

BRAMHALL & CHEADLE HULME SOUTH AREA COMMITTEE 26 JANUARY 2023

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: BRAMHALL & CHEADLE HULME SOUTH

Appeal date	30 September 2022
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	13 Regent Close, Bramhall
Proposal	Appeal against the refusal of planning permission for the demolition of existing bungalow and the construction of x4 detached dwellings with alterations to access
Case Officer	Jane Chase
Appeal Decision	Pending

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

Appeal date	28 October 2022
Appeal Procedure	Virtual Hearing 17 March 2023 @10am
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	Cllr Bagnall
Location	168 Ack Lane East, Bramhall
Proposal	Appeal against the refusal of planning permission for minor material amendment under S73 of the Town and Country Planning Act 1990 to vary condition 1 of DC/068779 to facilitate the retention of the development as constructed
Case Officer	Jane Chase
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	Dave Westhead
Appeal Decision	<p>PINS Decision :</p> <p>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”.</p> <p>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”.</p> <p>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.</p> <p>Prosecution was being considered but residents have now confirmed that they will comply with the Enforcement Notice. Being monitored.</p>

	<p>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.</p> <p>Case adjourned to 16 June 2022.</p> <p>Case adjourned to 12 September 2022 to await compliance.</p> <p>Case adjourned, awaiting new court date.</p>
--	--

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	Dave Westhead
Notice Served Date	10 th July 2018
Compliance Date	<p>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.</p> <p>Defendant attended on 9 September 2021 and claimed that he could not have attended court on 12</p>

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.

The owner attended at Magistrates Court again last week and pleaded guilty. He was awarded fine as follows:

- Fine: £405.
- £40 statutory surcharge
- Council Costs: £4,950

Total £5,395.

Notice to be complied with by 1/9/22 or further legal action.

The Council will now take injunctive action, awaiting High Court date.

This matter has been listed for an in person hearing at the High Court in Manchester on 24th November 2022.

At the High Court the Council obtained an injunction against the owner. As a result the judge has ordered him to fully comply with the notice within 3 months, a failure to do so will be contempt of court and the judge has made it clear to him that a failure to comply may lead to him being sent to prison. He has been ordered to pay the full council legal costs of £4,462.56 within 28 days.

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

Action	High Hedge Remedial Notice Served
Location	13 The Grove, Cheadle Hulme
Description	Hedge at 13 The grove Cheadle Hulme, Stockport is taking light and sunlight from the rear garden and habitable room windows of 9 High Bent Avenue, Cheadle Hulme, Stockport
Case Officer	Dave Westhead
Notice Served Date	17 October 2022
Compliance Date	Notice becomes effective 25 November 2022 6 months to comply. Appeal submitted, no start letter yet.

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

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.

Case Adjourned to 12 September 2022 to await compliance

Case adjourned, awaiting new court date.