MANCHESTER CITY COUNCIL

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

Applicant
Jay + Stephen Swali
38 Holwood Drive
Manchester
M16 8WS

Agent
Mr Kieran Hibbs
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27 Pioneer Road
Macclesfield
SK11 7ZB

Date of Application
17 October 2024

Application No.
141262/LP/2024

First Schedule

Part A: Installation of 2 x (inline) PV panels within the front roof slope
Part B: Installation of 4 x (inline) PV panels within the side facing roof slopes of the unbuilt side extensions

Second Schedule

38 Holwood Drive
Manchester
M16 8WS

Grant of Certificate of Lawful Use or Development

Manchester City Council hereby certify that on 17 October 2024 the use/operations specified below and described in the First Schedule in respect of the land specified in the Second Schedule and more particularly identified on the plan attached to this certificate edged in red, was lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

Part A: Approve
The proposed installation of two inline PV panels within the front roof slope, as shown in drawing no. KH440-102, is considered permitted development as it would meet the limits and conditions set out in Class A of Schedule 2, Part 14 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Refusal of Certificate of Lawful Use or Development

Manchester City Council are not satisfied that on 17 October 2024 the use/operations specified below and described in the First Schedule in respect of the land specified in the Second Schedule and more particularly identified on the plan attached to this certificate edged in red, was lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

Part B: Refuse

The proposed installation of four inline PV panels within the side roof slopes are to be installed in the roofs of extensions granted planning permission (ref. 138335/FH/2023). However, those extensions are yet to be built, and as such have not acquired permitted development rights, and nor would be until the development is substantially completed. Therefore, the installation of PV panels in these roof slopes would require planning permission.

Date: 4 December 2024

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

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

Notes

1. This certificate is issued solely for the purposes of section 192 of the Town and Country Planning Act 1990 (as amended).

2. This certificate is issued solely to the extent of the use/operations described under the heading Grant of Certificate of Lawful Use or Development and to the land specified in the Second Schedule and identified on the attached plan. Any use/operations which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

3. The effect of the Certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

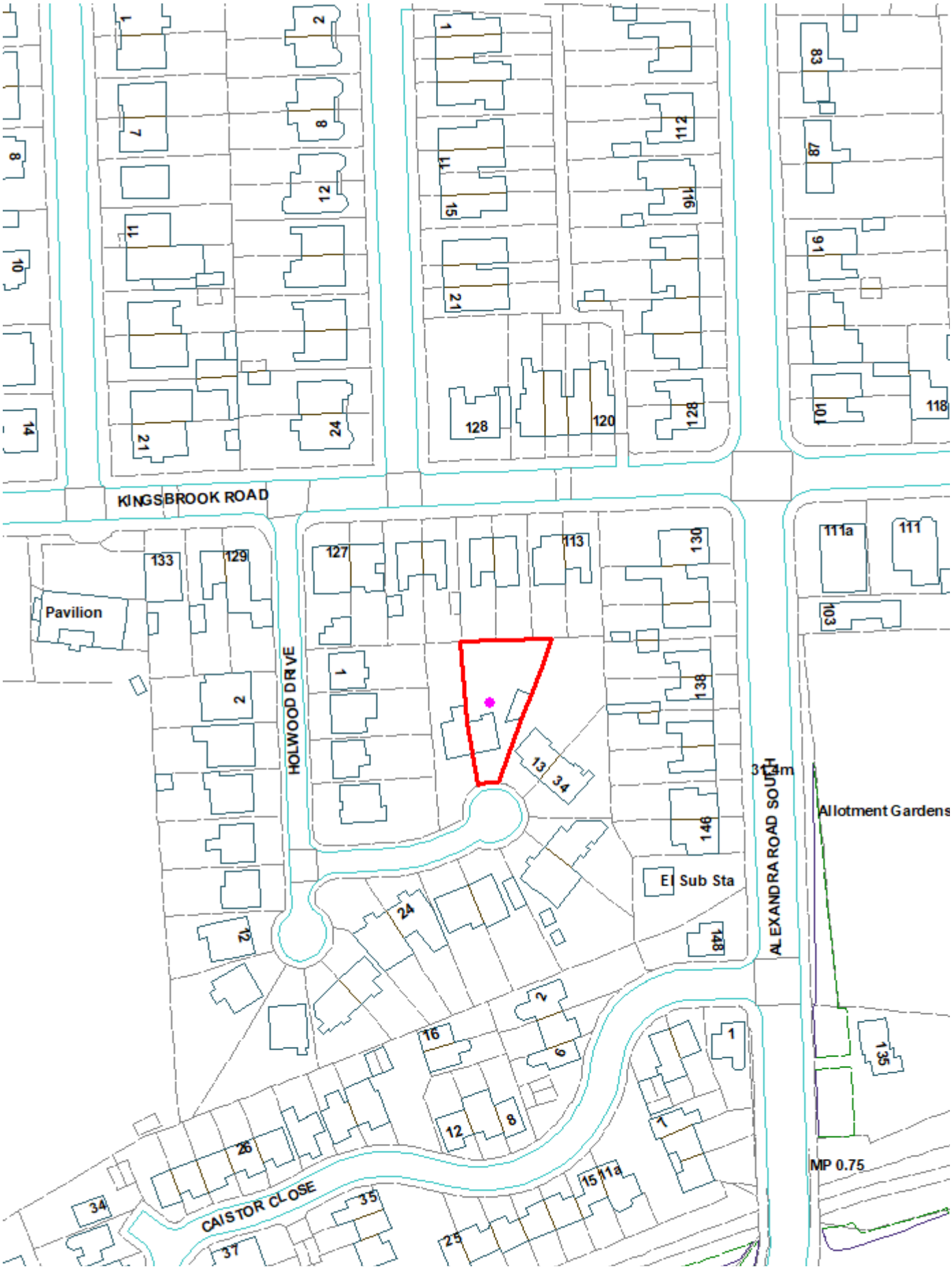
4. If you are aggrieved by the decision of the local planning authority to refuse to grant a certificate of lawfulness for the use/operations described under the heading Refusal of Certificate of Lawful Use or Development, then you may appeal to the Secretary of State under section 195 of the Town and Country Planning Act 1990 (as amended).

5. 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 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.

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