

30 September 2021

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 July 2021

Appeal Procedure Written Representations

Original Determination
Level

Nominated Councillor for
Appeal (Overturns Only)

Location 22 Cromwell Road, Bramhall

Proposal Appeal against refusal of planning permission for the demolition of existing bungalow & the construction of 2 new-build semi detached properties

Case Officer Jane Chase

Appeal Decision Pending

Appeal date 6 May 2021

Appeal Procedure Written Representations

Original Determination
Level

Nominated Councillor for
Appeal (Overturns Only)

Location	148 Moss Lane, Bramhall
Proposal	Appeal against refusal of planning permission for the demolition of existing single garage, single storey side and rear extension with a loft conversion.
Case Officer	James Appleton
Appeal Decision	Allowed

Appeal date	17 May 2021
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	

Location	181 Woodford Road, Woodford
Proposal	Appeal against refusal of planning permission for the erection of one infill dwelling
Case Officer	Jane Chase
Appeal Decision	The appeal is allowed and outline planning permission is granted for the erection of one infill dwelling at Moorend Farm, 181 Woodford Road, Woodford

Appeal date	20 May 2021
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	

Location	10 Queensgate, Bramhall
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Proposal	Appeal against refusal of planning permission for the erection of a detached dwelling to be sited in the rear garden of 10 Queensgate with vehicular access from Oakfield Close.
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Case Officer	Jane Chase
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Appeal Decision	Dismissed
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Appeal date	25 May 2021
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	

Location	39 Moss Lane, Bramhall
Proposal	Appeal against refusal of planning permission for the erection of 2 semi detached including the demolition of existing garages & conservatory to 39 Moss Lane, together with new vehicular access new dropped kerbs and an extended garden.
Case Officer	Jane Chase
Appeal Decision	Pending

Appeal date

15 September 2021

Appeal Procedure

Written Representations

Original Determination
Level

Nominated Councillor for
Appeal (Overturns Only)

Location

131 Meadway, Bramhall

Proposal

Appeal against refusal of planning permission for the erection of a double storey front and 1st floor side extension.

Case Officer

Daniel Hewit

Appeal Decision	Pending
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AREA COMMITTEE: CENTRAL STOCKPORT

Appeal date	20 July 2021
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Appeal Procedure	Written Representations
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Original Determination Level	
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Nominated Councillor for Appeal (Overturns Only)	
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Location	22 Gladstone Street, Stockport
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Proposal	Appeal against refusal of planning permission for the demolition of the existing detached bungalow and the erection of 4 no. 3 bedroom terraced houses with associated landscaping, boundary treatments cycle storage and segregated waste management
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Case Officer	Helen Hodgett
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Appeal Decision	Pending
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AREA COMMITTEE: CHEADLE**None Current****AREA COMMITTEE: HEATONS AND REDDISH**

Appeal date 20 July 2021

Appeal Procedure Written Representations

Original Determination
Level

Nominated Councillor for
Appeal (Overturns Only)

Location 427 Wellington Road North, Heaton Chapel

Proposal Appeal against refusal of planning permission for the change of use of part of the ground floor from class E (commercial Business and service) to create a studio flat with minor elevational alterations

Case Officer Jeni Regan

Appeal Decision Pending

Appeal date	16 September 2021
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	

Location	40 Queens Drive, Heaton Mersey
Proposal	Appeal against refusal of planning permission for a side extension to the property including demolition of existing modern single storey side garage, plus building up the ground level and driveway to the front of the proposed extension.
Case Officer	Rachel Bottomley
Appeal Decision	Pending

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.

Virtual and Physical Inquiry set for Tuesday 18th January 2021 through to and including Tuesday 25th

AREA COMMITTEE: STEPPING HILL

None current

Area Committee Werneth

Appeal date	25 August 2021
Appeal Procedure	Public Inquiry
Original Determination Level	
Nominated councillor for Appeal (Overturns Only)	
Location	Land bounded by Ashton Road, the River Tame, Turner Lane and Bredbury Industrial Estate
Proposal	<p>Appeal against the refusal of planning permission for:-</p> <p>Part A: Outline planning permission with all matters reserved for the creation of a commercial/industrial development providing up to 53,327 sqm of B2/B8 employment floorspace (including ancillary office accommodation) along with the provision of other associated infrastructure (including internal plot access, roads, parking, footpaths, internal landscaping and the provision of a car park to serve Stockport Sports Village).</p> <p>Part B: Full planning permission for the creation of two commercial/industrial units comprising 39,857 sqm (including ancillary office accommodation), strategic landscaping, the widening and realignment of Bredbury Park Way and the relocation of its junction with Ashton Road, along with the provision of other associated infrastructure (including access, parking and internal landscaping).</p>
Case Officer	Daniel Hewitt
Appeal Decision	8 day Inquiry proposed commencing on 1 February 2022, awaiting confirmation from PINS.

ENFORCEMENT APPEALS

AREA COMMITTEE: CENTRAL

None Current

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

None Current

AREA COMMITTEE :CHEADLE

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

AREA COMMITTEE: HEATONS & REDDISH

Appeal Date	9 September 2021
Appeal Procedure	Written Representations
Location	8 Edale Avenue, North Reddish
Proposal	Without the benefit of planning permission the erection of a 2 storey side extension to the property
Case Officer	Debbie Whitney
Appeal Decision	Pending

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. Inquiry postponed. Case management meeting set for 6 July. The matter is now set for a public inquiry in on Tuesday 18 January 2022 through to Tuesday 25 January 2022.</p>

AREA COMMITTEE: STEPPING HILL

None Current

AREA COMMITTEE: WERNETH

None current

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	<p>28th 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.</p> <p>Appeal against refusal of planning permission dismissed, notice not complied. Prosecution proceeding – not guilty plea entered;</p> <p>Court date 25 February 2021. Trial date set for 12 July 2021.</p> <p>Defendant failed to appear at Tameside Magistrates Court, case proved in his absence and found guilty. Adjourned to 9/9/2021 for sentencing when the defendant is required to attend.</p>

Action	Enforcement Notice Served
Location	2 Bramley Close, Bramhall
Description	The land is detrimental to the amenity of the local area.
Case Officer	Amanda Hopkins
Notice Served Date	18 June 2021
Compliance Date	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	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	Complied with.

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, work to construct building has commenced on site. As such amenity issues will be resolved. Site to be monitored. Not complied with, prosecution being prepared.
Action	Temporary Stop Notice
Location	Land at Evron Centre, 1 Adswood Lane West, Cale Green, Stockport SK3 8HT
Description	Without the benefit of planning permission the carrying out of development and engineering works to a property and grounds which lie within the Cale Green Conservation Area, consisting of the installation of UPVC french doors to the first floor, partial construction of brick columns outside those doors and groundworks using mechanical equipment.

Case Officer	Debbie Whitney
Notice Served Date	18 June 2021
Compliance Date	Notice complied with and work ceased, Council considering options. Owners to be formally interviewed under caution for possible offences relating to trees in a Conservation Area

AREA COMMITTEE: CHEADLE

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
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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
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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
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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

AREA COMMITTEE: HEATONS & REDDISH

Action	Enforcement Notice Served
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	<p>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.</p> <p>Given the high number of new and continuing cases a prosecution will be considered in 2021. Property has been sold and new owner has contacted the Council. He is aware that the notice is in place and that he is liable for compliance. He will deal with this as a priority.</p> <p>Work not carried out prosecution file submitted to legal.</p>
Location	8 Edale Avenue, North Reddish
Description	Without the benefit of planning permission the erection of a two storey side extension to the dwellinghouse
Case Officer	Debbie Whitney
Notice Served Date	9 August 2021
Compliance Date	9 March 2022

Location	51 Chandos Road, Heaton Chapel
Description	The developer has failed to comply with Condition 3 of permission DC/071389 by failing to install a window which is non-opening.
Case Officer	Debbie Whitney
Notice Served Date	18 June 2021
Compliance Date	Compled with.

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	13 th 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. Inquiry postponed case management meeting set for 6 July 2021.

Inquiry set for Tuesday 18th January 2022 through to and including Tuesday 25th

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. Mrs. Howell contacted the court by video link and give medical reasons why she could not attend court. After consideration the judge has vacated the trial, given current caseloads this will now be listed for trial in February 2022.

**STEPPING HILL AREA
COMMITTEE**

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. Start letter received and Councils statement submitted. It is envisaged that the Inspectorate decision will be received in July/August. Appeal dismissed. Compliance by 17 November 2021

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	
	14 March 2018

Compliance Date

Whilst planning permission has been granted it has not yet been implemented, Notice will remain in place until the permission has been implemented.

Action	S215 Notice Served
Location	19 Compstall Road, Romiley
Description	Property detrimental to the amenity of the area
Case Officer	Dave Westhead

Notice Served Date	25 August 2021
Compliance Date	December 2021
Action	Enforcement Notice Served
Location	Land at the former National Westminster Bank, Compstall Road Romiley
Description	Without the benefit of planning permission the installation of a roller shutter & box housing and rails at the entrance door and the installation of a plastic canopy over the front door.
Case Officer	Dave Westhead
Notice Served Date	25 August 2021
Compliance Date	December 2021