MANCHESTER CITY COUNCIL

**Planning**

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Manchester M60 2LA

Mr Lapas Chowdhury
159 Great Norbury Street
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Date: 11 December 2023

Dear Sir/Madam,

**Decline to Determine Application**
**Application No:** 138445/FH/2023
**Proposal:** Erection of a part single-storey, part two-storey side/rear extension together with a hip to gable roof alteration and installation of a rear roof dormer
**Address:** 77 Birchfields Road, Manchester, M13 0XX,

I refer to the above planning application, which was registered valid on 31 October 2023.

On 21 June 2021 the Council issued an enforcement notice, reference ENF/15154/21, in relation to the following specified breach of planning control:

Without planning permission, the erection of a part single-storey, part two-storey side/rear extension.

The notice came into effect on 22 July 2021, and required the following steps to be taken.

Demolish the part single-storey, part two-storey side/rear extension and return the building to its condition before the breach took place, as shown in photograph ENF/01.

Or

Construct a single storey side/rear extension in full accordance with planning permission 125479/FH/2019 and as shown in the attached drawing no. 07A - Elevations Proposed.

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: 138445/FH/2023) 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 31 October 2023 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