

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
BRAMHALL & CHEADLE HULME SOUTH AREA COMMITTEE

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

Appeal date	25 September 2021
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	18 Lumb Lane, Bramhall
Proposal	Appeal against the refusal of planning permission for the removal of an existing detached garage and the erection of a replacement single storey double garage and garden office.
Case Officer	Jane Chase
Appeal Decision	Pending

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

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 1 st floor side extension.
Case Officer	Daniel Hewit
Appeal Decision	Dismissed

AREA COMMITTEE: CENTRAL STOCKPORT**None Current****AREA COMMITTEE: CHEADLE**

Appeal date	27 September 2021
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	11 Appleby Road, Gatley
Proposal	Appeal against refused approval of matters reserved under outline planning permission the erection of new metal railings, new sliding gate and a new boundary wall.
Case Officer	Helen Hodgett
Appeal Decision	Pending

AREA COMMITTEE: CHEADLE

Appeal date	6 October 2021
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	46 Grasmere Road, Gatley
Proposal	Appeal against refused approval of matters reserved under outline planning permission the erection of a front boundary wall railings and gate, brick pillars an electric sliding gate and brick boundary wall with black metal railings.
Case Officer	Callum Coyne
Appeal Decision	Pending

Appeal date	22 September 2021
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	Kingsway, Cheadle
Proposal	Appeal against refused prior approval of permitted development rights for a proposed 15m phase 8 monopole c/w wraparound cabinet at the base and ancillary works.
Case Officer	Rebecca Whitney
Appeal Decision	Pending

AREA COMMITTEE: HEATONS & REDDISH

Appeal date	5 October 2021
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	5 Stanley Grove, Heaton Moor
Proposal	Appeal against refusal of planning permission for the hip to gable roof alteration and a rear dormer
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 18 th January 2022 through to and including Tuesday 25 th . Inquiry Postponed new date 26 April 2022 for 5 days

AREA COMMITTEE: MARPLE

Appeal date	27 September 2021
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	28 Calico Drive, Strines
Proposal	Appeal against refusal of planning permission for the erection of a single storey ground floor extension to the side of the property connecting to a neighbouring property
Case Officer	Dan Hewitt
Appeal Decision	Pending

AREA COMMITTEE: STEPPING HILL

Appeal date	27 September 2021
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	14 Marsham Road, Hazel Grove
Proposal	Appeal against refusal of planning permission for the installation of a rear dormer window and alterations to existing roof including raising of ridge height and removal of a chimney stack.
Case Officer	Anthony Smith
Appeal Decision	Pending

AREA COMMITTEE: STEPPING HILL

Appeal date	20 July 2021
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	22 Gladstone Street, Stockport
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
Case Officer	Helen Hodgett
Appeal Decision	Pending

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	10 day Inquiry commencing on 1 February 2022.

ENFORCEMENT APPEALS

AREA COMMITTEE: CENTRAL STOCKPORT

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	<p>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.</p> <p>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</p>

	<p>a planning application in respect of the former Standard Chemicals site at Mill Lane, were both dismissed by the Judge.</p> <p>The Council was awarded costs in the sum of £21,238</p> <p>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.</p>
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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	<p>Appeal dismissed on 20/7/2021 notice now effective and must be complied with by 20/10/2021</p> <p>Site visit pending. Information received that notice may be being breached, evidence being gathered.</p>

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	Appeal withdrawn Variation notice issued to extend compliance period to 9 months.

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. 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. Inquiry postponed new date 26 April 2022 for 5 days</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	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

	<p>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> <p>Defendant attended on 9 September 2021 and claimed that he could not have attended court on 12 July 2021 as he had Covid but produced no evidence to that affect. On application the magistrates set aside the conviction and the matter is now listed for trial on 2 December 2021.</p> <p>Defendant has informed court that he has Covid, and as a result the case will be adjourned new date not yet known.</p>
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Action	Enforcement Notice Served
Location	23 Kent Avenue, Cheadle Hulme
Description	Without the benefit of planning control the erection of a single storey extension at the rear of the property consisting of timber frame and plastic roofing, and the increased height to 2 sides of the existing fenced boundaries at the property to exceed 2 metres in height.
Case Officer	Debbie Whitney
Notice Served Date	29 November 2021
Compliance Date	27 February 2022

AREA COMMITTEE: CENTRAL STOCKPORT

Action	Enforcement Notice Served
Location	287 Wellington Road South, Heaviley
Description	Untidy Land
Case Officer	Dave Westhead
Notice Served Date	19th December 2016
Compliance Date	<p>Further action pending.</p> <p>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.</p>

Action	Enforcement Notice Served
Location	Flat 2, 3 The Grove Cale Green
Description	Without the benefit of planning control the erection of a garage to the front of the property
Case Officer	Debbie Whitney
Notice Served Date	11 October 2021
Compliance Date	11 February 2022

AREA COMMITTEE: CENTRAL STOCKPORT

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. 1 st Court date 16/12/21 Tameside Magistrates Court

AREA COMMITTEE: CENTRAL STOCKPORT

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 Development has ceased. Owners have been formally interviewed regarding the felling of a protected tree and all evidence is being evaluated to prepare a prosecution file.

AREA COMMITTEE: CHEADLE

Action	S 215 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

	Awaiting 1 st court date
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AREA COMMITTEE: CHEADLE

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 Site visit pending. Information received that the notice may be being breached evidence being gathered.

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 Work ongoing and being monitored
AREA COMMITTEE: CHEADLE	

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. Complied with.

AREA COMMITTEE: CHEADLE

Action	Tree replant notice
Location	43 Ashfield Road, Cheadle
Description	Felling of a tree subject to a Tree Preservation Order without the written consent of the Council
Case Officer	Amanda Hopkins
Notice Served Date	Notice to take effect on 5 November 2021
Compliance Date	5 November 2022

Action	Tree replant notice
Location	1 Stonepail Cottages, Gatley
Description	Unauthorised felling of protected trees within Gatley Village Conservation
Case Officer	Amanda Hopkins
Notice Served Date	Notice to take effect on 5 November 2021
Compliance Date	5 November 2022
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	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

	<p>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>
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AREA COMMITTEE: HEATONS & REDDISH

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	<p>11 July 2022</p> <p>Appeal withdrawn Variation notice issued to extend the compliance period to 9 months</p> <p>They have now engaged a planning agent who is working with Council and will be submitting a planning application for alterations to the extension to comply with Council policies. If granted Council will vary notice to require the extension to be removed, or to be completed in accordance with the approved plans.</p>

AREA COMMITTEE: HEATONS & REDDISH

Location	2 Houldsworth Square, North Reddish
Description	Unauthorised development by way of an enlarged roof terrace that has been created including the erection of metal railing around the perimeter.
Case Officer	Debbie Whitney
Notice Served Date	22 November 2021
Compliance Date	20 February 2022.

AREA COMMITTEE: HEATONS & REDDISH

Location	72 Longford Road West, North Reddish
Description	Without the benefit of Planning Permission the erection of a conservatory extension.
Case Officer	Debbie Whitney

Notice Served Date	20 September 2021
Compliance Date	11 th May 2022. Planning permission granted for conservatory that complies with Council policy. Notice amended to allow for removal or to complete in full accordance with approved plans.

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	<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>UPDATE New notice served 31/10/18 requiring compliance of the following steps:-</p> <ol style="list-style-type: none"> 1. Cease the use of the land as a visitor attraction/urban farm and educational facility.

	<ol style="list-style-type: none"> 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. <p>TIME FOR COMPLIANCE:</p> <ul style="list-style-type: none"> • Steps 1 & 13 31st December 2018. • Steps 2 to 12 31st May 2019. <p>Inquiry set for Tuesday 18th January 2022 through to and including Tuesday 25th Inquiry postponed new date 26 April 2022 for 5 days.</p>
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AREA COMMITTEE: MARPLE

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.
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AREA COMMITTEE: WERNETH

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
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AREA COMMITTEE: STEPPING HILL

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

	<p>submitted. It is envisaged that the Inspectorate decision will be received in July/August. Appeal dismissed.</p> <p>Compliance by 17 November 2021.</p> <p>Notice not complied with, owner has been written to and given until 8 December to comply or prosecution file will be prepared.</p>
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