the refusal of a similar application in the two years prior to the submission of that application.

In the opinion of the Local Planning Authority, the proposal of this planning application as set out in the documents and associated plans, is similar to a previous planning application (ref: 141077/FH/2024) that the Local Planning Authority refused, and the Secretary of State subsequently dismissed at appeal (refs: APP/B4215/D/25/3359619).

There has been no material change in circumstances in the intervening period and the Council considers that, similar to the previously refused application that was subsequently dismissed on appeal, this proposal fails to comply with local and national policy.

Under Section 70C of the Town and Country Planning Act 1990 (as amended), a Local Planning Authority may decline to determine an application for planning permission, if granting that permission would involve granting, wholly or partly, a permission for any matters specified in a pre-existing enforcement notice. A notice is "pre-existing" if it had been issued before the receipt of the planning application being determined as specified by Section 70C(2).

On 9 May 2025, the Council issued an Enforcement Notice ("the notice") (reference ENF/16008/25) in relation to the following specified breach of planning control:

Without planning permission, the erection of a dormer to the rear and the erection of a part single/part two-storey rear extension.

The notice was due to take effect on 10 July 2025 and required the following steps to be taken:

1. Demolish the dormer as outlined in yellow on the attached photograph ENF/01 and ENF/02.
2. Reinstall the rear roof of the main dwellinghouse and make alterations to the two-storey rear extension so that it fully with accords with the terms of planning permission Ref. 140201/FH/2024, dated 25 September 2024, including the conditions subject to which that permission was granted. For the avoidance of any doubt, that includes drawing no. 'JAM-02-20 - AMENDMENT 1B' (copy attached to this notice) and the use of the following materials:
 - o main brick - Ibstock Welbeck Village Blend;
 - o feature brick - Weinberger Barton Light Multi;
 - o roof tiles - Russell Grampian in Anthracite Grey.
3. Remove all building materials, rubble and waste arising from carrying out the above steps.

In the opinion of the Local Planning Authority, the proposal of this planning application (ref: 143426/FH/2025) as set out in the documents and associated plans, relates to matters pertaining to a "pre-existing" enforcement notice, i.e. one issued prior to the submission and validation of the application on the 11 July 2025 and are matters for which planning permission is deemed to be required.

As the Council have already deemed the development to be unacceptable and have taken formal action, any approval of the matters presently before me will be in direct contradiction to those decisions previously made.

Therefore, pursuant to Sections 70A and 70C of the Town and Country Planning Act 1990, the Council as Local Planning Authority, hereby declines to determine the application and the appropriate entry will be made in the planning register to reflect this decision.

As the decision to decline to determine the application has been made within the statutory 8 week period, there is no right of appeal to the Secretary of State against non-determination under Section 78 as that right is lost under the provision of Section 78(2)(aa).

As the decision to decline to determine the application has been made within the statutory 8 week period, there is no right of appeal to the Secretary of State against non-determination under Section 78, as that right is lost under the provision of Section 78(2)(aa).

Yours faithfully,



Julie Roscoe
Director of Planning, Building Control & Licensing