

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

Appeal date	20 May 2020
Appeal Procedure	Public Inquiry
Original Determination Level	
Nominated Councillor for Appeal (overturns only)	
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. Waiting for confirmation from PINS that the appeal will be held virtually. Inquiry date commencing 23 January 2021 cancelled checking officer and counsel availability for 13, 14 & 15 April 2021. Inquiry date set for 20 July 2021.

Appeal date 11 December 2020

Appeal Procedure Virtual Hearing

Original Determination
Level

Nominated Councillor for
Appeal (Overturns Only)

Location

Hillbrook Grange, Ack Lane East, Bramhall

Proposal

Appeal against refusal of planning permission for the erection of retirement living accommodation with associated communal facilities, landscaping and car parking

Case Officer

Jane chase

Appeal Decision

Pending – Hearing date 17 March 2021

AREA COMMITTEE: CENTRAL STOCKPORT

Appeal date 1 December 2020
Appeal Procedure Written Representations
Original Determination Level
Nominated Councillor for Appeal (Overturns Only)

Location Land outside Aldi Store, Stockport Road Cheadle Heath

Proposal Appeal against refusal of prior approval of permitted development rights for the installation of a 20m slimline column supporting 6 antennas, 2 transmission dishes, 1 equipment cabinet and ancillary development

Case Officer Dan Hewitt

Appeal Decision Pending

AREA COMMITTEE: CHEADLE

Appeal date 8 December 2020

Appeal Procedure Written Representations

Original Determination
Level

Nominated Councillor for
Appeal (Overturns Only)

Location Lomond Road, Heald Green

Proposal Refusal of planning permission for the installation of a replacement 20m monopole accommodating 12 no antenna in an open headframe together with the upgrade of equipment cabinets and ancillary development

Case Officer Rebecca Whitney

Appeal Decision Pending

AREA COMMITTEE: HEATONS AND REDDISH

Appeal date 18 November 2020
Appeal Procedure Householder Appeals Service
Original Determination Level
Nominated Councillor for Appeal (Overturns Only)

Location 6 Ranworth Avenue, Heaton Mersey

Proposal Refusal of planning permission for a ground floor extension with a parapet flat roof featuring 2 roof lanterns and large glazed sliding doors to the rear elevation.

Case Officer Rachel Bottomley

Appeal Decision Dismissed

AREA COMMITTEE: MARPLE

Appeal date 23 April 2020

Appeal Procedure Public Inquiry

Original Determination
Level

Nominated councillor for
Appeal (Overturns Only)

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.

Request by both parties sent to PINS that the inquiry date should be set for no earlier than July 2021. Inquiry date set for 6 July 2021.

AREA COMMITTEE: STEPPING HILL

Appeal date 30 November 2020

Appeal Procedure Written Representations

Original Determination
Level

Nominated Councillor for
Appeal (Overturns Only)

Location Land to the rear of 178-184 Lowndes Lane, Offerton

Proposal Appeal against the refusal to vary a condition requiring the provision and maintenance of formal recreation and childrens play space and facilities and a timetable for implementation and failure to give notice within the appropriate period.

Case Officer Dan Hewitt

Appeal Decision Pending

AREA COMMITTEE: WERNETH

Appeal Date 1 December 20020

Appeal Procedure Householder appeal

Original Determination Level

Nominated Councillor for Appeal (Overturns Only)

Location 123 Werneth Road, Woodley

Proposal Appeal against the refusal of planning permission for the erection of a rear extension and demolition of existing outbuildings (amendment to application to include timber decking to the rear of the extension)

Case Officer Rachel Bottomley

Appeal Decision Pending

Appeal Date	1 December 2020
Appeal Procedure	Householder appeal
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	123 Werneth Road, Woodley
Proposal	Appeal against the refusal of planning permission for the erection of green house
Case Officer	Rachel Bottomley
Appeal Decision	Pending

ENFORCEMENT APPEALS

AREA COMMITTEE: CENTRAL

None Current

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

None Current

AREA COMMITTEE :CHEADLE

Location	Breach of Planning Control at the former Standard Chemicals site at Mill Lane, Cheadle
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. Defendants have filed with the High Court to extend compliance period with injunction. Court date not yet known.
Appeal Date	23 September 2020
Appeal Procedure	S217 appeal
Location	108 Crossefield Road, Cheadle Hulme
Proposal	Appeal against a S215 Enforcement Notice land detrimental to the amenity of the area
Case Officer	Amanda Hopkins
Appeal Decision	Pending. Case listed for 18 February at Stockport Magistrates Court.

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	<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>Request by both parties sent to PINS that the inquiry date should be set for no earlier than July 2021.that inquiry will be held remotely. Inquiry date set for 6 July 2021.</p>

AREA COMMITTEE: STEPPING HILL

None Current

AREA COMMITTEE: WERNETH

Appeal Date	17 August 2020
Appeal Procedure	Written Representations
Location	43 Queens Avenue, Bredbury
Proposal	Appeal against High hedge Notice
Case Officer	Dave Westhead
Appeal Decision	Pending.

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	10 th July 2018
Compliance Date	28 th 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 against refusal of planning permission dismissed, notice not complied. Prosecution proceeding – not guilty plea entered; trial date 17/03/20. Court date 25 February 2021
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. Variation Notice served on 25 March 2020 allowing 11 months from the date of service to comply with initial action.

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	Notice complied with.

AREA COMMITTEE: CENTRAL STOCKPORT

Action	Enforcement Notice Served
Location	287 Wellington Road South, Heaviley
Description	Untidy Land
Case Officer	Dave Westhead
Notice Served Date	19 th 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. Meeting held between new owners (owners of flats), appointed builder, enforcement and conservation. Following this work to complete gable will commence in April 2021

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 Notice not complied with Prosecution being prepared.

Action S215 Enforcement Notice Served
Location 15 Willdor Grove, Edgeley
Description Land detrimental to the amenity of the area.
Case Officer Amanda Hopkins
Notice Served Date 4 September 2020
Compliance Date 2 February 2021 most of Notice has been complied with.

Action S215 Enforcement Notice Served
Location The former Greyhound Public House, Bowden Street Edgeley
Description Land detrimental to the amenity of the area.
Case Officer Dave Westhead
Notice Served Date 10 December 2020
Compliance Date 10 April 2021

Action Breach of Condition Notice Served
Location Units 8 To 11 (inclusive), Lindsays Industrial Estate, Oakfield Road, Davenport,
Description The failure to comply with condition 2 of planning permission DC/072964 which states:- The approved containers and refuse storage and associated approved screening shall be removed from the site and the land cleared and restored no later than 07 June 2020, in accordance with details to be first approved in writing with the local planning authority.
Case Officer Debbie Whitney
Notice Served Date 27 January 2021
Compliance Date 27 June 2021

Action	Enforcement Notice Served
Location	314B Buxton Road, Great Moor
Description	Without the benefit of planning permission, the removal of a shop front to the ground floor front elevation
Case Officer	Dave Westhead
Notice Served Date	28 January 2021
Compliance Date	26 August 2021

AREA COMMITTEE: CHEADLE

Compliance Date	18/12/20
Action	S 215 Enforcement Notice Served
Location	106 Crossefield 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. Pending appeal in relation to 108 further action paused pending appeal decision as issues are similar.

Action S 215 Enforcement Notice Served
Location 73 Crossefield 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. Pending appeal in relation to 108 further action paused pending appeal decision as issues are similar.

Action S 215 Enforcement Notice Served
Location 108 Crossefield 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. Owner has appealed the Notice. In Magistrates court on 18 February 2021.

Action	Enforcement Notice Served
Location	5 Mona Avenue, Heald Green
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.
Case Officer	Amanda Hopkins
Notice Served Date	22 January 2021
Compliance Date	20 May 2021.

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 between 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. Valid application to vary condition received. Matter with case officer. Notice effective date further extended to 19/2/2021 as app will go to committee following objections made.

Location 7 Peel Moat Road, Heaton Moor

Description Reinstatement of boundary gates within a Conservation Area.

Case Officer Amanda Hopkins

Notice Served Date 28 October 2019

Compliance Date Compliance by 28 February 2020. Notice not complied with but extension allowed due to Covid-19 situation. Owner has demonstrated he has quotes from several specialists to manufacture new gates. If notice not complied with within approx. one month a prosecution will be considered.

Given the high number of new and continuing cases a prosecution will be considered in 2021.

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. Waiting for confirmation from PINS that inquiry will be held remotely.
- Request by both parties sent to PINS that the inquiry date should be set for no earlier than July 2021 Inquiry date set for 6 July 2021.

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 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. Step 1 complied with.

STEPPING HILL AREA COMMITTEE

Action High Hedge Notice served
Location 4 Hornsea Road, Offerton
Description Hedge the height of which is taking light and sunlight from garden of complainant's property.
Case Officer Debbie Whitney
Notice Served Date 20/03/2020
Compliance Date 21/12/2020 - Covid secure site visit to be carried out.

Action Enforcement Notice Served
Location 147 Stansbury Place, Offerton.
Description Without the benefit of planning permission the erection of a fence over 1 metre in height adjacent to the highway.
Case Officer Dave Westhead
Notice Served Date 9 November 2020
Compliance Date 8 June 2021 Appeal submitted awaiting Start Letter.

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	
Compliance Date	11 th February 2019 following dismissal of appeal. Application for potential alternative use submitted, Council to consider application. The application needs to be a Committee decision, due to both the number of objections and support lodged against it. A planning report was on the agenda for the Werneth Area Committee in July but was deferred by Cllrs following a request from the applicant. We are currently awaiting further details from the applicant.
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 1 May 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. Deadline for replanting is 31 January 2021.

The owner has been in contact and confirmed that he had a company employed to carry out the works week commencing 4 January 2021, however following the Prime Ministers announcement of a full lockdown nationwide the company will not be able to complete the works in this time period.

At present a provisional date of 15th February has been provided to carry out the planting, however this is dependent on the vaccine roll out and a reduction in restrictions, if this is not possible a further date of 15th March has provisionally been booked.

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.

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. 1st Court date 12 February 2021 this is a holding date in order to issue a summons in time, on this date the case will be adjourned.

Compliance Date