

## **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	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 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**

<b>Action</b>	Enforcement Notice Served
<b>Location</b>	Land at Lakes Road, Marple (The Garden House),
<b>Description</b>	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.
<b>Case Officer</b>	Dave Westhead

**Notice Served Date**

13<sup>th</sup> 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

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 Trial. Plea and direction hearing at Liverpool Crown Court 1/11/19. Case adjourned for trial at Liverpool Crown Court on 18<sup>th</sup> may 2020 (3 day trial). Now adjourned to 9<sup>th</sup> & 10<sup>th</sup> November for trial.

<b>Action</b>	Enforcement Notice Served
<b>Location</b>	36 Mill Brow, Marple Bridge
<b>Description</b>	Enforcement Notice Served to remove raised decking from the rear garden. Served 08/01/20 effective 10/02/20.
<b>Case Officer</b>	Dave Westhead
<b>Compliance Date</b>	<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>
<b>Action</b>	Stop Notice
<b>Location</b>	Land at Wybersley Road, High lane
<b>Description</b>	Without the benefit of planning permission the material change in use of the land for the importation, sorting, storage & disposal of cold planings
<b>Case Officer</b>	Dave Westhead

<b>Notice Served Date</b>	5 August 2020
<b>Compliance Date</b>	<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 3<sup>rd</sup> by 15/11/2020.</p>
<b>Action</b>	Stop Notice
<b>Location</b>	Land at Wybersley Hall Farm, High lane
<b>Description</b>	Without the benefit of planning permission the material change in use of the land for the importation, sorting, storage & disposal of cold planings
<b>Case Officer</b>	Debbie Whitney
<b>Notice Served Date</b>	8 September 2020
<b>Compliance Date</b>	<p>Immediate, notice effective for 28 days whilst the Council continues investigations.</p> <p>Following information from owners, the breach has been resolved and the notice will be withdrawn.</p> <p>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.</p>

In this case the developer made a genuine mistake and has offered a solution to resolve the breach.