

Dated 5 October 2022

SUPPORTING STATEMENT

**in relation to the property on 21 Tannery Way,
Manchester, M18 8LH**

1. **Background**

- 1.1. This supporting statement is in relation to the property located at 21 Tannery Way, Manchester, M18 8LH.
- 1.2. It has previously been used as a family residential home (C3 dwellinghouse).
- 1.3. PureCare works in partnership with Local Authorities in order to deliver quality accommodation for young people requiring non-significant care. We will look to support the young people to live as a single household and undertake self-care.
- 1.4. This development meets the present and future needs of those young people who are in need of care and will enhance the local environment. It will contribute to the achievement of building a mixed and balanced community.
- 1.5. This proposed use is ideal in this location and will provide an excellent home for the young people, offering a lifestyle that ensures independence.

2. **Our Proposed Use**

- 2.1. We are looking to open a children's home (as defined in the Care Standards Act 2000) to provide full time care for up to 3 young people aged between 11 and 17. The young people can sometimes have emotional difficulties or have come out of foster care. The young people will **not** have any disabilities or medical conditions preventing them from living as a single household or undertaking self care.
- 2.2. There are no proposed structural changes to the exterior of the building.
- 2.3. Young people stay with us for a number of years. It will be the young people's primary and exclusive residential dwelling.
- 2.4. We will have a Manager working there during business hours (Mon-Fri) only. Otherwise, we will have small staff team of support workers working on a rota system, usually 2. It will not be their primary residence. Between 1 and 2 support workers sleeping overnight. Staff usually work 3 days in a row – shift changes are minimal.

3. **Grounds for Application - Use Class C3 (b)**

- 3.1. The proposed use falls within Class C3(B). This is because there **would not be more than six residents living together** and they are living together as a single household, and care of a non-significant nature is being provided for the residents.
- 3.2. The young people will not have any disabilities or medical conditions that would prevent them from living as a single household and undertaking self-care.
- 3.3. During their stay, the residents and the support workers would reside as a single household in accordance with the definition in the *DCLG Circular 08/2010 'Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation' (November 2010)*¹. Residents, including support workers will relax together, share

¹ Whilst the circular is now withdrawn (07th March 2013) following the publication of the Governments Planning Practice Guidance (PPG), the PPG's do not provide guidance in addition to that stated previously, to replace the information within 08/2010. Therefore, the guidance is still considered useful.

mealtimes and all facilities including the living room, kitchen and bathroom areas. Support workers will not benefit from any additional or separate facilities.

- 3.4. The site will be the young person's sole place of residence throughout their stay, with the average length of stay being approximately two years. Many young people do however stay beyond two years.
- 3.5. The front/back doors will only be locked during the night-time. The residents are not secured into the property and are able to come and go as they please, should they wish to.
- 3.6. OFSTED clearly require us to maintain a homely domestic environment. We are simply unable to run a children's home without doing so – OFSTED would take enforcement action against us if we lose the look and character of a conventional residential dwelling. The character of the building must remain as a normal family dwellinghouse.

4. **Supporting Cases**

- 4.1. Manchester City Council, having been provided the same details stated that they were satisfied that our proposed use would fall into Class C3(b) in the Use Classes Order on 2 separate occasions:
 - 4.1.1. 5 Woodland Avenue Manchester M18 7HT – MCC confirmed that use can be undertaken without the submission or approval of an application for planning permission. See **Appendix 1**.
 - 4.1.2. 4 Beatrice Avenue Gorton Manchester M18 7JU – use falls within Class C3(b): up to six people living together as a single household and receiving care. See **Appendix 2**.
- 4.2. **Wigan Council**, having been provided the same details (young people with staff on rota) in September 2018, stated that they were satisfied that our proposed use would fall into Class C3(b) in the Use Classes Order (*Application A/18/86132/CU*). Please see **Appendix 3**.
- 4.3. **Bury Council**, having been provided the same details stated that they were satisfied that our proposed use would fall into Class C3(b) in the Use Classes Order on 2 separate occasions:
 - 4.3.1. 33 Parliament Street – 2 residents. See **Appendix 4**.
 - 4.3.2. 28 St Peters Road – 3 residents. See **Appendix 5**.
- 4.4. **Trafford Council**, having been provided the same details stated that they were satisfied that our proposed use would fall into Class C3 as our use does not constitute a material change in use (see **Appendix 6**).
- 4.5. We understand that appeal decisions have found that even where staff providing care to other residents are on a shift system living in their own homes, the property is still within the Use Class C3 (b). This was the case with at least two appeals reported in Development Control Practice.
 - 4.5.1. Enfield 11/7/06 – four residents were looked after by three staff on a shift system providing 24-hour cover with one of them staying on the premises from maximum of eight hours.

- 4.5.2. Croydon 8/1/03 - an inspection noted that residents and staff would share all facilities and take meals together and that it would not have an institutional character. On that basis the Inspector concluded that the use would fall squarely within C3.

5. **Conclusion**

- 5.1. In light of the above submitted evidence, the balance of probability is in favour of the issuance of a Lawful Development Certificate.
- 5.2. It is therefore respectfully requested that a Lawful Development Certificate be granted.

Appendix 1

Subject: Re: Planning Confirmation: 5 Woodland Avenue Manchester M18 7HT

From: c.glennon@manchester.gov.uk - To: Ashley Jones - Cc: - Date: 19 October 2016 at 13:10

Dear Sir,

Thank you for your email relating to:

Planning application: 114046/FO/2016 - Change the use of the building from dwelling house (Class C3) to children's residential care home (Class C2)

Location: 5 Woodland Avenue Manchester M18 7HT

In assessing the above planning application reference was made to Part C of the Town and Country Planning (Use Classes) Order 1987 (as amended), which deals with residential type uses.

In the case of the above planning application Class C3 (Dwellingshouses) is relevant and is divided into 3 parts:

- i. C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child;
- ii. C3(b) permits up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems;
- iii. C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

You have confirmed that 5 Woodland Avenue is currently used as a dwellinghouse (Class C3(a)) and the proposals would involve accommodating to two children, between the ages of 10 and 18, supported by up to three staff on at any time.

On this basis, the proposed development would constitute a residential use under Class C3(b) and thereby is a form of residential occupation permitted by Class C3 of the Use Classes Order and can be undertaken without the submission or approval of an application for planning permission. Planning application: 114046/FO/2016 was thereby returned to you.

Please contact me if you require any further assistance.

Yours faithfully,

Carl Glennon

Planner,
Growth and Neighbourhoods Directorate,
Development Management North,
Planning,
Manchester City Council,
Floor 6 Town Hall Extension,
PO Box 532,
Manchester,
M60 2LA.
Tel: 0161 234 4530
email: c.glennon@manchester.gov.uk
Web: <http://www.manchester.gov.uk>

Ashley Jones <ashley@familychildcare.co.uk>

13/10/2016 16:49

To <c.glennon@manchester.gov.uk>

cc

Subject Planning Confirmation

Dear Mr Glennon,

Thank you for your time earlier.

Further to our conversation, please can you confirm that planning permission will not be required for 5 Woodland Ave to be used as a Children's Residential Care Home which will be housing up to two looked after children between the ages of 10 and 18 with up to three staff on shift at any given time.

It is important that all the points above are confirmed and the confirmation is provided on headed paper as it will be required as evidence when submitting an application to Ofsted.

Kind Regards

Ashley O'leary-Jones
Director

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This footnote also confirms that this email message has been swept for the presence of computer viruses.

Please contact internet.administrators@manchester.gov.uk with any queries.

Appendix 2

From: Carl Glennon <c.glennon@manchester.gov.uk>
Subject: Fwd: Planning Confirmation: 4 Beatrice Avenue Gorton Manchester M18 7JU
Date: 18 February 2019 at 17:21
To: ashley@proactivecare.co.uk

Dear Sir or Madam,

The following advice relates to: 4 Beatrice Avenue Gorton Manchester M18 7JU.

Yours faithfully,

Carl Glennon

Planning Officer,
Strategic Development,
Development Management North,
Planning,
Manchester City Council,
Floor 6 Town Hall Extension,
PO Box 532,
Manchester,
M60 2LA.
Tel: 0161 234 4530
email: c.glennon@manchester.gov.uk
Web: <http://www.manchester.gov.uk>

----- Forwarded message -----

From: **Carl Glennon** <c.glennon@manchester.gov.uk>
Date: Mon, 18 Feb 2019 at 17:18
Subject: Re: Planning Confirmation: 5 Woodland Avenue Manchester M18 7HT
To: Ashley Jones <ashley@proactivecare.co.uk>

Dear Sir or Madam,

Thank you for your email.

An Article 4 Direction in Manchester requires that planning permission be obtained to use a Class C3 (dwellinghouse) as a Class C4 (small scale house in multiple occupation).

In this case, it would appear that the property would remain the following Class C3 sub-classification:

Class C3(b): up to six people living together as a single household and receiving care.

On this basis, planning permission would not be required.

I hope that the above is helpful.

The above advice is given on the basis of the information available to the City Council at this time. This advice may be subject to alteration as a result of consultation or if further information is brought to the attention of the City Council, which materially affects the consideration of this matter.

Yours faithfully,

Carl Glennon

Planning Officer,
Strategic Development,
Development Management North,
Planning,
Manchester City Council,
Floor 6 Town Hall Extension,
PO Box 532,
Manchester,
M60 2LA.
Tel: 0161 234 4530
email: c.glennon@manchester.gov.uk
Web: <http://www.manchester.gov.uk>

On Mon, 18 Feb 2019 at 11:17, Ashley Jones <ashley@proactivecare.co.uk> wrote:
| Dear Mr Glennon,

I spoken to yourself a couple of years ago regarding planning permission for 5 woodland Avenue to be a children's residential care home for up to two young people. It was decided that no planning was necessary. I currently have another property that I will now also be wanting to run another Children's residential care. The address is 4 Beatrice Avenue Gorton m18 7JU.

This Children's Residential Care Home which will be housing up to two looked after children between the ages of 10 and 18 with up to three staff at any given time. It is the same set up as woodland avenue which planning was not needed. Will I need to put in a full application again or could you confirm that planning again is not required.

It is important that all the points above are confirmed and the confirmation is provided on headed paper as it will be required as evidence when submitting an application to Ofsted.

Kind Regards

Ashley Jones

Ashley Jones | Director

T: [0161 222 8898](tel:01612228898) | M: [07500 846316](tel:07500846316) |

Proactive Care (Manchester) Ltd |

www.proactivecare.co.uk

E: ashley@proactivecare.co.uk

[131 Denton Road](#) | Audenshaw M34 5BE |

On 19 Oct 2016, at 13:10, c.glennon@manchester.gov.uk wrote:

Dear Sir,

Thank you for your email relating to:

Planning application: 114046/FO/2016 - Change the use of the building from dwelling house (Class C3) to children's residential care home (Class C2)

Location: 5 Woodland Avenue Manchester M18 7HT

In assessing the above planning application reference was made to Part C of the Town and Country Planning (Use Classes) Order 1987 (as amended), which deals with residential type uses.

In the case of the above planning application Class C3 (Dwellinghouses) is relevant and is divided into 3 parts:

- i. C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child;
- ii. C3(b) permits up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems;
- iii. C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

You have confirmed that 5 Woodland Avenue is currently used as a dwellinghouse (Class C3(a)) and the proposals would involve accommodating to two children, between the ages of 10 and 18, supported by up to three staff on at any time.

On this basis, the proposed development would constitute a residential use under Class C3(b) and thereby is a form of residential occupation permitted by Class C3 of the Use Classes Order and can be undertaken without the submission or approval of an application for planning permission. Planning application: 114046/FO/2016 was thereby returned to you.

Please contact me if you require any further assistance.

Yours faithfully,

Carl Glennon

Planner,
Growth and Neighbourhoods Directorate,

Development Management North,
Planning,
Manchester City Council,
Floor 6 Town Hall Extension,
PO Box 532,
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email: c.glennon@manchester.gov.uk
Web: <http://www.manchester.gov.uk>

Ashley Jones <ashley@familychildcare.co.uk>

To <c.glennon@manchester.gov.uk>

13/10/2016 16:49

cc

Subject Planning Confirmation

Dear Mr Glennon,

Thank you for your time earlier.

Further to our conversation, please can you confirm that planning permission will not be required for 5 Woodland Ave to be used as a Children's Residential Care Home which will be housing up to two looked after children between the ages of 10 and 18 with up to three staff on shift at any given time.

It is important that all the points above are confirmed and the confirmation is provided on headed paper as it will be required as evidence when submitting an application to Ofsted.

Kind Regards

Ashley O'leary-Jones
Director

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Appendix 3

Subject: Planning Application - A/18/86132/CU

Hi Jon,

I'm emailing to seek confirmation that our planning application relating to Drummersfield Barn's change of use to a children's residential care home does not need planning permission on the basis that our use for the building will fall within Use Class C3(b) as per the Town and Country Planning (Use Classes) (Amendment) Order 2005 (amended further in 2010).

C3(b) is defined as "*Use as a dwelling house (whether or not as a sole or main residence) by not more than six residents living together as a single household where care is provided for residents*".

We believe that our use will fall within the C3(b) use case for the following reasons:

- the young people, aged between 12 and 18, will live there together on a permanent basis as their sole dwelling house – it will be their home in every sense of the word;
- the layout of the property is largely what one would expect of any family home, with a communal lounge, kitchen, dining area, games room and garden area. As with a normal household, the young people will form friendship bonds;
- the communal living arrangements and the way in which household tasks are to be undertaken will indicate that the young people are living as a single household, and care is provided on a shift basis such that none of the care workers are resident at the property; and
- the number of young people living there will not exceed more than 6 people at any time. This maximum will be reflected in our OFSTED registration documents.

Please can you confirm that you agree with the above analysis. Upon receipt of your confirmation, we will withdraw application A/18/86132/CU.

Do give me a call on 07403436692 if you have any questions at all on the above. We look forward to hearing from you soon.

Kind regards,
Shaz

Shaz Khan | Chief Operating Officer

T: 0161 222 8898 | M: 07403 436692 | E: shaz@proactivecare.co.uk

Subject: RE: Planning Application - A/18/86132/CU
Date: Friday, 5 October 2018 at 15:24:04 British Summer Time
From: J.Corcoss@wigan.gov.uk
To: shaz@proactivecare.co.uk

Hi Shaz

I can confirm that, based on the information provided in your email of 30th September (attached below), the Council are satisfied that your proposed use of Drimmersfield Barn would fall into Class C3(b) in the Use Classes Order.

As such the proposal would still fall under the lawful C3 use for the property and planning permission is not required in respect of your proposed use of the property as described in your email.

This determination is based on the information provided in your email and you should contact us again if there are any significant changes to the way the property is occupied so that another assessment can be made.

Can you confirm that you wish to withdraw application A/18/86132/CU on this basis?

Regards
Jon

Jon Corcos
Senior Planning Officer
Economy and Skills
Wigan Council
Wigan Life Centre (South site), College Avenue, Wigan WN1 1NJ
01942 489132
www.wigan.gov.uk
www.twitter.com/wigancouncil
www.facebook.com/WiganCouncilOnline

Appendix 4

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT (PROPOSED)

Town and Country Planning Act 1990: Section 192
(as amended by Section 10 of the Planning and Compensation Act 1991)
Town and Country Planning (Development Management Procedure) Order
2010: Article 35

To:

Ms Shazia Karim
2 The Chase
Bolton
BL1 5HL

On Behalf Of:

Mr Ghazan Mahmood
2 The Chase
Bolton
BL1 5HL

Application Number: 64557

Date of Registration: 27/08/2019

First Schedule

Second Schedule

Lawful development certificate for proposed residential childrens home (C2)

33 Parliament Street, Bury, BL9 0TE

Bury Metropolitan Borough Council hereby certifies that on 27/08/2019 the matter described in the First Schedule in respect of the land specified in the Second Schedule and edged red on the plan attached to this certificate is **Lawful Development** within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

- 1 The proposal, described in the First Schedule, is not deemed to constitute development within the meaning of Section 55 of the Town & Country Planning Act 1990 (as amended) as the proposed change of use of 33 Parliament Street, Bury BL9 0TE, to a children's residential home (Class C2) for up to 3 persons between the ages of 11-18 years with a maximum of 2 additional staff members staying overnight on a rota basis and operating in full accordance with the details set out within the applicant's Supporting Statement (Dated 11th August 2019), would not represent a material change of use from the existing C3 dwellinghouse use, and is therefore Lawful Development.

Applicant Plan Numbers:

17017-11 and Supporting Statement dated 11th August 2019

Notes to Applicant

1. This certificate is issued solely for the purposes of Section 191/192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the matter described in the First Schedule and to the land specified in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any development or use materially different from that described or which relate to other land may render the owner or occupier liable to enforcement

action.

4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to be 'R. M. M.', written over a horizontal dotted line.

.....
On behalf of the Council

Date of Decision: 24/10/2019

Appendix 5

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT (PROPOSED)

Town and Country Planning Act 1990: Section 192
(as amended by Section 10 of the Planning and Compensation Act 1991)
Town and Country Planning (Development Management Procedure) Order
2010: Article 35

To:

Ms Karim
Ms
Jactin House
24v Hood Street
Manchester
M4 6WX

On Behalf Of:

Mr Mahmood
350 Manchester Rd
Bury
BL9 0NR

Application Number: 66907

Date of Registration: 26/04/2021

First Schedule

Lawful Development Certificate for a proposed change of use to a residential children's home (Class C2) for up to 3 young persons aged 11 to 18 years on a permanent basis with 5 staff on a non-permanent rota basis

Second Schedule

28 St Peters Road, Bury, BL9 9RB

Bury Metropolitan Borough Council hereby certifies that on 26/04/2021 the matter described in the First Schedule in respect of the land specified in the Second Schedule and edged red on the plan attached to this certificate is **Lawful Development** within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

Applicant Plan Numbers:

Supporting Statement dated 25th April 2021

Notes to Applicant

1. This certificate is issued solely for the purposes of Section 191/192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the matter described in the First Schedule and to the land specified in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any development or use materially different from that described or which relate to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or

operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

NOTES TO APPLICANT

Not Applicable

Signed:

A handwritten signature in black ink, appearing to read 'Paul Kavanagh', written in a cursive style.

.....
On behalf of the Council

Date of Decision: 18/06/2021

Appendix 6

96180/CPL/18



**TRAFFORD
COUNCIL**

Head of Planning and Development
Rebecca Coley
Trafford Council
Planning and Development
Trafford Town Hall, Talbot Road
Stretford, M32 0TH
www.trafford.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192 (as amended by section 10 of the Planning and Compensation Act 1991)

Town and Country Planning (Development Management Procedure) (England) Order 2015: ARTICLE 39

CERTIFICATE OF LAWFUL PROPOSED USE OR DEVELOPMENT

The Trafford Borough Council hereby certify that on 10th December 2018 the use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged red on the plan attached to this certificate, **would have been lawful** within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

The proposed use of 6 Harboro Grove, Sale, M33 5BA, as a children's residential home (Class C2) for up to 5no.persons between the ages of 10-18 years with a maximum of 2no. additional staff members staying overnight on a rota basis and operating in full accordance with the details set out within the applicant's Supporting Statement (Dated 08 February 2019), would not represent a material change of use from the existing C3 dwellinghouse use, and is therefore Lawful Development.

Signed

(Council's Authorised officer)
On behalf of the Council

Date 4th March 2019

First Schedule

Use as a children's residential home (Class C2) for up to 5no. persons between the ages of 10-18 years with a maximum of 2no. additional staff members staying overnight on a rota basis and operating in full accordance with the details set out within the applicant's Supporting Statement (Dated 08 February 2019).

Second Schedule

6 Harboro Grove, Sale, M33 5BA

Notes

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended)
 2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus was not liable to enforcement action under section 172 of the 1990 Act on that date.
 3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
 4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.
-

1. Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 195 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice. However, if this is a decision to refuse planning permission and an enforcement notice has been served for the same or very similar development the time limit is:

- Within 28 days from the date of the local planning authority's decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- Within 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 normal appeal period).

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

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 can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local Planning Authority based their decision on a direction given by him.

2. Purchase Notices

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subjects to conditions, the owner may claim that he 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 (District Council, London Borough Council or Common Council of the City of the London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. 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 him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

4. Notice is given in accordance with Section 63. Greater Manchester Act 1981 that consideration will be given to means of access for the Fire Brigade when plans are deposited for Building Regulations approval.

Notes continued overleaf

5. Town and Country Planning Act 1990 Disabled Persons Act 1981

If this permission relates to the provision of buildings or premises to which the public are to be admitted, with or without payment, or in which the public are employed: e.g. office, shop, factory, railway premises etc. or of an educational nature: e.g. university, hall of university, college, school, teacher training college etc. the applicants attention is drawn to the provisions and requirements of the above Acts.

A full list of buildings and premises involved will be found in Section 76 of the Act of 1990 and 83 of the Act of 1981.

It is the responsibility of the applicant to comply with the requirements of the Acts.

(a) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990 namely Sections 70 and 72(1) of the Act.