

## **APPEAL DECISIONS, CURRENT PLANNING APPEALS AND ENFORCEMENTS**

### Report of the Deputy Chief Executive

#### **1. MATTER FOR CONSIDERATION**

- 1.1 This report summarises recent appeal decisions, lists current planning appeals and dates for local inquiries and informal hearings, progress upon authorised enforcement action set out by area committee.

#### **2. INFORMATION**

- 2.1 The appeal decisions, details of current appeals and current enforcement action for each committee area are appended.

#### **3. RECOMMENDATION**

- 3.1 That the report be noted.

#### **BACKGROUND PAPERS**

There are no background papers.

Anyone with enquiries relating to planning appeals should telephone the named officer relating to the relevant appeal

Anyone with enquiries relating to enforcement activity should contact Dave Westhead on 0161 474 3520

# AGENDA ITEM

## MARPLE AREA COMMITTEE

### PLANNING APPEALS

Appeal date	06 January 2020
Appeal Procedure	Written Representations
Location	30A Winnington Road, Marple, Stockport, SK6 6PT
Proposal	Refusal of planning permission for a two storey and single storey rear extension, single storey front extension and elevational alterations.
Case Officer	Rachel Bottomley
Appeal Decision	Allowed subject to conditions:-  1) The development hereby permitted shall begin not later than 3 years from the date of this decision. 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale Location Plan, 19-698 (01)001 PL3, 19-698 (04)001 PL3 and 19-698 (05)001 PL3. 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal date	24 January 2020
Appeal Procedure	Written Representations
Location	36 Mill Brow, Marple Bridge
Proposal	Refusal of planning permission for the retention of decking.
Case Officer	Rachel Bottomley
Appeal Decision	Appeal Withdrawn

### **ENFORCEMENT APPEALS**

Appeal Date	22 August 2017
Appeal Procedure	Public Inquiry
Location	The Garden House, Lakes Road Marple
Proposal	Without the benefit of planning permission, the material change in the use of land to a visitor attraction including the formation of hard surfaced areas; provision of wooden buildings for uses in connection with the visitor attraction including (but not limited to) toilet facilities, café, stables, community rooms, animal housing & storage; shipping containers; goods vehicle bodies, play equipment and a mobile home.
Case Officer	Dave Westhead
Appeal Decision	Following the refusal of the retrospective planning application on the above site the Council has fully considered its options and as a result it will be withdrawing the current enforcement notice and serving a new notice which address all breaches of planning control, including further breaches which have occurred since the service of the notice.

UPDATE New enforcement notice served on 31<sup>st</sup> October 2018 appeal submitted awaiting start letter from PINs likely to be dealt with by public inquiry. Appeal start letter received, Council statement submitted to PIN's. appeal will proceed as a public enquiry. No enquiry date yet allocated.

Appeal Date	17 February 2020
Appeal Procedure	Written Representations
Location	36 Mill Brow Marple Bridge
Proposal	Unauthorised decking in a conservation area
Case Officer	Dave Westhead
Appeal Decision	Appeal Dismissed

## ENFORCEMENT NOTICES

<b>Action</b>	Enforcement Notice Served
<b>Location</b>	Land at Lakes Road, Marple (The Garden House),
<b>Description</b>	Without the benefit of planning permission, the material change in the use of land to a visitor attraction including the formation of hard surfaced areas; provision of wooden buildings for uses in connection with the visitor attraction including (but not limited to) toilet facilities, café, stables, community rooms, animal housing & storage; shipping containers; goods vehicle bodies, play equipment and a mobile home.
<b>Case Officer</b>	Dave Westhead
<b>Notice Served Date</b>	13 <sup>th</sup> June 2017
<b>Compliance Date</b>	<p>Following the refusal of the retrospective planning application on the above site the Council has fully considered its options and as a result it will be withdrawing the current enforcement notice and serving a new notice which address all breaches of planning control, including further breaches which have occurred since the service of the notice.</p> <p>UPDATE New notice served 31/10/18 requiring compliance of the following steps:-</p> <ol style="list-style-type: none"><li>1. Cease the use of the land as a visitor attraction/urban farm and educational facility.</li><li>2. Dismantle and remove from the land all buildings, except for the remains of the Garden House.</li><li>3. Remove all hard surfaces constructed to support or be used as floors for the buildings from the land</li><li>4. Remove from the land all shipping containers and goods vehicle bodies</li><li>5. Remove the building consisting of a wooden clad mobile home from the land including all decking steps and other external ancillary structures used to facilitate the use of it.</li><li>6. Remove all play equipment and the zip wire from the land</li><li>7. Remove all pipework, wiring or other equipment used to supply water to the buildings on the land, remove waste or foul water from the buildings or supply gas or electricity to the</li></ol>

buildings from the land

8. Remove from the land all storage tanks used to store fresh or foul water including all ancillary structures used to support or contain the tanks.
9. Remove from the land all tanks used to store fuel oil or other liquids including all ancillary structures used to support or contain the tanks.
10. Remove from the land all gas bottles
11. Remove from the land (both the upper and lower levels) and dispose of at a licenced waste disposal site all materials including (but not limited) to cold planings used to create hard surface areas.
12. Break up the soil in the areas where the materials used to form the hard surface have been removed from and seed with a meadow grass mixture
13. Remove all advertisements relating to the Garden House and/or its use as a visitor attraction.

**TIME FOR COMPLIANCE:**

- Steps 1 & 13 31st December 2018.
- Steps 2 to 12 31st May 2019.
- Appeal submitted

<b>Action</b>	Breach of Condition Notice Served
<b>Location</b>	167/169 Strines Road, Marple
<b>Description</b>	Failure to comply with condition 3 of planning permission DC/051703 by externally displaying vehicles for sale
<b>Case Officer</b>	Dave Westhead
<b>Notice Served Date</b>	14/02/19
<b>Compliance Date</b>	Notice complied with

**Action** Enforcement Notice Served  
**Location** 144 Stockport Road, Marple  
**Description** Without the benefit of planning permission the construction of a hard surfaced area to the front of 144 Stockport Road, Marple, Stockport to facilitate a vehicle access/parking area from a classified road.  
**Case Officer** Dave Westhead  
**Notice Served Date** 20 June 2018  
**Compliance Date** Initially 22 October 2018 however following committal of developer to prison for 9 months following conviction for benefit fraud period to be extended to allow 2 months after release. Letter giving 2 months sent on 4/2/19 compliance is therefore 4/4/19. Council to follow up and report for next committee. Notice not complied with. Prosecution file prepared. Case to be heard at Warrington Magistrates Court on 04/10/19. Not guilty plea entered and defendant has elected Crown Court Trial. Plea and direction hearing at Liverpool Crown Court 1/11/19. Case adjourned for trial at Liverpool Crown Court on 18<sup>th</sup> may 2020 (3 day trial). Now adjourned to November for trial.

**Action** Temporary Stop Notice  
**Location** Land at Sunhill Farm, Sandhill Lane, Marple Bridge  
**Description** Tipping on land  
**Case Officer** Dave Westhead  
**Notice Served Date** 18/10/19  
**Compliance Date** All material has been removed, breach has ceased.

<b>Action</b>	Enforcement Notice Served
<b>Location</b>	36 Mill Brow, Marple Bridge
<b>Description</b>	Enforcement Notice Served to remove raised decking from the rear garden. Served 08/01/20 effective 10/02/20.
<b>Case Officer</b>	Dave Westhead
<b>Compliance Date</b>	11/05/20. Appeal against refusal of planning permission and enforcement notice submitted. Planning Appeal dismissed, Enforcement Appeal Withdrawn.