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)

Refusal of Certificate of Lawful Use or Development

Applicant
Ms S Koser
38 Rathbourne Avenue
Manchester
M9 6PN

Agent
Mr D King
NK Architectural
187 Gatley Road
Gatley
Stockport
SK9 4BB

Date of Application
12 August 2024

Application No.
140751/LP/2024

First Schedule

Use of dwellinghouse (Use Class C3(a) to provide a residential care accommodation (use class C2) for 3 young people

Second Schedule

38 Rathbourne Avenue
Manchester
M9 6PN

Manchester City Council are not satisfied that on 12 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 application form submitted relates to the proposed use being one that falls in Class C2; however, the supporting planning statement only sets out the case for the property to be in C3(b) use.

Use Class C3(b) covers use as a dwellinghouse (whether or not as a sole or main residence) by not more than six residents living together as a single household (including a household where care is provided for residents).

Use Class C2 covers residential institutions - use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses), which includes a home that provides care for children.

There is no justification within the supporting planning statement regarding a C2 use or how it is similar to C3 where care is provided. The applicants evidence is not sufficiently precise in order to demonstrate, on the balance of probabilities, that the use of the site as a home for the care of up to three young people aged (aged 7 to 18), with 24 hour

care provided by not more than two carers on a shift basis would not be a material change of use in this case.

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

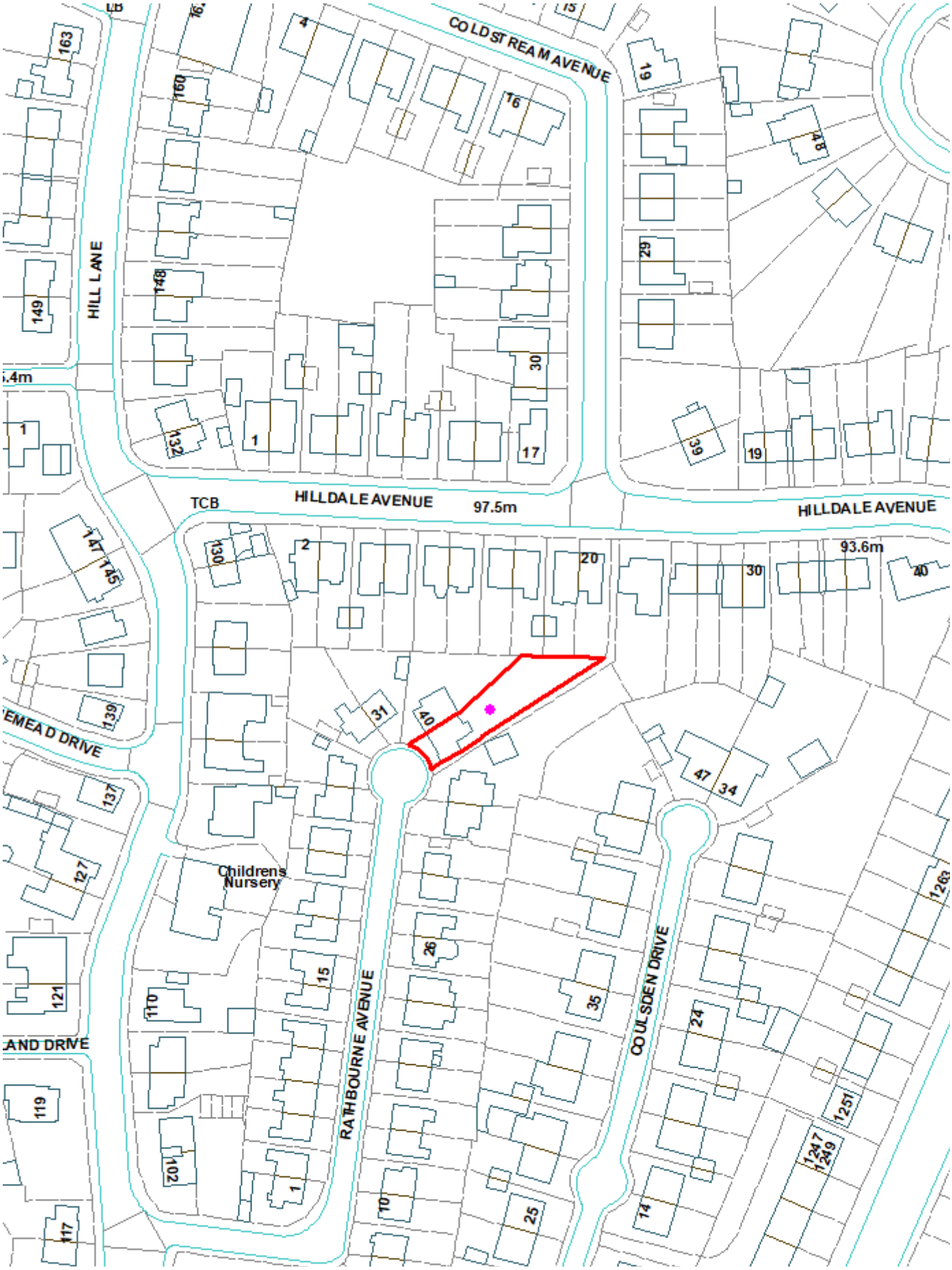
Notes to applicant

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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