

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

CHEADLE AREA COMMITTEE

PLANNING APPEALS

None Current

ENFORCEMENT APPEALS

Appeal Date

Appeal Procedure

Court Hearing

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 set for 28/5/21. At the hearing on 28 May, the defendant's applications to dismiss the claim against him, and to grant a further extension of time to comply with the Court Order requiring the submission of a planning application in respect of the former Standard Chemicals site at Mill Lane, were both dismissed by the Judge.

The Council was awarded costs in the sum of £21,238

The defendant's representative indicated that his client would be seeking leave to appeal (which needs to be done by 25 June) but the Council has not had any notification of that. Appeal has been made to the Court of Appeal Civil Division, Court has not yet considered the appeal to see if it will be allowed to go ahead. The Council has no indication given court backlogs of when we will receive notification.

Appeal Date	29 March 2021
Appeal Procedure	Written Representations
Location	5 Mona Avenue, Heald Green
Proposal	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
Appeal Decision	Appeal dismissed on 20/7/2021 notice now effective and must be complied with by 20/10/2021

ENFORCEMENT NOTICES

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. Following withdraw of appeal at 108 owner to be written to and required to comply within 3 months. Not complied with prosecution file with Legal.
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. Following withdraw of appeal at 108 owner to be written to and required to comply within 3 months. Not complied with prosecution file with Legal.

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. Appeal submitted.
Appeal dismissed compliance by 21/10/2021

Action Breach of Condition Notice Served

Location Barnes Hospital (now Barnes Village) Cheadle

Description Breach of condition notice for failure to carry out maintenance of landscaping

Case Officer Dave Westhead

Notice Served Date 20 August 2021

Compliance Date 20 October 2021

Action Breach of Condition Notice Served

Location Barnes Hospital (now Barnes Village) Cheadle

Description Breach of condition notice for failure to replace trees that have been removed, died or are seriously diseased.

Case Officer Dave Westhead

Notice Served Date 20 August 2021

Compliance Date 20 February 2022

Action Breach of Condition Notice Served

Location Barnes Hospital (now Barnes Village) Cheadle

Description Breach of condition notice for failure to carry out the approved landscaping scheme

Case Officer Dave Westhead

Notice Served Date 20 August 2021

Compliance Date 20 December 2021

Action

Breach of Condition Notice Served

Location

Barnes Hospital (now Barnes Village) Cheadle

Description

Breach of condition notice for failure to paint soil and vent pipes

Case Officer

Dave Westhead

Notice Served Date

20 August 2021

Compliance Date

20 October 2021