

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Aviva Investors
St Helens
1 Undershaft
London
EC3P 3DQ

Agent (if used)

Mr Thomas Lord
Turley
1 New York Street
Manchester
M1 4HD

Part 1 – Particulars of the application/development

Proposal: Application for full planning permission for the severable and phased construction of five units (light industrial (Use Class E(g)(iii), general industrial (Use Class B2) and/or storage or distribution (Use Class B8), together with ancillary offices (Use Class E(g)(i)) providing a total gross external area of 36,706 sqm; and associated service yards, parking, landscaping, amenity space and infrastructure, with vehicular access off Simonsway.

Location: Atlas Business Park, Simonsway, Manchester, M22 5PR

Date of application: 4 September 2023

Application number: 135952/FO/2023

Part 2 – Particulars of decision

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

The application has been determined in a positive and proactive manner, in this instance the proposals are not considered to accord with adopted local and national policy and the emerging 'Places for Everyone Plan' in particular those relating to the Green Belt.

Reason(s) for decision

1) The proposed development is located within the Greater Manchester Green Belt, where there is a presumption against inappropriate development and where development will only be allowed if it is for an appropriate purpose or where very special circumstances can be demonstrated. The application proposals include inappropriate development in the Green Belt which would have a harmful impact on openness and

the applicant has failed to demonstrate that there are very special circumstances to permit the type, scale and form of development proposed and as such the development is contrary to national policy contained within section 13 'Protecting Green Belt land' of the National Planning Policy Framework and in particular paragraphs 147, 148 and 149.

2) The design of the development proposal would constitute overly dominant incongruous structures to the detriment of the visual amenity and character of the area and the openness of the Green Belt, by virtue of the height and scale of the proposed buildings, particularly along Simonsway and Styal Road. The proposals are not capable of being severable or phased to overcome these concerns and are contrary to policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework in particular section 12 'Achieving well-designed places' and section 13 'Protecting Green Belt land'.

3) The applicant has failed to demonstrate that the proposals would not affect the operational integrity or safety of Manchester Airport due to its scale, height, appearance, and layout pursuant to policy DM2 of the Core Strategy.

Date: 17 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. 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) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on 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.