Planning Inspectorate

Appeal Decisions

Hearing held on 8 September 2026

Site visit made on 8 September 2026

by R Merrett BSc(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2026

Appeal A Ref : APP/B4215/X/26/3378566
Basement Car Park, 15 Dyche Street, Manchester, M4 4DS

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Brickpaper Limited (in liquidation) against the decision of Manchester City Council.
- The application ref 143576/LE/2025, dated 10 July 2025, was refused by notice dated 6 January 2026.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
- The use for which a certificate of lawful use or development is sought is Use of basement car park at Northern Angel, Dyche Street by both residents and non-residents.

Summary of Decision: The appeal is dismissed.

Appeal B Ref : APP/B4215/X/26/3378567
Basement Car Park, 15 Dyche Street, Manchester, M4 4DS

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Brickpaper Limited (in liquidation) against the decision of Manchester City Council.
- The application ref 140868/LE/2024, dated 03 October 2024, was refused by notice dated 13 December 2024.
- The application was made under section 191(1)(c) of the Town and Country Planning Act 1990 (as amended).
- The failure to comply with any condition or limitation for which a certificate of lawful use or development is sought is Use of basement car park by non-residents (up to 39 spaces).

Summary of Decision: The appeal is allowed (in relation to some of the car parking spaces only) and a certificate of lawful use or development is issued, in the terms set out below in the Formal Decision.

Applications for costs

1. Applications for costs were made by the Council and the 'interested owner' (Northern Angel Management Company) against the appellant. These applications are the subject of separate Decisions.

Preliminary Matters

2. Uses and operations are lawful at any time if no enforcement action may be taken in respect of them, whether because they did not involve development, require planning permission or because the time for enforcement action has expired (s191(2)).

3. There is a further proviso that the development must not contravene the requirements of any enforcement notice then in force. I have not been told that there was any extant enforcement notice relating to the property at the time of this application.

4. The appeal site comprises a block of 108 residential apartments, with two floors of car parking provision at basement level. The Council granted planning permission for 'residential development of 108 no. units' in 2004[1]. Most of the car parking spaces were sold to residents of the development, following its completion. However, some spaces were retained in the appellant's ownership, and are rented out either to residents or non-residents. For the avoidance of doubt, the Council confirmed at the Hearing that it was not taking issue with any variation between the approved and actual car parking layout.

5. By way of background, Brickpaper Limited, the appellant company, is now in liquidation. The Northern Angel Management Company (NAMC) owns the leasehold interest in all 108 flats in the building. Accordingly, it was granted 'interested owner' status in advance of the Hearing.

6. Appeal A seeks to demonstrate that use of the car parking area by non-residents would be lawful, based on it not constituting a breach of condition, and therefore not requiring planning permission, and furthermore based on it not constituting a material change of use and therefore not requiring planning permission[2].

7. Appeal B seeks to demonstrate, in the alternative, that on the assumption car parking by non-residents constitutes a breach of condition (or a material change of use), that breach is nevertheless now immune from enforcement action due to the passage of time.

8. The onus rests with the appellant to demonstrate their case, on the balance of probability. For the avoidance of doubt, planning merits are not relevant to the question of lawfulness. In addition, for this type of application I must consider all relevant evidence advanced at appeal, including any not submitted with the application, as the decision should be made on the best facts and evidence then available.

9. At the Hearing, the appellant submitted a document in table form, entitled 'Summary of Use of Appellant's Parking Spaces'. The parties were allowed a period of time after the Hearing to make any written representations in relation to this document.

Reasons

Appeal A

Whether a breach of condition has occurred?

10. The 2004 planning permission included the following condition (no. 8):

"*The car parking provision indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved*

[1] Planning permission granted 8 April 2004.
[2] As explained in the appellant's Grounds of Appeal, para. 3.1, and within the Hill Dickinson email, dated 10 June 2026.

being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason: To ensure that there is adequate car parking for the development proposed when the building is occupied and to conform with policies H1.2, H2.1, H2.2, H2.7 and H2.8 of the Manchester UDP".

11. The appellant's case is that it is clear from the wording, the condition does not restrict use of the car park to residential occupiers of the building only. Instead, the condition deals with the finishing and availability of the car park, prior to the building being occupied, and its ongoing availability whilst the building is occupied. The condition is silent on who may or may not use the car park.

12. They say that to interpret the condition otherwise, would be to imply meaning which would be contrary to case law. Also, that the reason for the condition supports its constituent elements, and even if the implied reason for the condition is to ensure adequate parking for residents, this is still met by the way the car park has been used in practice. None of the policies referred to relate to car parking.

13. The Council states that the rationale for the condition is to ensure that sufficient parking is available to meet the needs of occupants; also that a reasonable reader would interpret the condition as requiring parking provision for the development (rather than the public). It says that even if the condition does not restrict use, the operation would result in a mixed use of the building, which could amount to a material change of use.

14. I have also taken into consideration, representations from third parties (including NAMC). These include that the architect's original proposal was for one space per flat; what would the purpose of the condition be if not to restrict use of the car park to residents; safeguarding the car park for use by anyone would be absurd.

15. I am in no doubt that the inherent meaning of the condition 8 wording, does not in its own right restrict who may use the car park. I concur with the appellant that the wording is concerned with the finishing of surface treatments and ongoing availability.

16. However, I am mindful that case law allows me to go further, and to consider how a reasonable reader might interpret the purpose of the condition, having regard to the reason for its imposition and the nature of the development permitted. As set out above the reason for the condition is given as ensuring adequate parking for the development proposed, when the building is occupied, and to conform with various policies.

17. The car park was required to be available for use prior to the building being occupied, then at all times thereafter, when the building is occupied. However, this might not necessarily be interpreted as restricting who may use the car park. It could also be reasonably interpreted, for example, as prohibiting the closure of the car park (or part thereof), to ensure adequate parking is maintained to serve the development, whilst assuming that not all residents would be space holders or car owners.

18. Indeed, I concur with the appellant that the reason for the condition, to ensure adequate car parking for the development when occupied, would still be compatible with how the car park is used in practice, with a majority of parking

spaces (whether owned or rented) being used by residents of the development. At the Hearing, the NAMC said they had received complaints directly from residents regarding lack of, and charges made by the freeholder for, parking space. However, there is no detail before me as to the number and substance of such complaints. I am also mindful that from the evidence of turnover provided, across the car park and period of time under consideration, at least one space has been available for rent in a majority of the months, indicating spaces becoming available fairly commonly.

19. Whilst I accept, having regard to the reason, there would arguably be a breach of condition if residents of the development were excluded altogether from obtaining parking space within that development, this is a hypothetical scenario and the evidence does not lead me to the view this has occurred, or is likely to be a realistic outcome in the future.

20. This said, I do not agree with the appellant's concern that if the condition were to be interpreted as restricting use, it would lead to the unintended consequence of prohibiting parking within the development for visitors, management staff and trades people. This is because any such incidental use would likely be limited in scope and duration, and not therefore material.

21. I have also had regard to various policies, now superceded, referred to within the condition reason, that have been provided[3]. Essentially these policies were collectively concerned with the provision of a variety of well-designed housing; encouraging environmental improvements to residential areas, whilst not allowing development to have an unacceptable impact including in terms of traffic generation and road safety. It seems to me that these policy objectives are also compatible with how the car park is used in practice.

22. I am not therefore persuaded that the reason given for the condition means that a restriction on the nature of car parking is inevitable, having regard to a common sense interpretation by a reasonable reader. To say the condition restricts who may park, is to imply too much meaning into its purpose. The wording is simply not clear enough to impose the restriction being alleged.

23. The NAMC have referred to a letter submitted by the scheme architects, following the grant of planning permission, providing an update on compliance with the various conditions[4]. With respect to Condition 8 the letter states that parking is provided at one parking space per apartment unit, numbering 108 in total, as agreed with the Council during pre-application discussions. However, I am not persuaded that an account of what might have been agreed prior to the planning application being submitted would be determinative in this case.

24. I have had regard to the significance of the *Trump*[5] and *Lambeth*[6] cases, as referred to by the parties, in terms of interpretation of conditions. The judgment in *Trump* set out that the approach is to consider what the reasonable reader would understand the words to mean, in the context of the overall purpose of the planning permission and with common sense. If something is not clear but the planning permission clearly incorporates the application and plans, they may be

[3] I am informed the Council no longer holds a record of Policy H2.8 of the Manchester Unitary Development Plan. Accordingly, I have not been provided with a copy of, and therefore have not considered, that policy.
[4] brh architects letter – received by the Council 30 March 2005.
[5] *Trump International Golf Club Scotland Ltd v the Scottish Ministers [2015] UKSC 74.*
[6] *Lambeth LBC v SSCLG & Aberdeen Asset Management Ltd & Others [2019] UKSC 33.*

used as aids to interpretation or understanding what is permitted. Reference was also made to the fact that planning conditions may be used to support criminal proceedings, as being a good reason to support a relatively cautious approach to interpretation.

25. The issue in *Trump* was whether a condition requiring approval of the detailed design of a wind farm, could be interpreted as also requiring its construction in accordance with those approved details. It was determined that there was a mechanism for compliance, having regard to the requirements of other conditions.

26. With regard to *Lambeth*, the Supreme Court considered whether a condition restricting the use of the premises should be implied into a s73 planning permission granted by the LPA or, alternatively, whether the planning permission should be interpreted as containing such a condition. The Court held that 'The obvious, and…only natural, interpretation…is that the Council was approving what was applied for: that is, the variation of one condition from the original wording to the proposed wording, in effect substituting one for the other. There is…nothing to indicate an intention to discharge the condition altogether, or...remove the restriction on sale of other than non-food goods…'

27. I consider that both the *Trump* and *Lambeth* cases may be distinguished from the present appeal in that the interpretation of the respective planning permissions (and conditions) was not subject to the same degree of ambiguity as in the present case.

28. I have also had regard to further case law brought to my attention[7]. That case concerned garages which were subject to a planning condition, limiting their use to purposes incidental of the enjoyment of an associated apartment block and preventing use for any trade or business. The Court of Appeal held that the letting of the garages for parking use by non-residents was not an incidental use but an independent parking use which was not connected to the owners' enjoyment of their own dwellings or authorised by the planning permission. Despite some ambiguity in the wording, that was resolved through interpretation, the condition explicitly referred to an incidental use restriction. That case may therefore also be distinguished from the present appeal, where no such use restriction is present in the wording of the condition.

29. Drawing all of the above together, I therefore conclude that the parking of vehicles by non-residents within the appeal site did not amount to a breach of condition. For the avoidance of doubt, I have reached this conclusion, irrespective of any informal officer views, that may have been expressed previously, and that are contrary to the Council's existing formal stance.

30. However, it remains necessary to consider whether this resulted in a material change of use of the appeal site, thus amounting to development that would have required planning permission, before a final conclusion on lawfulness may be reached.

[7] *Suburban Property Investment Ltd v SSCLG [2011] EWCA Civ 112.*

Whether a material change of use has occurred (including whether each space represents a separate planning unit)?

31. In order for a change of use of land to be 'material', it need not result in planning harm, but merely comprise something that results in a noticeable change to how the planning unit is operated and the character of activities there. Whether there would be a material change of use depends upon whether there would be a change in the character of the use of land.

32. There are a number of factors against which any material difference between resident and non-resident car parking, within the appeal site, may be assessed.

33. With regard to health and safety matters, NAMC has referred to risk arising from non-residents being unable to use internal pedestrian stairwells, linking the apartment levels of the building to the car park, and therefore being forced to share the ramps and roadways, used by manoeuvring vehicles, and without access to segregated pedestrian refuge space.

34. Apartment residents are able to gain access to and from the car park, with a security key / fob, via the apartment building itself. For security reasons this route is not available to non-residents, who must instead share the same access arrangements used by vehicles, including internal ramps and large metal entrance gates at the rear of the building.

35. Irrespective of whether the degree of harm is acceptable or not, I consider this places the safety of non-residents, using the car park, at greater risk compared with residents; with the problem exacerbated by sloping surfaces, 'blind' corners and the presence of shaded areas with reduced visibility. In addition, from a purely visual perspective, the shared use of the vehicle access point by non-residents on foot, would result in a noticeable difference in external pedestrian movement patterns around the building.

36. I am therefore in no doubt the characteristics of this arrangement are materially different, when compared to the use of the car park being confined to residents only. Furthermore, in my judgment the materiality of this difference would be present regardless of whether a single or multiple spaces are rented out to non-residents; with the degree of materiality exacerbated with the increase in the number of spaces let to non-residents. That the access arrangements for non-residents could potentially be changed in future, in accordance with the recommendations of consultants, makes no difference to the present case, as I must consider the circumstances as they existed at the time of the LDC application.

37. During the Hearing, the appellant drew my attention to advice contained in the Planning Practice Guidance (PPG)[8]. This states that it should be possible to rent parking spaces without planning permission, provided there are no substantive planning concerns, noting that whether there has been a material change of use will depend on whether a space is used in a significantly different way.

38. However, in this case I have identified a substantive planning concern, in terms of health and safety, as set out above, as a result of parking space(s) being used in a

[8] Paragraph: 015 Reference ID: 13-015-20150319.

significantly different way. I therefore consider this case can be distinguished from the positive advice in the PPG.

39. I have considered other potential factors brought to my attention, including increased parking stress in the locality, resident security, noise and disturbance, driving standards and vehicle movement patterns. However, I am not persuaded from the evidence before me, there would be noticeable differences in the character of the land use, depending on whether the car park was being used by residents or non-residents, when having regard to these specific factors. This does not however alter the conclusion I have already reached above.

40. It is important to consider the nature of the material change of use that has occurred, having regard to the appropriate planning unit. It is settled case law that the planning unit is usually the unit of occupation, unless a smaller area can be identified which, as a matter of fact and degree, is physically separate and distinct, and occupied for different and unrelated purposes; the concept of physical and functional separation is key[9]. The *Burdle* judgment identified three broad categories of distinction:

- A single planning unit where the unit of occupation has one primary use and any other activities are incidental or ancillary;
- A single planning unit that is in a mixed use because the land is put to two or more activities and it is not possible to say that one is incidental to another; and
- The unit of occupation comprises two or more physically separate areas which are occupied for different and unrelated purposes. Each area that has a different primary use ought to be considered as a separate planning unit.

41. I concur with the view that each parking space utilised by a non-resident, is effectively in a different unit of occupation, that is physically separate by way of demarcation and functionally separate by way of not being ancillary to any other use. It follows that each parking space, used by a non-resident, would represent a separate planning unit. There has therefore been a series of material changes of use from residential (including ancillary car parking) to non-residential car parking, characterised by separate planning units and primary uses.

42. The appellant argues that because all of the rented parking spaces are in the same ownership, and part of the same commercial contract, they ought to be regarded as part of a single planning unit, regardless of whether they are rented to a resident or otherwise. They suggest that if there has been a material change of use, this occurred in 2010 with the commencement of the commercial contract agreement, and that accordingly this use became immune from enforcement in 2020.

43. However, this does not account for the variation in occupation of individual car parking spaces, and in my judgment would not be in keeping with the broad categories of distinction identified above. Therefore, I do not agree with the appellant's analysis.

[9] *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207.

44. Each of these material changes of use would have required planning permission. No such planning permission has been forthcoming or applied for. The use of land for car parking, unrelated to the residential use of the building, would therefore be unlawful.

Conclusion

45. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for 'Use of basement car park at Northern Angel, Dyche Street by both residents and non-residents' is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

Appeal B

Whether a breach of condition (if this occurred) has occurred continuously for the requisite period of time?

46. Under s191(1)(c) of the Act, an LDC may be sought in respect of a 'matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted'. The failure to comply with a planning condition would become lawful if no enforcement action may be taken in respect of it because the planning condition in question had been breached for a continuous period of 10 years, without any material interruption to that breach (s171B(3) of the 1990 Act).

47. The onus rests with the appellant to provide evidence to demonstrate that the breach of condition has been continuous. The standard of proof is the balance of probability. For the avoidance of doubt, I have approached this appeal entirely independently of the outcome of Appeal A, and therefore as a stand-alone exercise, based on the nature of the application that was made. Accordingly, it is based on the assumption there has been a breach of condition. It does not take into account my conclusion in relation to Appeal A, that Condition 8 of the 2004 planning permission was not breached.

48. The appellant's written evidence raised the question as to whether the continuity of the breach of condition could be measured in terms of general use of the car park by non-residents over time; in other words without focusing on the continuous use of specific individual spaces. However, having regard to relevant case law[10], it is necessary to consider whether the breach of condition is spatially confined to specific car parking spaces, because they are well defined and identifiable on the ground, and the extent to which the breach has been continuous within those spaces. At the Hearing, all parties agreed that this was the correct approach to assessing continuity of the breach in this case.

49. Therefore, in accordance with the aforementioned case law, I consider that if the breach of condition can be demonstrated to be lawful at all, then this would be in relation to one or more of the respective individual car parking spaces in question, where the breach has occurred, and not in relation to the appeal site as a whole.

[10] *R (oao St Anselm Development Co Ltd) v FSS & Westminster CC [2003] EWHC 1592 (Admin)* and *Royale Parks Ltd v SSHCLG [2021] EWCA Civ 1101*. In those cases it had been possible to isolate specific parts of the site where a breach of condition had occurred and thus reach the conclusion that lawfulness of breach was limited to those specific areas, rather than across the site as a whole.

50. In support of the application, the appellant has provided a series of statutory declarations made by a representative of the company responsible for renting out the parking spaces at the appeal site on the appellant's behalf[11]. They confirm that individual spaces are rented out for a minimum period of one month, and provide monthly spreadsheets purporting to identify whether specific spaces were rented out to residents, non-residents or were vacant. The spreadsheets provided cover the period from October 2012 to July 2025. In addition, at the Hearing the appellant provided a further 'master' spreadsheet, with a view to summarising the use of spaces in a more consolidated format.

51. I have considered the representations from the parties on this information. I am also mindful that, in accordance with s171B(3) of the 1990 Act, the immunity period begins with the date of the breach. Therefore, any 10-year period of continuous breach before the LDC application date, would potentially be sufficient to accrue lawfulness.

52. As a matter of fact and degree, I concur with the Council, and interested party, that where with regard to any month, a specific space is shown as rented to an appeal site resident, this would be sufficient to break continuity of the breach. Similarly, I concur that where a parking space is shown as vacant, for as little as one month, this would also be sufficient to break such continuity. The reason for this is that in either circumstance, it would not have been possible for the Council to have enforced against a breach of condition within the month in question. Thus, any subsequent breach would have 'restarted the clock'. In my judgment, the only reasonable exception to this principle would be if a space became vacant for just a few days within a specific month, consistent with the practicalities of one rental period ending and the next one beginning. Breaks of this nature would be *de minimis* and thus insufficient to interrupt the continuity of the breach.

53. Accordingly, I do not agree with the appellant's submission that a space being vacant for up to six months would be sufficient to continue a breach of condition. The reason for this is that the space in question would, during this time, still have been available to be let to a resident of the appeal site. It follows that even if the condition was capable of being breached continuously throughout any given year, due to a restriction on the nature of the space user, there can have been no such breach when the space was not in use at all, and the Council would have no reason to enforce.

54. Having regard to the above principles, I conclude that the appellant's evidence shows, on the balance of probability, that at the date of the LDC application, there had been a breach of condition 8 for the requisite period in relation to **three** of the rented car parking spaces only. These are space nos. **10, 40 and 93**[12] as identified on the car park layout drawings attached to this decision.

55. The Council and interested party have identified a number of discrepancies in the spreadsheet data provided, and therefore question the reliability and credibility of the appellant's evidence. These include differences in the number of spaces recorded as rented out to residents in specific months; figures provided failing to correspond with the total number of spaces leased out; company related

[11] The company's name is given as Online Parking Ltd., and previously Parking Space Rentals Ltd. – Statutory Declaration of S Barton, dated 31 July 2026.
[12] This is despite the vehicle occupying space 10 apparently not having been moved for a long time. I consider, as a matter of fact and degree, that a 9-day vacancy of space 93 between 1-9 September 2015 would have been *de minimis*.

information shown on the spreadsheets, and discrepancies between duplicate spreadsheets purporting to relate to the same month.

56. They also point out that the source material used to identify the address of the car park space users has not been disclosed due to redaction. Accordingly, it is not possible to check that resident and non-resident car park users have been accurately recorded.

57. I am mindful that planning practice guidance sets out the relevant test for lawfulness as *"In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability."*

58. I have considered the point that source material has not been made available by the appellant, meaning it has not been possible for the other parties to check the addresses of space users. However, there is nothing to persuade me that the addresses provided by car park space customers, when making a rental booking, would not be clear and unambiguous to the booking company. Using this information to distinguish between residents and non-residents, would not in my judgment be a difficult task, likely in itself to result in confusion and inaccurate recording.

59. Similarly, in terms of continuity of rental being disrupted by a parking space becoming vacant, I do not consider that it would be inherently difficult to identify these situations, where the question is essentially one of whether a rental payment was received for a particular space in a specific month.

60. Irrespective of this, and even though discrepancies between duplicate spreadsheets was adequately explained at the Hearing, I am in no doubt that the spreadsheet data provided is imperfect. Indeed, the appellant has accepted that the evidence is not free from error. However, I need to apply the relevant guidance and consider whether the appellant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

61. The parking records provided, even though they were modified in order to help distinguish whether the space user was a resident or not, have been submitted as sworn evidence. Therefore, despite the presence of some errors therein, I have no reason to doubt the information was believed to be accurate, given that a sanction such as a fine or custodial term could be applied if subsequently found to be untruthful. This consideration weighs in favour of the credibility of the evidence, despite its shortcomings.

62. Therefore, in this context, and drawing all the above considerations together, I consider it more likely than not that the long periods of non-residential use recorded as having occurred in relation to the aforementioned three parking spaces constitutes an accurate assessment.

Whether a material change of use occurred continuously for the requisite period of time?

63. For completeness I have considered whether this would result in a more favourable outcome for the appellant. The material change of use from residential to non-residential car parking is governed by the enforcement time limits set out within s171B(3) of the 1990 Act.

64. In order for an LDC application to succeed on grounds of passage of time, in accordance with s171B(3) of the 1990 Act, it would be necessary for the appellant to show, on the balance of probability, that the non-residential car parking use had commenced at least 10 years before the date of the LDC application, and had continued in such use over a ten-year period. It must be shown that there has not been any significant interruption in the use, in order to demonstrate the necessary continuity. The test for immunity from enforcement action for material change of use in this case therefore mirrors that applied to the question of breach of condition, as considered above.

65. My Appeal A conclusion was that there had been a series of material changes of use conforming with the area of specific car parking spaces rented out to non-residents. Added to this, I have concluded above that a breach of condition for the requisite period, had it occurred, would have been in relation to three of the car parking spaces only.

66. Accordingly, it follows that there was a material change of use for the requisite period in relation to **three** of the rented car parking spaces only. These are nos. **10, 40 and 93,** as identified on the car park layout drawings attached to this decision. The outcome is therefore no more favourable to the appellant.

Conclusion

67. S.191(4) of the 1990 Act allows the local planning authority to modify the terms of the application, giving a certificate in somewhat different terms so as to accord with the facts and evidence, rather than an outright refusal. The Secretary of State or Inspector can exercise the same power in s.191(4), on appeal, as the local planning authority has on the application.

68. Therefore, for the reasons given above, and having considered all of the documentation provided by the appellant, even if Condition 8 of the 2004 permission had been breached, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of 'Use of basement car park by non-residents (up to 39 spaces)' at Basement Car Park, 15 Dyche Street, Manchester, M4 4DS was well-founded insofar as it relates to 36 spaces.

69. However, insofar as it relates to space nos. **10, 40 and 93** (three spaces), as identified on the car park layout drawings attached to this decision, I conclude that the Council's refusal to grant a certificate of lawful use or development was not well-founded. The appeal succeeds to that extent. I will exercise, accordingly, the powers transferred to me under section 195(2) of the 1990 Act as amended, and grant a certificate relating to that part.

Formal Decisions

Appeal A

70. The appeal is dismissed.

Appeal B

71. The appeal is dismissed insofar as it relates to 36 car parking spaces. The appeal is allowed insofar as it relates to car park space nos. **10, 40 and 93** (three spaces), and attached to this decision is a certificate of lawful use or development describing the extent of the matter constituting a failure to comply with a condition or limitation which is found to be lawful.

R Merrett

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Philip Robson	Barrister
Grant Anderson	Solicitor (Hill Dickinson)
Simon Barton	Online Parking Limited

FOR THE LOCAL PLANNING AUTHORITY:

Elana Kaymer	Barrister
Adam Neil	Development Compliance Manager
Robert Tyrer	Planning Officer
Stephanie Walne	Senior Lawyer

FOR NORTHERN ANGEL MANAGEMENT COMPANY:

John Hunter	Barrister
Mark Iveson	Solicitor (JMW)
Simon Hirst	Company Secretary

Documents submitted at Hearing:

1. Appellant's summary of use of appellant's parking spaces.

Planning Inspectorate

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 03 October 2024 the matter described in the First Schedule hereto, constituting a failure to comply with a condition or limitation subject to which planning permission has been granted, in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of section 191(3) of the Town and Country Planning Act 1990 (as amended), for the following reason:

On the balance of probability, car park space nos. 10, 40 and 93, as identified on the car park layout drawings attached to this certificate, have been used continuously by non-residents of the appeal site for the requisite period, and accordingly such use in relation to those spaces has become immune from enforcement action.

Signed

R Merrett

Inspector

Date: 6 November 2026

Reference: APP/B4215/X/26/3378567

First Schedule

Use of basement car park space nos. 10, 40 and 93 by non-residents (three spaces only).

Second Schedule

Land at Basement Car Park, 15 Dyche Street, Manchester, M4 4DS

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the matter, constituting a failure to comply with any condition or limitation subject to which planning permission has been granted, described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 or 187A of the 1990 Act, on that date.

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 matter which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

Planning Inspectorate

Plan

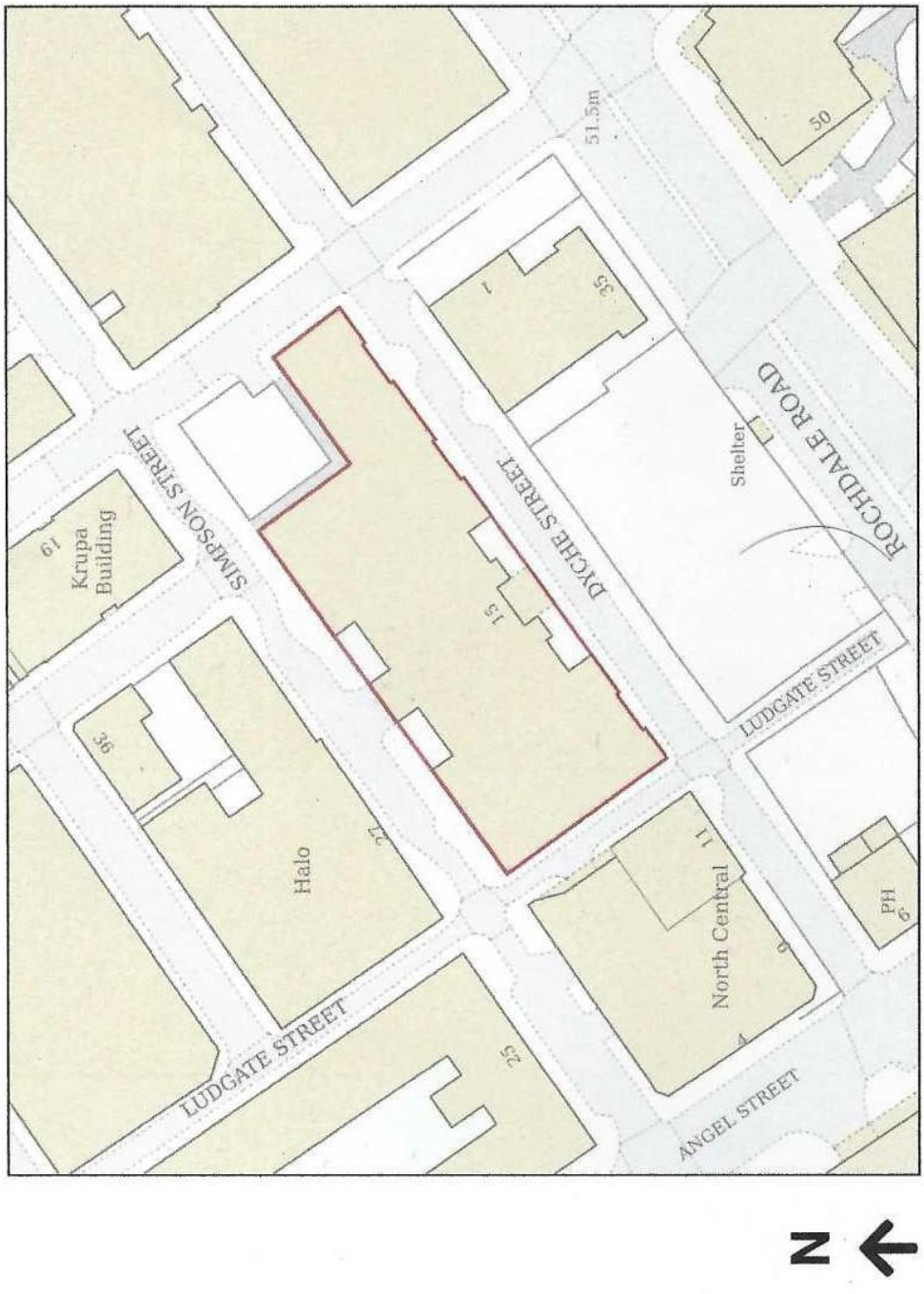
This is the plan referred to in the Lawful Development Certificate dated: 6 November 2026

by R Merrett BSc(Hons), DipTP, MRTPI

Land at: Basement Car Park, 15 Dyche Street, Manchester, M4 4DS

Reference: APP/B4215/X/26/3378567

Scale: Not to Scale



Planning Inspectorate

Car Park Layout Drawings

These are the drawings referred to in the Lawful Development Certificate dated: 6 November 2026

by R Merrett BSc(Hons), DipTP, MRTPI

Land at: Basement Car Park, 15 Dyche Street, Manchester, M4 4DS

Reference: APP/B4215/X/26/3378567

Scale: Not to Scale

