

## **Town & Country Planning Act 1990 (as amended)**

### **Refusal of Planning Permission**

#### **Applicant**

Mrs Zarrin Hoseinzadeh  
Wilbraham Market Limited  
561 Wilbraham Road  
Manchester  
M21 0AE

#### **Agent (if used)**

Mr Barry Cullen  
Flat 27  
Brookside Court  
101 Slade Lane  
Manchester  
M19 2AH

### **Part 1 – Particulars of the application/development**

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**Proposal:** Variation of condition no. 3 (hours of opening) attached to planning permission 132986/FO/2022 to allow the premises to open between 8.00am and 1.30am on Fridays to Sundays and between 8.00am to midnight on Mondays to Wednesdays

**Location:** 561 Wilbraham Road, Manchester, M21 0AE

**Date of application:** 12 September 2023

**Application number:** 138073/JO/2023

### **Part 2 – Particulars of decision**

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Manchester City Council gives notice that the development referred to in Part 1 has been **Refused** in accordance with the application and plans submitted for the reason(s) listed below.

### **Article 35 Declaration**

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In this instance the Council's concerns with the proposal were communicated with the applicants agent prior to a decision being issued.

### **Reason(s) for decision**

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1) The proposal would have a detrimental impact on the residential amenity of nearby residential properties, due to the increase in the comings and goings to and from the property, and associated noise, disturbance together with an increase in traffic late at night, contrary to policies SP1, DM1, and C10 of the Core Strategy and saved Unitary Development Plan policy DC26.4, and the National Planning Policy Framework.

Date: 2 November 2023

Signed: 

Julie Roscoe  
Director of Planning, Building Control & Licensing

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

## Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

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/appeal-planning-decision](http://www.gov.uk/appeal-planning-decision). The Inspectorate will publish details of your appeal on the internet. 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.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council ([planning@manchester.gov.uk](mailto:planning@manchester.gov.uk)) and the Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on [GOV.UK](http://GOV.UK).

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.