

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Riaz Ahmed
2 Farm Yard
Manchester
M19 3NL

Agent (if used)

Mr Ahmed Choudhry
Nada Architects
169 Kingsway
Manchester
M19 2ND

Part 1 – Particulars of the application/development

Proposal: Erection of new build detached single storey building to be used as general storage (Class B8) and erection of new build detached two storey office building (Class E)

Location: 2 Farm Yard, Manchester, M19 3NL

Date of application: 15 September 2022

Application number: 134294/FO/2022

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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, the applicant was advised that the principle of the development was not supported due to its excessive magnitude, incongruous relation to its surrounding context and potential harm to the amenities of the area. The applicant has sought to reduce the magnitude of Building 1 to address identified concerns. However, the development continued to include Building 2 that was previously identified as being unacceptable and site management arrangements have not been provided. The applicant indicated the application should be determined as submitted and no further negotiation was undertaken.

Reason(s) for decision

1) The siting and composition of Building 2, alongside its close proximity to neighbouring built form would result in the cramped and excessive overdevelopment of the site. The absence of an external servicing area would emphasise the extent of site

coverage and compromise the provision of dedicate segregated waste and recycling and secured cycle storage within the curtilage of the development site. The development would thereby be harmful to the amenities and character of the area and thereby be contrary to policies SP1, T1, T2 and DM1 of the Core Strategy for the City of Manchester.

2) The development has not been supported with a site management plan that demonstrated the servicing and operation of the buildings comprising the development could be undertaken with resulting in harmful impacts to the highway, particularly Albert Road and Farm Yard. The development would thereby be potentially harmful to highways safety and the amenities of the area and the quality and character of Levenshulme District Centre. The development would thereby be contrary to policies SP1, C1 C2 and DM1 of the Core Strategy for the City of Manchester.

Date: 15 December 2022

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/planning-inspectorate. 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.