

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	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

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>
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AREA COMMITTEE: CHEADLE

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</p>

	breached. Observations are being conducted to gain evidence for a prosecution.
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ENFORCEMENT NOTICES

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 officers carrying out visits/observations to gather evidence.

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.
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 The developers have failed to comply with the notice despite being allowed extra time to do so. The Council is therefore prosecuting them for a breach of the notice. A prosecution file has been sent to legal services.