MANCHESTER CITY COUNCIL

Planning

Robert Tyrer
Telephone: 0161 234 4068
robert.tyrer@manchester.gov.uk

P O Box 532 Town Hall
Manchester M60 2LA

Mr Marcus Whyte
ArcPlan.co.uk
20-22 Wenlock Way
London
N1 7GU

Date: 28 November 2024

Dear Sir/Madam,

Decline to Determine Application
Application No: 140453/FH/2024
Proposal: Installation of rear dormer
Address: 180 Moseley Road, Manchester, M14 6PB,

I refer to the above planning application, which was registered valid on 17 October 2024.

On 12 May 2023 the Council issued an enforcement notice, reference ENF/15548/23, in relation to the following specified breach of planning control:

Without planning permission, the erection of a third storey extension to the rear.

After an appeal was dismissed by the Secretary of State, the notice came into effect on 18 January 2024, and required the following steps to be taken.

1. Demolish the third storey rear extension, as shown edged in yellow in the attached photograph ENF/01.

2. Reinstate the roof of the property to its condition before the breach took place, as shown edged in green on the attached photograph ENF/02.

3. Remove from the land all building materials, rubble and waste from carrying out the above.

Under Section 70C of the Town and Country Planning Act 1990, 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).

In the opinion of the Local Planning Authority, the proposal of this planning application (ref: 140453/FH/2024) 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 subsequent validation of the application on the 17 October 2024 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 Section 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).

Yours faithfully,



Julie Roscoe
Director of Planning, Building Control & Licensing