

## **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

<b>AREA COMMITTEE: MARPLE</b>	
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	<p>Appeal is linked to enforcement appeal for the same site and will be dealt with as one appeal.</p> <p>Virtual and Physical Inquiry set for Tuesday 18<sup>th</sup> January 2022 through to and including Tuesday 25<sup>th</sup>. Inquiry Postponed new date 26 April 2022 for 5 days.</p> <p>Discussions are continuing to progress with interested 3<sup>rd</sup> parties with regards to the agreement of draft planning conditions and the related S106 Legal Agreement. Subject to the completion of these outstanding matters and the issuing of any planning approval notice, it would be expected that the Public Inquiry</p>

	scheduled in September with the Planning Inspectorate would no longer take place.
--	---

<b>AREA COMMITTEE: MARPLE</b>
-------------------------------

Appeal date	19 April 2022
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	The Beeches, Hollyvale Marple Bridge
Proposal	Appeal against the refusal of planning permission for the construction of a cantilever with a steel substructure to extend the existing garage plinth at floor level by two and a half metres into the properties curtilage. Move the existing sectional concrete double garage back into the curtilage thus revealing a parking space on the existing garage floor. (Alterations to the existing detached garage).
Case Officer	Anthony Smith.
Appeal Decision	Pending.

## ENFORCEMENT APPEALS

<b>AREA COMMITTEE: MARPLE</b>	
Appeal date	4 March 2022
Appeal Procedure	Written Representations
Location	Land on the North side of Chatterton Lane, Mellor
Proposal	Without the benefit of planning permission the construction of a wooden building on the land.
Case Officer	Dave Westhead
Appeal Decision	Pending
<b>AREA COMMITTEE: MARPLE</b>	
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> <p>Discussions are continuing to progress with interested 3<sup>rd</sup> parties with regards to the agreement of draft planning conditions and the related S106 Legal Agreement. Subject to the completion of these outstanding matters and the issuing of any planning approval notice, it would be expected that the Public Inquiry scheduled in September with the Planning Inspectorate would no longer take place.</p>

## ENFORCEMENT NOTICES

### AREA COMMITTEE: MARPLE

<b>Action</b>	Enforcement Notice Served
<b>Location</b>	Land at Lakes Road, Marple (The Garden House),
<b>Description</b>	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.
<b>Case Officer</b>	Dave Westhead
<b>Notice Served Date</b>	13 <sup>th</sup> June 2017
<b>Compliance Date</b>	<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"> <li>1. Cease the use of the land as a visitor attraction/urban farm and educational facility.</li> <li>2. Dismantle and remove from the land all buildings, except for the remains of the Garden House.</li> <li>3. Remove all hard surfaces constructed to support or be used as floors for the buildings from the land</li> <li>4. Remove from the land all shipping containers and goods vehicle bodies</li> <li>5. Remove the building consisting of a wooden clad mobile home from the land including all</li> </ol>

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.

**TIME FOR COMPLIANCE:**

- Steps 1 & 13 31st December 2018.
- Steps 2 to 12 31st May 2019.

Inquiry set for Tuesday 18<sup>th</sup> January 2022 through to and including Tuesday 25<sup>th</sup>  
Inquiry postponed new date 26 April 2022 for 5 days.

Discussions are continuing to progress with interested 3<sup>rd</sup> parties with regards to the agreement of draft planning conditions and the related S106 Legal Agreement. Subject to the completion of these outstanding matters and the issuing of any planning approval notice, it would be expected that the Public Inquiry scheduled in September with the Planning Inspectorate would no longer take place.

--	--

**AREA COMMITTEE: MARPLE**

<b>Action</b>	Enforcement Notice Served
<b>Location</b>	4 Field Close, Marple
<b>Description</b>	Without the benefit of planning permission, the construction of a fence over 1 metre in height adjacent to the highway
<b>Case Officer</b>	Dave Westhead
<b>Notice Served Date</b>	10 March 2022
<b>Compliance Date</b>	Notice complied with

**AREA COMMITTEE: MARPLE**

<b>Action</b>	Enforcement Notice Served
<b>Location</b>	Land on the North side of Chatterton Lane, Mellor
<b>Description</b>	Without the benefit of planning permission the construction of a wooden building on the land

<b>Case Officer</b>	Dave Westhead
<b>Notice Served Date</b>	4 March 2022
<b>Compliance Date</b>	August 2022 Appeal Submitted.

**AREA COMMITTEE: MARPLE**

<b>Action</b>	Enforcement Notice Served
<b>Location</b>	Land at Holly Head, Hollywood Road Mellor
<b>Description</b>	Without the benefit of planning permission the material change in the use of the land to a residential use including the construction of a building in use as a dwellinghouse.
<b>Case Officer</b>	Dave Westhead
<b>Notice Served Date</b>	23 February 2022
<b>Compliance Date</b>	3 Years

**AREA COMMITTEE: MARPLE**

<b>Action</b>	Enforcement Notice Served
<b>Location</b>	144 Stockport Road, Marple
<b>Description</b>	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.
<b>Case Officer</b>	Dave Westhead
<b>Notice Served Date</b>	20 June 2018
<b>Compliance Date</b>	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. Trial date set for 28 <sup>th</sup> February 2022 expected to last 3 days.

Mrs. Howell failed to appear but had written to the court by email. Our counsel made an application to prove in her absence which was approved with full reasoning for the decision from the judge. The trial commenced in front of a jury, Mrs. Howell was found guilty of the offence. The judge has now adjourned this matter to 29<sup>th</sup> March for sentencing, as Mrs. Howell had not submitted any evidence of her means. Once sentencing has occurred we will be pursuing Mrs. Howell to finally comply with the notice.

Sentenced on 7/4/22 - vacated from 29/3/22 as judge had covid. Judge was clear that this was a deliberate breach and attempt to ignore Council and notice. Having taken into account her means fined £350 & £350 costs. Council still pursuing compliance.