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

BRAMHALL AND CHEADLE HULME SOUTH AREA COMMITTEE

PLANNING APPEALS

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH	
Appeal date	22 December 2021
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	37 Hurley Drive, Cheadle Hulme
Proposal	Appeal against the refusal of planning permission for the retrospective application for a car port to the front garden and resurfacing to the front.
Case Officer	Anthony Smith
Appeal Decision	Dismissed

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

Appeal date	14 December 2021
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	66B Hulme Hall Road, Cheadle Hulme
Proposal	Appeal against the refusal of planning permission side and front 2 storey extensions and remodelling to existing 2 storey detached dwelling.
Case Officer	Anthony Smith
Appeal Decision	Dismissed

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

Appeal date	1 March 2022
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	78 Bramhall Lane South, Bramhall
Proposal	Appeal against the refusal of planning permission single storey side extension, reinstatement of the pedestrian side entrance back to Bramhall Lane South, reinstatement of the front/main entrance to the property onto the front (west) elevation, reinstatement of the original entrance porch structure to the front (west) elevation, construction of a raised patio to the south of the new side extension.
Case Officer	Sophie Anderson
Appeal Decision	Pending

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

Appeal date	3 February 2022
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	Grass verge off Hillbrook Road, Bramhall
Proposal	Appeal against the refusal of planning development rights for the installation of 20m high Hutchison Engineering phase 5 street pole, 2 No shroud antennas, 2 No 0.3m dishes.3 No equipment cabinets and ancillary equipment thereto.
Case Officer	Sophie Anderson
Appeal Decision	Pending

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

Appeal date	16 March 2022
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	80 Swann Lane, Cheadle Hulme
Proposal	Appeal against the refusal of planning development for a dormer loft conversion
Case Officer	Mark Shaw
Appeal Decision	Pending

ENFORCEMENT APPEALS

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

Appeal date	30 July 2019
Appeal Procedure	Written Representations
Location	21 Ogden Road, Bramhall
Proposal	Without the benefit of planning permission the removal of wooden window frames to the front elevation of the property and the replacement of them with UPVC frames.
Case Officer	Amanda Hopkins
Appeal Decision	PINS Decision : The enforcement notice be varied in the first sentence of paragraph 5. 2) by the deletion of the wording “side hinged” and the insertion of the word “frame” between the words “window” and “design”. The enforcement notice be varied in the second sentence of paragraph 5. 2) by the deletion of the wording “to replicate the original design as shown in Photo C”. Subject to the variations above, the appeal is dismissed, the enforcement notice upheld and planning permission is refused on the application deemed to have been made under section 177 (5) of the 1990 Act as amended. Prosecution was being considered but residents have now

	confirmed that they will comply with the Enforcement Notice. Being monitored. Prosecution, court date on 14 February 2022 an adjournment for 3 months had previously been agreed with the defendants representative the court agreed to adjourn the matter to the next available date. Case adjourned to 16 June 2022.

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	10th July 2018
Compliance Date	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. Appeal against refusal of planning permission dismissed, notice not complied. Prosecution proceeding – not guilty plea entered. Court date 25 February 2021. Trial date set for 12 July 2021. 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. 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. Defendant has informed court that he has Covid, and as a result the case will be adjourned new date not yet known. Case adjourned until 14/2/22. Owner of the property attended Tameside Magistrates Court and pleaded guilty and requested an adjournment for sentencing during which time he will complete the required works. Sentence hearing on 21 April 2022.
Action	Enforcement Notice Served
Location	23 Kent Avenue, Cheadle Hulme
Description	Without the benefit of planning control the erection of a single storey etension 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. Site visit scheduled for 30 March.

Action	Enforcement Notice Served
Location	34 Old Wool Lane, Cheadle Hulme
Description	Without the benefit of planning control the construction of a fence over 1 meter in height adjacent to the highway.
Case Officer	Amanda Hopkins
Notice Served Date	10 March 2022
Compliance Date	10 July 2022

Action	Enforcement Notice Served
Location	61 Chester Road, Cheadle Hulme
Description	Without the benefit of planning control the insertion of 3 dormer windows on the rear roof of a detached garage
Case Officer	Dave Westhead
Notice Served Date	3 March 2022
Compliance Date	3 July 2022

Action	Breach of Condition Notice Served
Location	61 Chester Road, Cheadle Hulme
Description	The failure to comply with conditions 1 (approved plans) & 3 (removal of permitted development rights for insertion of windows, door or other openings on the southern elevation) of planning permission DC068593.
Case Officer	Dave Westhead
Notice Served Date	3 March 2022
Compliance Date	3July 2022

Action	Enforcement Notice Served
Location	21 Ogden Road, Bramhall
Description	Without the benefit of planning control the removal of wooden window frames to the front elevation of the property and the replacement of them with UPVC frames.
Case Officer	Amanda Hopkins
Notice Served Date	11 February 2019
Compliance Date	11 March 2020 Appeal submitted.

	PINS Decision : The enforcement notice be varied in the first sentence of paragraph 5. 2) by the deletion of the wording “side hinged” and the insertion of the word “frame” between the words “window” and “design”. The enforcement notice be varied in the second sentence of paragraph 5. 2) by the deletion of the wording “to replicate the original design as shown in Photo C”. Subject to the variations above, the appeal is dismissed, the enforcement notice upheld and planning permission is refused on the application deemed to have been made under section 177 (5) of the 1990 Act as amended. Prosecution was being considered but residents have now confirmed that they will comply with the Enforcement Notice. Being monitored. Prosecution, court date on 14 February 2022 an adjournment for 3 months had previously been agreed with the defendants representative the court agreed to adjourn the matter to the next available date. Case adjourned to 16 June 2022.