MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Part 1 – Particulars of the application/development

Proposal:

Installation of external plant equipment and cage with removable access gate.

Location:

132-134 Burton Road, Manchester M20 1JQ

Application reference:

PLA-2026-000092

Applicant:

Mr Ben Train Tesco PLC

Date of application:

04 June 2026

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 reasons listed below.

Article 35 Declaration

In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has worked with the applicant in a positive and proactive manner. Following consultation with the Council's Arboricultural Officer, the applicant was advised that an Arboricultural Impact Assessment and Arboricultural Method Statement were required to enable a full assessment of the proposal's impact on an adjacent tree within the Albert Park Conservation Area. The applicant was afforded opportunities to submit the requested information, including extensions of time to do so. However, the necessary information was not provided. In the absence of sufficient information to demonstrate that the development would not adversely affect the adjacent tree, the Local Planning Authority has been unable to conclude that the proposal complies with the relevant development plan policies and planning permission has therefore been refused

Reason(s) for decision

1) The applicant has failed to provide an Arboricultural Impact Assessment and Arboricultural Method Statement, despite these being requested by the Local Planning Authority's Arboricultural Officer. In the absence of this information, the Local Planning Authority is unable to adequately assess the impact of the proposed development on a neighbouring tree, including any effects on its root protection area and the suitability of measures necessary to safeguard the tree during construction and operation of the development. The tree is located within the Albert Park Conservation Area, where trees make an important contribution to local character and are afforded additional protection.

Consequently, insufficient information has been submitted to demonstrate that the proposal would safeguard an existing tree which contributes to the character and appearance of the Albert Park Conservation Area. The proposal is therefore contrary to Policy EN1 of the Manchester Core Strategy, Policy JP-P1 of Places for Everyone, National Development Management Policy N3.

Date: 24 September 2026

Signed: 
Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) 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 (as amended) 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/appeal-planning-decision 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 (as amended), namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority of 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 his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

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 (as amended).

Right of challenge on planning application decision

A third party does not have a right of appeal against a decision on a planning application. Instead, there is a right of challenge (a Judicial Review) which is limited to lawfulness of the procedure that we have taken in coming to that decision.

Any challenge must be based on the following and not the merit of the decision:

- Procedural irregularity
- Irrationality
- Illegality

Any application for permission to bring such a challenge (which is through the High Court) must be made within 6 weeks of the date of the decision being issued.