

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. Waiting for confirmation from PINS that appeal will be held virtually.

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

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.

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. Waiting for confirmation from PINS that inquiry will be held remotely.

ENFORCEMENT NOTICES

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

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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. Waiting for confirmation from PINS that inquiry will be held remotely.

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 18th may 2020 (3 day trial). Now adjourned to 9th & 10th November for trial. Trial adjourned as listed as a floating trial and did not have an allocated court, no court was available due to the restricted number of courts in use. New trial date, week commencing 19 April 2021.

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	<p>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.</p> <p>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.</p> <p>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.</p> <p>Notice complied with, decking removed.</p>
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	<p>Immediate, notice effective for 28 days whilst the Council continues investigations.</p> <p>The owner of the land is working pro-actively 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.</p>

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.

Action	Enforcement Notice served
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 waste.
Case Officer	Dave Westhead
Notice Served Date	12 November 2020
Compliance Date	Step 1 one month, steps 2 & 3 seven months