

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Mr Reza Hussain
Prime Properties
5 Stanton Avenue
West Didsbury
Manchester
M20 2PG

Agent (if used)

Mr A Inman
A & S Inman (Designs) Ltd.
24 Grangethorpe Road
Manchester
M41 9HT

Part 1 – Particulars of the application/development

Proposal: Change of use from a House in Multiple Occupation to three apartments (1no. x 1-bedroom, 1no. x 2-bedroom, 1no. x 3-bedroom) with associated elevations alterations

Location: 535 Barlow Moor Road, Manchester, M21 8AQ

Date of application: 29 April 2022

Application number: 133237/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

The proposal would not improve the social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There are no conditions which could reasonably have been imposed, which would have made the development acceptable and it is therefore not possible to approve the application. Objections were received on public notification of the application which were taken into consideration during assessment of the proposal.

Reason(s) for decision

1) The proposal entails the loss of a dwellinghouse that would be suitable for use as family housing. This is contrary to the Council's aspirations to increase the level of family housing in south Manchester, as set out in Core Strategy policy H6, and the broader Council objective of creating sustainable communities that are neighbourhoods of choice as set out in Core Strategy policy SP1.

2) The proposal makes inadequate arrangements for access and car parking due to reliance on accessing the proposed rear car park from the gated alleyway off Cranbourne Road. Furthermore, the parking arrangements in the rear garden area, would, by reason of its proximity to the rear garden boundaries of Nos.531 and 537 Barlow Moor Road, create a new source of noise nuisance for the occupiers of these properties due to engine noise, in-car stereo systems playing and from doors slamming, to the detriment of residential amenity. This is contrary to saved UDP policies DC26.1 (Development and Noise) and DC5.1 (Flat Conversions) as well as Core Strategy policies T2 (Accessible Areas of Opportunity and Need) and DM1 (Development Management).

3) The proposal would lead to an intensification of the use of the property due to the number of unrelated adults that could occupy the flats (6 bedrooms in total), and the cumulative impact of raised levels of noise and disturbance due to comings and goings, including that of the occupiers and visitors. This would be particularly detrimental to the residential amenity of the occupiers of the adjoining property No.531 Barlow Moor Road, contrary to saved UDP policy DC26.1 and Core Strategy policy DM1.

4) The proposal makes poor and inadequate arrangements for access to the basement flat. Specifically, future occupiers of this flat and their visitors, would be at risk of crime or the fear of crime due to the access along the side passageway where bins are proposed to be stored and due to the basement threshold having very poor surveillance from Barlow Moor Road and neighbouring property windows. contrary to saved UDP policy DC5.1 and Core Strategy policy DM1.

Date: 27 June 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.