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

PLANNING APPEALS

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

None Current

AREA COMMITTEE: CENTRAL STOCKPORT

Appeal date	4 June 2020
Appeal Procedure	Written Representations
Location	2 Grendale Avenue, Offerton
Proposal	Appeal against refusal of planning permission for the erection of a new-build 2 storey 3 bedroom dwelling
Case Officer	Anthony Smith
Appeal Decision	Pending

AREA COMMITTEE: CHEADLE

Appeal date	20 May 2020
Appeal Procedure	Public Inquiry
Location	Chesters Croft Residential Park, Spath Lane East Cheadle
Proposal	Appeal against refusal of to grant a Certificate of Lawful development for the informal recreation and amenity open space (free from caravans & operational development) associated with the caravan site.
Case Officer	Chris Smyton
Appeal Decision	Pending Public Inquiry set for 3 days commencing 26 January 2021, venue to be confirmed.
Appeal date	14 August 2020
Appeal Procedure	Written Representations
Location	19 Daylesford Crescent, Cheadle
Proposal	Proposed loft conversion, hip to gable roof extension and erection of side dormer to both the northern and southern elevations. Proposed single storey front extension to infill the south western corner of the existing house. Proposed front porch extension, three additional obscure glazed windows within both the northern or southern side elevations and one additional window to both the front and rear elevations to serve habitable room windows within the proposed loft conversion.
Case Officer	Callum Coyne
Appeal Decision	Pending

AREA COMMITTEE: HEATONS AND REDDISH

Appeal date	19 August 2020
Appeal Procedure	Householder Appeals Service
Location	45 Buckingham Road West, Heaton Moor
Proposal	Refusal of planning permission for the erection of 1.4 metre tall fencing and sliding gate at the front of the property (retrospective).
Case Officer	Rachel Bottomley
Appeal Decision	Pending

Appeal date	18 September 2020
Appeal Procedure	Householder Appeals Service
Location	29 Priestnall Road, Heaton Mersey
Proposal	Refusal of planning permission for the demolition of a flat roofed garage and the erection of a coach-house garage and office.
Case Officer	Rachel Bottomley
Appeal Decision	Pending

AREA COMMITTEE: MARPLE

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.

Appeal date	1 October 2020
Appeal Procedure	Written Representations
Location	10 Oakdene Crescent, Marple
Proposal	Appeal against the refusal of planning permission for the erection of 2 detached.
Case Officer	Mark Burgess
Appeal Decision	Pending

AREA COMMITTEE: STEPPING HILL

None Current

AREA COMMITTEE: WERNETH

Appeal Date	20 July 2020
Appeal Procedure	Written Representations
Location	87 Higher Bents Lane, Bredbury
Proposal	Change of use of existing workshop/store & lock up garage to offices, and alterations to elevations
Case Officer	Karyn Clarke
Appeal Decision	Pending

ENFORCEMENT APPEALS

AREA COMMITTEE: CENTRAL

None Current

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

Appeal Date	7 May 2019
Appeal Procedure	Written Representations
Location	79 Hulme Hall Road, Cheadle Hulme
Proposal	Appeal against a High Hedge Notice
Case Officer	Dave Westhead
Appeal Decision	Appeal decision- Notice varied to allow a higher hedge height and appeal dismissed. Appeal decision received 21/1/2020 with nine months to comply. Notice has to be complied with by 21/10/2020.

REA COMMITTEE :CHEADLE

None Current

AREA COMMITTEE: HEATONS & REDDISH

None Current

AREA COMMITTEE: MARPLE

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. Appeal is linked to appeal against refusal of planning permission 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.

AREA COMMITTEE: STEPPING HILL

None Current

AREA COMMITTEE: WERNETH

Location	Breach of Planning Control at the former Standard Chemicals site at Mill Lane, Woodley
Case Officer	Dave Westhead
Appeal Decision	It transpired that Remediation of the site had not been provided which invalidated the planning permission for the development. Following protracted correspondence between the Council and the applicant, an application for an injunction was made to oblige the applicant to cease development and submit a planning application. A Court Order was obtained on 17 December 2019 requiring the applicant to submit a validated planning application by 1 July 2020. Due to the pandemic the Council granted an extension of time to 26 August 2020 and a further extension of time was then granted which will expire on 16 November 2020.

ENFORCEMENT NOTICES

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

Action	Enforcement Notice Served
Location	67 Earle Road, Bramhall
Description	Unauthorised 2nd floor rear extension
Case Officer	Amanda Hopkins
Notice Served Date	10th July 2018
Compliance Date	28th February 2019. Following dismissal of a planning appeal concerning the same property, compliance date now 30/4/19. Notice not complied with, prosecution file being prepared. Appeal dismissed, notice not complied. Prosecution proceeding – not guilty plea entered; trial date 17/03/20. Court date 27 October 2020

Action	S 215 Enforcement Notice Served
Location	73 Crossfield Road, Cheadle Hulme
Description	Land detrimental to the amenity of the area
Case Officer	Amanda Hopkins
Notice Served Date	2 July 2020
Compliance Date	28 December 2020.

Action	High Hedge Notice Served
Location	79 Hulme Hall Road, Cheadle Hulme
Description	A high hedge is situated at 79 Hulme Hall Road, Cheadle Hulme, the hedge in question is adversely affecting the reasonable enjoyment of the property at 2a Upton Avenue. Appeal submitted.
Case Officer	Amanda Hopkins
Notice Served Date	04/04/19 effective from 03/05/19
Compliance Date	Appeal decision- Notice varied to allow a higher hedge height and appeal dismissed. Appeal decision received 21/1/2020 with nine months to comply. Notice has to be complied with by 21/10/2020.

Action	High Hedge Notice Served
Location	Land to the rear of 3 Nimrod Grove, Woodford
Description	A high hedge causing significant obstruction of daylight & sunlight to the rear of 3 Nimrod Grove.
Case Officer	Debbie Whitney.
Notice Served Date	04/12/19
Compliance Date	If no appeal is submitted compliance, date is 31/03/20. Appeal not submitted. However there were claims from a 3rd party that they owned the land on which the hedge was growing that the Council had to check. Council satisfied that notice served correctly on all interested parties however given time taken to check land ownership compliance period extended to 4/11/2020.

Action	S215 Notice Served
Location	39 Geneva Road, Bramhall
Description	The condition of 39 Geneva Road both in relation to the gardens and the property is detrimental to the amenity of the area.
Case Officer	Amanda Hopkins
Notice Served Date	18/08/20
Compliance Date	18/12/20

AREA COMMITTEE: CENTRAL STOCKPORT

Action	Enforcement Notice Served
Location	287 Wellington Road South, Heaviley
Description	Untidy Land
Case Officer	Dave Westhead
Notice Served Date	19th December 2016
Compliance Date	Further action pending. The owners of the land are subject to a freezing order on their accounts under the provisions of the Proceeds of Crime Act. At this time the Crown Prosecutor will not allow any funds to be released to carry out works to building. They therefore have a defence to any prosecution in that the actions of a 3rd party are preventing compliance. Council is investigating options to deal with the condition of the building.

Action	Enforcement Notice Served
Location	Mac Court, St. Thomas Place, Stockport
Description	Enforcement notice to build gable wall in compliance with approved plans
Case Officer	Dave Westhead
Notice Served Date	2/5/17
Compliance Date	Notice not complied with and after considering all options Council has prosecuted for a failure to comply with notice. First court date 21/5/19. Not guilty plea entered adjourned to 11/2/2020 for trial. New date following defence request for adjournment. Awaiting court date following covid restrictions on trials. Trial date now set for 20 October 2020. The owners of the flats in Mac Court have now via their own management company purchased the freehold of the land from the developer, the land was transferred for free to allow for them to use money that would have been used for purchase to comply with notice. Owners are in active discussions with Council to fully comply. The prosecution was against the former owner and was done as part of requiring compliance with the enforcement notice. As he now no longer has involvement and does not own the land, following discussions with the Councils Legal Services the prosecution has been formally discontinued. A trial would have been expensive to the Council and whilst we could technically still prosecute the previous owner, he is not now in a position to comply.

Action	Enforcement Notice Served
Location	36 The Crescent, Davenport
Description	Without the benefit of planning permission, the installation of gates and posts (over 1 metre in

	height) adjacent to a highway and within the Egerton Road / Frewland Avenue Conservation Area
Case Officer	Amanda Hopkins
Notice Served Date	13/08/19 effective from 13/10/19
Compliance Date	Appealed. Appeal dismissed, compliance by 2 April 2021.

Action	Enforcement Notice Served
Location	Go Outdoors 207 Stockport Road, Cheadle Heath
Description	Without the benefit of planning control, the installation of silver anti-vandal spin guards to an existing 2 metre high black paladin fence.
Case Officer	Debbie Whitney
Notice Served Date	18 August 2020
Compliance Date	18 January 2021

Action	Enforcement Notice Served
Location	300A Brinnington Road, Brinnington
Description	Without the benefit of planning permission, the insertion of a clear glaze window at the rear elevation of the property
Case Officer	Debbie Whitney
Notice Served Date	24 August 2020

Compliance Date	21 November 2021 Enforcement Notice complied with.

AREA COMMITTEE: CHEADLE

Action	Enforcement Notice Served
Location	1 Tatton Close, Cheadle
Description	Without the benefit of planning permission, the material change in the use of the land from a dwellinghouse to a mixed use as a dwellinghouse and a use for the repair of motor vehicles including the installation of hydraulic vehicle repair equipment in the rear garden of the dwellinghouse
Case Officer	Amanda Hopkins
Notice Served Date	29/08/19 effective from 27/09/19
Compliance Date	Step 1 - 1 month from the date this Notice takes effect Step 2 - 2 months from the date this Notice takes effect. Notice not complied with prosecution file submitted to legal. Court date now received – 15 October 2020

AREA COMMITTEE: HEATONS & REDDISH

Action	Enforcement Notice
Location	604 Didsbury Road, Heaton Mersey Stockport.
Description	Material change of use of garage to a single dwellinghouse.

Case Officer	Dave Westhead
Notice Served Date	19/5/2020
Compliance Date	21/2/2021
	Notice served during Covid period to protect the Council and to stop the enforcement clock as breach may be approaching 4 years at which point it would become lawful. To take account of restrictions Council allowed a period of 3 months before the notice became effective rather than 1 month. This is to allow developer to obtain his own advice. Compliance period expires on 21/2/2021 to ensure that the occupier is not made homeless during current covid situation which is in keeping with Ministerial Statement and to allow for alternative accommodation to be found. Following positive discussions beween the owner and the Council an application which will overcome the reasons for service of the notice will be submitted. The Notice has now been varied so that it become effective on 19/12/20. This allows for the application to be submitted and determined without the need to deal with an appeal. The compliance date will be extended by 4 months.

Action	Enforcement Notice Served
Location	10 Keswick Road, Heaton Chapel
Description	Without the benefit of planning permission the erection of metal gates adjoining the highway which measure 1.8 metres in height
Case Officer	Debbie Whitney
Notice Served Date	8 September 2020
Compliance Date	Notice withdrawn due to issues regarding land ownership. Conveyancing are investigating.

Action	Enforcement Notice Served
Location	12 Moorfield Grove, Heaton Moor
Description	Without the benefit of planning permission the erection of a satellite dish to the front of a dwellinghouse within a Conservation Area.
Case Officer	Debbie Whitney
Notice Served Date	16/12/19
Compliance Date	Appeal dismissed, compliance by 15/10/20.

AREA COMMITTEE: MARPLE

Action	Enforcement Notice Served
Location	Land at Lakes Road, Marple (The Garden House),
Description	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
Notice Served Date	13th June 2017
Compliance Date	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 notice served 31/10/18 requiring compliance of the following steps:-

1. Cease the use of the land as a visitor attraction/urban farm and educational facility.
2. Dismantle and remove from the land all buildings, except for the remains of the Garden House.
3. Remove all hard surfaces constructed to support or be used as floors for the buildings from the land
4. Remove from the land all shipping containers and goods vehicle bodies
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.
6. Remove all play equipment and the zip wire from the land
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 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.
- 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 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 Trail. Plea and direction hearing at Liverpool Crown Court 1/11/19. Case adjourned for trial at Liverpool Crown Court on 18th may 2020 (3 day trial). Now adjourned to 9th & 10th 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. Served 08/01/20 effective 10/02/20.
Case Officer	Dave Westhead

Compliance Date	11/05/20. Appeal against refusal of planning permission and enforcement notice submitted. Planning Appeal dismissed, Enforcement Appeal Withdrawn. Compliance date 15/6/2020. Planning appeal was dismissed on effect on Conservation Area only, Inspector found no evidence of harm to residential amenity. A new planning application has been received in an attempt to overcome Conservation Issues. Once application has been determined Council will consider allowing for removal of decking subject of notice and installation of new decking as one action if granted, if application refused, Council will allow 1 month to remove decking. Determination date for application is 10/8/2020. Application refused, developer written to and given until 19 September to remove decking or prosecution. Site visit to be carried out on 7 October 2020.
Action	Stop Notice
Location	Land at Wybersley Road, High lane
Description	Without the benefit of planning permission the material change in use of the 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. The owner of the land is working pro-activley with the Council to resolve the breach of planning control which will take place over 3 time periods given the action required. Use of the land around the buildings to cease by 12/10/2020, second phase by 1/11/2020 and 3rd by 15/11/2020.

Action	Stop Notice
Location	Land at Wybersley Hall Farm, High lane
Description	Without the benefit of planning permission the material change in use of the land for the 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. Following information from owners, the breach has been resolved and the notice will be withdrawn. n.b. a Temporary Stop notice is a natural act which put a temporary hold on development to allow both the Council and Developer to consider the development and a course of action to be taken. The Council can withdraw such a notice once it is satisfied a course of action has been determined which does not require a full notice to be served. In this case the developer made a genuine mistake and has offered a solution to resolve the breach.

STEPPING HILL AREA COMMITTEE

Action	High Hedge Remedial Notice
Location	4 Hornsea Road, Offerton.
Description	Hedge the height of which is taking light and sunlight from garden of complainants property.
Case Officer	Debbie Whitney
Notice Served Date	20/03/2020
Compliance Date	21/12/2020

AREA COMMITTEE: WERNETH

Location	Land at Hillside Farm, Werneth Low Road, Romiley
Description	Enforcement notice to demolish unauthorised building in the green belt
Case Officer	Dave Westhead
Notice Served Date	16th April 2018
Compliance Date	11th February 2019 following dismissal of appeal. Application for potential alternative use submitted, Council to consider application. Application under consideration by planning officer.

Action	Enforcement Notice Served
Location	123 Werneth Road, Woodley
Case Officer	Dave Westhead
Description	Enforcement Notice served to remove unauthorised rear extension. Notice served 20/12/19 effective 20/01/20.
Compliance Date	20/07/20. Owner submitted an application for alternative smaller extension along with removal of several outbuildings. Application was granted. To allow for work to be carried out as one action and given covid restrictions notice compliance date extended to 21/1/2021.

Action	High Hedge Remedial Notice
Location	43 Queens Avenue Bredbury
Case Officer	Dave Westhead
Description	High Hedge Remedial Notice served on 21/01/20 requiring hedge forming the boundary with 42 Newlyn Drive to be reduced to 2 metres. Notice becomes effective on 20/02/20.
Compliance Date	31/10/20. Appeal submitted.

Action	Tree Replacement Notice
Location	Land adjacent to Unity Mills, Poleacre Lane, Woodley
Case Officer	Dave Westhead

Description	Plant a mixture of 100 native woodland trees as 2 year old whips of a minimum size of 40 centimetres in a random pattern at 2 metre intervals. 6th March 2020 – replant is required to take place within 12 months of 11th March 2019. The usual time for planting is between the end of September and the end of March. The owner of the land was prosecuted and convicted for cutting down 34 trees in a woodland TPO and a subsequent replant notice was served requiring the plantation of a mixture of 100 native woodland trees as 2 year old whips (each whip is to be supported with a cane and protected with a commercially available rabbit tube for a period of 3 years). The compliance date was mid-April. However, due to Covid restrictions and difficult access with locked gates meaning the land owner needed to attend, a site visit was not arranged until 12 August 2020 (when it was arranged that the landowner would allow safe access under Covid-19 guidelines and then remain off the site while officers inspected. The owner has been contacted and required to provide covid safe access to land on 12 August 2020 follow up to be provided after site visit. Owner did not attend on site. Second letter sent for access on 26 August 2020. No response was received. Contact has now been made with the owner's agent rather than directly and he has confirmed that he will try to arrange access. If this course of action is non-productive, the Council will consider applying for a warrant to enter the land.
Action	Stop Notice and Enforcement Notice
Location	Land at Mill Lane, Romiley
Case Officer	Dave Westhead
Description	Without the benefit of planning permission the material change in the use of the land for the importation, sorting, storage and disposal of soil, building rubble and other materials.

Compliance Date	Stop Notice compliance by 3 June 2019, Enforcement Notice compliance by 1 July 2019. Whilst the Notice was initially complied with a prosecution file was prepared following a breach. Prosecution file with Legal. Legal are waiting for a court date.