

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

Refusal of Certificate of Lawful Use or Development

Applicant

Mrs Rashida Akhtar
41 St James Road
Manchester
M7 4XP

Agent

Mr M Ahmed
M1 Architecture Ltd
City Tower
New York Street
Manchester
M1 4BT

Date of Application

16 August 2024

Application No.

140795/LP/2024

First Schedule

Erection of boundary wall, gate and fence with a maximum height of 1710mm and a minimum height of 1370mm

Second Schedule

41 St James Road
Manchester
M7 4XP

Manchester City Council are not satisfied that on 16 August 2024 the use/operations 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):

1) The proposed boundary wall, gate and fence with a maximum height of 1710mm and a minimum height of 1370mm as shown on drawing 2422 01 does not constitute permitted development, as it fails to accord with Part 2, Schedule 2, Class A.1(a)(ii) of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

It would be necessary to remove the existing fence, wall and gates before the new fence, wall and gates could be erected, in addition the height, design and appearance of the new boundary treatment would also differ. Therefore, the proposal would have to be considered a new structure rather than works of maintenance, improvement or alterations.

As such the new boundary fence, wall and gates would not be permitted under Class A by virtue of A.1(a) (ii) in that its height would exceed 1 metre above ground level adjacent to a highway used by vehicular traffic.

Date: 22 October 2024

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

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

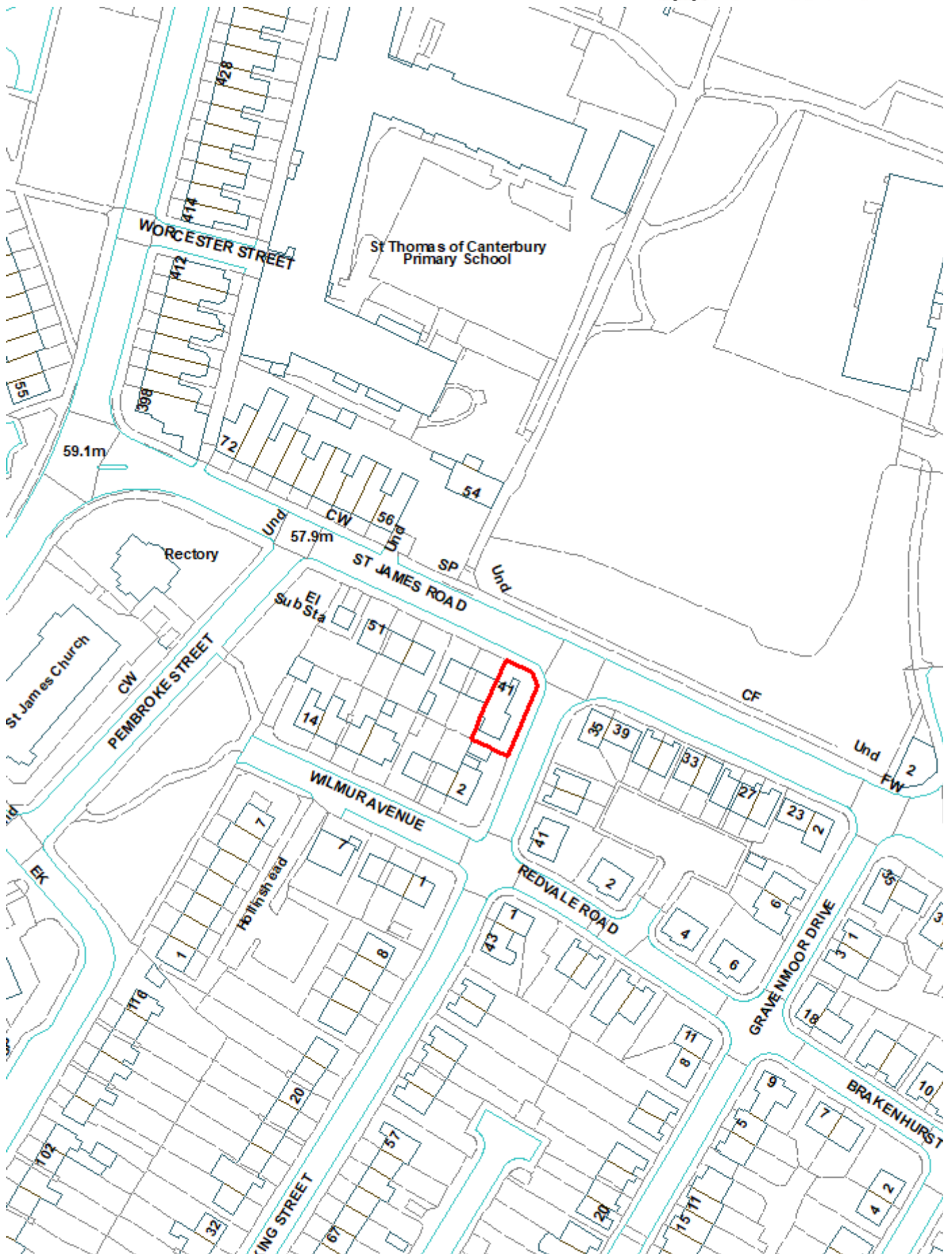
Notes to applicant

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 (as amended).

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. 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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