

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

WERNETH AREA COMMITTEE

PLANNING APPEALS

Appeal Date	17 March 2021
Appeal Procedure	Householder appeal
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	

Location	86A Higher Bents Lane Bredbury
Proposal	Appeal against the refusal of planning permission for the installation of electric sliding gates
Case Officer	Karyn Clarke
Appeal Decision	Dismissed

ENFORCEMENT APPEALS

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. Site visit on 1 June 2021- hedge has been reduced in height.

ENFORCEMENT NOTICES

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

11th 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.

Planning permission has been granted. Whilst planning permission has been granted it has not yet been implemented, the notice therefore remains in place until the permission is implemented.

Action	Enforcement Notice Served
Location	123 Werneth Road, Woodley
Case Officer	Dave Westhead
Description	<p>Enforcement Notice served to remove unauthorised rear extension. Notice served 20/12/19 effective 20/01/20.</p> <p>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.</p>
Compliance Date	Complied with
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. Site visit 1 June 2021.

Action	Tree Replacement Notice
Location	Land adjacent to Unity Mills, Poleacre Lane, Woodley
Case Officer	Dave Westhead
Description	<p>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.</p> <p>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.</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>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</p>

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. Complied with.

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. Land at Mill Lane guilty plea entered by letter on 12 February, however signed by company accountant who cannot do so. Also defendant did not attend. Court cannot deal with matter on this hearing as it cannot remove right to choose venue (Magistrates or Crown Court). Adjourned to 26th April for defendant to appear and confirm venue and enter plea. Tyrone Stone Limited appeared at Tameside Magistrates Court on 26th April 2021 (Tameside Magistrates is dealing with all private prosecution including the Councils) where a guilty plea was entered to the offence. As a result they were fined £1000 ordered to pay the full Council costs in bringing the prosecution of £675.47 and a £100 victim surcharge. The surcharge goes towards maintaining the Victims of Crime Service.

