

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	4 August 2020
Appeal Procedure	Written Representations
Location	Canal & River Trust Yard, Church Street Marple
Proposal	Appeal against the refusal of planning permission for the redevelopment of Marple Yard comprising the change of use and conversion of the former canal warehouse for a mix of uses including café (Use Class A3) with shared space for heritage and visitor display/information, community meetings (Use Class D1) and ancillary gift shop on the ground floor and wellbeing and fitness room for floor-based activities (Use Class D2) on the first floor, demolition of outbuildings and structures; erection of 7no.dwelling houses (Use Class C3) and a storage building incorporating a waterway service station, together with associated landscaping, parking and alterations to access road.
Case Officer	Dominic Harvey
Appeal Decision	Pending
Appeal date	23 April 2020
Appeal Procedure	Public Inquiry
Location	The Garden House, Lakes Road Marple
Proposal	Appeal against the refusal of planning permission for the change of use of land to a mixed use consisting of an urban farm and educational facility together with the retention of associated buildings structures and parking areas (retrospective).
Case Officer	Mark Jordan
Appeal Decision	Pending.

Appeal is linked to enforcement appeal for the same site and will be dealt with as one appeal.
Public Inquiry set for 3 days commencing on 13 January 2021 venue to be confirmed.

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	<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>Appeal is linked to appeal against refusal of planning permission for the same site and will be dealt with as one appeal.</p> <p>Public Inquiry set for 3 days commencing on 13 January 2021 venue to be confirmed.</p>

ENFORCEMENT NOTICES

Action	Enforcement Notice Served
Location	Land at Lakes Road, Marple (The Garden House),
Description	Without the benefit of planning permission, the material change in use of the land is a visitor attraction including the formation of hard surfaced areas; provision of a water connection with the visitor attraction including (but not limited to) a water supply; community rooms, animal housing & storage; shipping containers; equipment and a mobile home.
Case Officer	Dave Westhead
Notice Served Date	13 th June 2017
Compliance Date	Following the refusal of the retrospective planning application on the 13 th June 2017, the Council has fully considered its options and as a result it will be withdrawing the notice and serving a new notice which address all breaches of planning control and breaches which have occurred since the service of the notice. UPDATE New notice served 31/10/18 requiring compliance of the following: <ol style="list-style-type: none">1. Cease the use of the land as a visitor attraction/urban farm at Lakes Road, Marple2. Dismantle and remove from the land all buildings, except for the Garden House.3. Remove all hard surfaces constructed to support or be used for the purpose of the land4. Remove from the land all shipping containers and goods vehicles5. Remove the building consisting of a wooden clad mobile home, decking steps and other external ancillary structures used to support the building6. Remove all play equipment and the zip wire from the land7. Remove all pipework, wiring or other equipment used to supply water to the land, remove waste or foul water from the buildings or structures on the land

buildings from the land

8. Remove from the land all storage tanks used to store fresh or foul water and 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 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 designated disposal site all materials including (but not limited to) cold planings used on the surface areas.
12. Break up the soil in the areas where the materials used to form the hard surfaces have been removed from and seed with a meadow grass mixture
13. Remove all advertisements relating to the Garden House and/or its attraction.

TIME FOR COMPLIANCE:

- Steps 1 & 13 31st December 2018.
- Steps 2 to 12 31st May 2019.
- Public Inquiry set for 3 days from 13 January 2021 venue to be confirmed.

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

Action Enforcement Notice Served
Location 36 Mill Brow, Marple Bridge
Description Enforcement Notice Served to remove raised decking from the rear garden. effective 10/02/20.
Case Officer Dave Westhead
Compliance Date 11/05/20. Appeal against refusal of planning permission and enforcement notice dismissed, Planning Appeal dismissed, Enforcement Appeal Withdrawn. Compliance achieved. Planning appeal was dismissed on effect on Conservation Area only, Inspector found no harm to residential amenity.

A new planning application has been received in an attempt to overcome Council's previous decision. Once application has been determined Council will consider allowing for removal of decking as one action if granted, if approved subject of notice and installation of new decking as one action if granted, if approved. Council will allow 1 month to remove decking. Determination date for application is 19 September 2020.

Application refused, developer written to and given until 19 September to remove decking. Prosecution.

Action

Stop Notice

Location

Land at Wybersley Road, High lane

Description

Without the benefit of planning permission the material change in use of land for the importation, sorting, storage & disposal of cold planings

Case Officer

Dave Westhead

Notice Served Date

5 August 2020

Compliance Date

Immediate, notice effective for 28 days whilst the Council continues investigations

Action	Stop Notice
Location	Land at Wybersley Hall Farm, High lane
Description	Without the benefit of planning permission the material change in use of importation, sorting, storage & disposal of cold planings
Case Officer	Debbie Whitney
Notice Served Date	8 September 2020
Compliance Date	Immediate, notice effective for 28 days whilst the Council continues investigations