

## **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: CHEADLE

Appeal date	17 December 2021
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	51 Frances Street, Cheadle
Proposal	Appeal against refused planning permission for a first/ground floor extension, slight addition to existing projection and dormer
Case Officer	Callum Coyne
Appeal Decision	<p>The appeal is dismissed insofar as it relates to the two storey extension. The appeal is allowed insofar as it relates to dormer window to the rear of the dwelling and planning permission is granted for dormer window to the rear of the dwelling at 51 Frances Street, Cheadle SK8 2AL in accordance with the terms of the application, Ref DC/081674, dated 25 June 2021, and the plans submitted with it, so far as relevant to that part of the development hereby permitted, and subject to the following conditions:</p> <p>1) The development hereby permitted shall begin not later than 3 years from the date of this decision. 2) The</p>

	<p>development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Existing Site Plan; Existing Block Plan; Existing Floor and Roof Plan; Existing and Proposed North, South, East Elevations Plan; Proposed Site Plan; Proposed Block Plan; Proposed Ground, First Floor, Loft and and Roof Plan (all ref. 51 FrancesStr_V2); and Proposed Ground Floor Plan and East Elevation (ref. 51 FrancesStr_V1) 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.</p>
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**AREA COMMITTEE: CHEADLE**

Appeal date	15 December 2021
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	118 Lavington Avenue, Cheadle
Proposal	Appeal against refused planning permission for a 2 storey side extension single storey rear extension and single storey front extension
Case Officer	Chris Smyton
Appeal Decision	Pending

**ENFORCEMENT APPEALS****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 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.</p>

	The Council has no indication given court backlogs of when we will receive notification.
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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	Appeal dismissed on 20/7/2021 notice now effective and must be complied with by 20/10/2021 Site visit pending. Information received that notice may be being breached. Observations are being conducted to gain evidence for a prosecution.

## ENFORCEMENT NOTICES

**AREA COMMITTEE: CHEADLE**

<b>Action</b>	S 215 Notice Served
<b>Location</b>	73 Crossefield Road, Cheadle Hulme
<b>Description</b>	Land detrimental to the amenity of the area
<b>Case Officer</b>	Amanda Hopkins
<b>Notice Served Date</b>	2 July 2020
<b>Compliance Date</b>	<p>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.</p> <p>Not complied with prosecution file with Legal</p> <p>Awaiting 1<sup>st</sup> court date Summonses prepared, however property now boarded up and no way to serve. Alternate address identified and Council will use a process server to ensure service is carried out.</p> <p>Prosecution on 28 February 2022 Case was proved in the defendants absence. £500 fine, VSC £15 and costs of £1110.22 payment within 28 days</p>

**AREA COMMITTEE: CHEADLE**

<b>Action</b>	Enforcement Notice Served
<b>Location</b>	5 Mona Avenue, Heald Green
<b>Description</b>	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.
<b>Case Officer</b>	Amanda Hopkins
<b>Notice Served Date</b>	22 January 2021
<b>Compliance Date</b>	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 for a prosecution.

<b>Action</b>	Breach of Condition Notice Served
<b>Location</b>	Barnes Hospital (now Barnes Village) Cheadle
<b>Description</b>	Breach of condition notice for failure to carry out maintenance of landscaping
<b>Case Officer</b>	Dave Westhead
<b>Notice Served Date</b>	20 August 2021
<b>Compliance Date</b>	20 October 2021 Work ongoing and being monitored.  Notice complied with, monitoring to ensure maintenance is carried out.



**AREA COMMITTEE: CHEADLE**

<b>Action</b>	Breach of Condition Notice Served
<b>Location</b>	Barnes Hospital (now Barnes Village) Cheadle
<b>Description</b>	Breach of condition notice for failure to replace trees that have been removed, died or are seriously diseased.
<b>Case Officer</b>	Dave Westhead
<b>Notice Served Date</b>	20 August 2021
<b>Compliance Date</b>	20 February 2022 Response from developer expected 29 March.

**AREA COMMITTEE: CHEADLE**

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

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