MANCHESTER CITY COUNCIL

Planning

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Date: 22 May 2024

Dear Sir/Madam,

Decline to Determine Application
Application No: 139647/FO/2024
Proposal: Retention of office use (Class E (c)) following conversion of property from House in Multiple Occupation including installation of rear dormer and shop front at ground level
Address: 333 Dickenson Road, Manchester, M13 0NR,

I refer to the above planning application, which was registered valid on 27 March 2024.

On 15th of January 2024 the Council issued an enforcement notice, reference ENF/15566/23, in relation to the following specified breach of planning control:

Without planning permission:-
The material change of use from a dwellinghouse to offices (Use Class E(c));
The installation of a shop front;
The erection of a dormer to the rear.

The notice took effect on 16th February 2024 and required the following steps to be taken.

1/ Cease the use of the property as offices (Use Class E(c)).

2/ Remove the shop front, as shown highlighted in blue on the attached photograph ENF/01.

3/ Reinstate the front elevation to its condition before the breach took place, using red brick and stonework, as shown in the attached photograph ENF/02.

4/ Remove the rear dormer and reinstate the rear roof to its condition before the breach took place, using materials that are similar to the roof of the two storey outrigger.

5/ Remove from the land all building materials, rubble and waste resulting 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:139647/FO/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 validation of the application on the 27th March 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