

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	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	Dismissed

AREA COMMITTEE: CHEADLE

Appeal date	27 April 2022
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	8 Mendip Close, Heald Green
Proposal	Appeal against refused planning permission for a single-storey side and rear extension with associated external patio area, amendments to existing single storey extension, and insertion of new first floor window with Juliet balcony
Case Officer	Billy Whitehead
Appeal Decision	Pending

AREA COMMITTEE: CHEADLE

Appeal date	27 April 2022
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	53 Brookfield Road, Cheadle
Proposal	Appeal due to the failure to give notice within the appropriate period for the erection a single storey/rear pitched roof.
Case Officer	Billy Whitehead
Appeal Decision	Pending

AREA COMMITTEE: CHEADLE

Appeal date	29 April 2022
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	246 Kingsway, Gatley
Proposal	Appeal against the refusal of planning permission for the erection of a Summer family hall and shading area
Case Officer	Billy Whitehead
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. The Council has no indication given court backlogs of when we will receive notification.</p>
--	--

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.</p> <p>Observations are being conducted to gain evidence for a prosecution.</p>

ENFORCEMENT NOTICES

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	<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 1st 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

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 for a prosecution.

AREA COMMITTEE: CHEADLE

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. Notice complied with, monitoring to ensure maintenance is carried out.

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 Response from developer expected 29 March. Prosecution file being prepared.

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	Complied with

AREA COMMITTEE: CHEADLE

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	Notice complied with.