MANCHESTER CITY COUNCIL

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Ms Lynn Jones
Emery Planning
1-4 South Park Business Court
Hobson Street
Macclesfield
Cheshire
SK11 8BS

Date: 5 October 2026

Dear Ms Lynn Jones,

Application reference: PLA-2026-001104
Application type: Full planning permission
Applicant: Mr Hiwa Zada
Proposal: Change of Use from Cafe (Class E) to restaurant/cafe and shisha smoking area (Sui Generis) involving elevational alterations.
Location: 3-5 Park Crescent Manchester M14 5DU

Under Section 70A of the Town and Country Planning Act 1990 (as amended), a Local Planning Authority may decline to determine an application for planning permission, if the Secretary of State has dismissed an appeal against the refusal of a similar application in the two years prior to the submission of that application.

In the opinion of the Local Planning Authority, the proposal of this planning application as set out in the documents and associated plans, is similar to the previous planning application (ref: 137016/FO/2023) that the Local Planning Authority refused, and the Secretary of State subsequently dismissed at appeal (ref: APP/B4215/W/24/3337185)

There has been no material change in circumstances in the intervening period and the City Council considers that, similar to the previously refused application that were subsequently dismissed on appeal, this proposal fails to comply with local and national policy.

Under Section 70C of the 1990 Act, the Local Planning Authority may decline to determine an application for planning permission, if granting that permission would involve granting, wholly or partly a permission for any matters specified in a pre-existing enforcement notice. A notice is "pre-existing" if it had been issued before the receipt of the planning application being determined. Appeal APP/B4215/C/24/3338867 was dismissed on 16 April 2025 and upheld the enforcement notice issued by the City Council in respect of this property and its use as shisha smoking place. The current planning application clearly relates to matters pertaining to a “pre-existing” enforcement notice, this being issued by the City Council prior to the submission of the application on 21 July 2026.

Therefore, pursuant to Section 70A and Section 70C of the Town and Country Planning Act 1990 (as amended), the City Council as Local Planning Authority, hereby declines to determine the application. As the decision to decline to determine the application has been made within the statutory 8 week period, there is no right of appeal to the Secretary of State against non-determination under Section 78 as that right is lost under the provision of Section 78(2)(aa).

Yours faithfully,



Julie Roscoe
Director of Planning, Building Control & Licensing