

Document Title: **APPEAL STATEMENT**

Project: **Huntsman Inn, 130 Wilmslow Road, Manchester, M14 5AH**

Our Ref: **P211002 AS RevA**

Planning application with: **Manchester City Council**

Application Number: **133383/FO/2022**

Proposal: **Change of use of the ground floor to shisha smoking place (sui generis) and elevational alterations to ground floor and extension to rear boundary wall**

Date of Decision: **30 June 2022**

This appeal is being made because the Planning Authority has refused to grant planning permission for the above planning application.

The planning application was submitted 19th April 2022.

The application site was subject to an enforcement notice (LPA ref: ENF/149009/20) issued 14 September 2021 following an alleged breach of planning control. The enforcement notice was appealed (APP/B4215/C/21/3284746). The AZH Consultancy was appointed to consider the alleged planning breach and submit the appeal to the Planning Inspectorate. As part of those considerations, it was concluded the breach could be mitigated by some changes to the site which constitute further development. The appeal was therefore unable to give consideration to additional development which went beyond the subject of enforcement notice which was the breach of specifically planning condition 13 attached to approval 120947/FO/2018.

Approval 120947/FO/2018 was for:

Change of use from public house (Class A1) to restaurant (Class A3) together with the erection of two storey extension to rear and elevational alterations including front canopy

Condition 13 states:

No part of the premises shall be used for the smoking of shisha at any time and none of the areas outside the building, including to the rear, shall be used as an external seating area or for use by patrons of the premises.

Reason - For the avoidance of doubt and to safeguard the amenities of the occupiers of nearby properties, pursuant to saved policies DC10 and DC26 of the Unitary Development Plan and policies SP1 and DM1 of the Core Strategy.

Enforcement Notice ENF/149009/20 alleged the breach of planning control to be:

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The Council considers that it is expedient to issue this notice because the relevant condition was imposed in order to safeguard the amenities of the occupiers of nearby properties. It is considered that the use of any part of the premises for the smoking of shisha would cause material harm to the living conditions of the occupiers of nearby residential properties and fail to comply with saved policies DC10 and DC26 of the

Unitary Development Plan and policies SP1 and DM1 of the Core Strategy insofar as they aim to safeguard residential amenity and wellbeing.

The Statement of Case submitted by the Appellant at the time of appeal of Enforcement Notice ENF/149009/20 sets out the Appellants proposals and the acceptability of those proposals which were also the subject of the planning application being currently appealed.

Following discussion with the LPA the following documents were updated:

P211002 01-SITE LOCATION AND LAYOUT-RevD3. The plan was updated to show bin and cycle storage.

18105-P-25 - B - As Built Plans and Elevations. The boundary treat at the rear of the site was updated to accurately reflect the as-built situation.

The Appellant is not seeking any seating or public access provision outside the building itself. The rear yard will only be used for storage and access.

Date: 30th March 2022