



Planning Department, Tameside MBC, PO Box 304, Ashton Under Lyne, Tameside, OL6 0GA  
Telephone 0161 342 4460

**Town and Country Planning Act 1990**

**REFUSAL OF PLANNING PERMISSION**

Name and address of applicant/agent:  
Mr Tim Evitt



Date of Application: 29th July 2020

Date of Decision: 22nd September  
2020

Application Number: 20/00692/FUL

**Particulars and location of development:**

Change of use of garden area to public use (10.00am - 10.30pm).

Jolly Carter Inn, 231 Manchester Road, Droylsden, Manchester, Tameside.

The Tameside Metropolitan Borough Council hereby give notice that permission has been refused for the carrying out of the development referred to above for the following reason:

1. The proposed use of the land by customers of the public house, because of the close proximity of the land to residential properties, would result in excessive noise and potential anti-social behaviour and therefore have an adverse significant impact on the health and welfare of surrounding residents contrary to policies 1.12, S7 and MW11 of the Tameside Unitary Development Plan and paragraph 127 of the National Planning Policy Framework.

**NOTES FOR APPLICANT**

This decision relates to the Location Plan, received on 29.07.2020, and the Proposed Block Plan, received on 30.07.2020.

**REASON FOR REFUSING PLANNING PERMISSION**

Statement under Article 35 (2) of the Town and Country Planning (Development Management Procedure) England Order 2015 (as amended): The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

*Jayne Traverse*

Jayne Traverse  
Director of Growth

Dated: 22nd September 2020

## NOTES

### a) 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 78 of the Town and Country Planning Act 1990.
- Generally, if you wish 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 on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

- 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 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 the Secretary of State 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.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

### (b) Purchase Notices

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 he can neither put the land to a reasonably beneficial use in its existing state nor can he 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 the Town and Country Planning Act 1990.

**(c) Compensation**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in section 120 of the Town and Country Planning Act 1990.