



Planning

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P O Box 532 Town Hall
Manchester M60 2LA

Mr Lapas Chowdhury
159 Great Norbury Street
Cheshire
SK14 1HU

Date: 10 January 2024

Dear Sir/Madam,

Decline to Determine Application

Application No: 138599/FO/2023

Proposal: Part retrospective application for single storey side extension with associated masonry pillars and roof ledge / canopy.

Address: 1 Meldon Road, Manchester, M13 0TZ,

I refer to the above planning application, which was registered valid on 20 November 2023.

On 29 May 2019 the Council issued an enforcement notice, reference ENF/13737/17, in relation to the following specified breach of planning control:

Without planning permission, the erection of a single storey side extension.

The notice took effect on 19 August 2019 and required the following steps to be taken.

Remove the single storey side extension, outlined in blue in the attached photograph ENF/01, and reinstate the side elevation and land to its condition before the breach took place, as shown in the attached photograph ENF/02.

Or;

Construct a single storey side extension in full accordance with planning permission 118825/FO/2018 and as shown in the attached drawing no. 18-585 (02)001 PL1 - EXISTING & PROPOSED GA ELEVATIONS

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: 138599/FO/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 20 November 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,

A handwritten signature in black ink, appearing to read 'Julie Roscoe', with a stylized flourish at the end.

Julie Roscoe
Director of Planning, Building Control & Licensing