

**19 April 2023 MARPLE AREA COMMITTEE**

**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  
NONE CURENT

ENFORCEMENT APPEALS  
NONE CURRENT

ENFORCEMENT NOTICES

**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>	<p>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 &amp; 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.</p> <p>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.</p> <p>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 &amp; £350 costs. Council still pursuing compliance.</p>

**AREA COMMITTEE: MARPLE**

<b>Action</b>	Enforcement Notice Served
<b>Location</b>	83A Stockport Road, Marple
<b>Description</b>	Without the benefit of planning permission the material change in use of the land from a drinking establishment to a restaurant
<b>Case Officer</b>	Dave Westhead
<b>Notice Served Date</b>	22 November 2022
<b>Compliance Date</b>	3 April 2023

**AREA COMMITTEE: MARPLE**

<b>Action</b>	Tree Replant Notice Served
<b>Location</b>	Land to the rear of 53A Lower Fold, Marple Bridge
<b>Description</b>	The removal of 5 Sycamore trees in the Marple Bridge Conservation Area, Replant Notice for 2 Birch Trees, 2 Rowan Trees and 1 Alder tree.
<b>Case Officer</b>	Dave Westhead
<b>Notice Served Date</b>	20 January 2023
<b>Compliance Date</b>	27 May 2023

**AREA COMMITTEE: MARPLE**

<b>Action</b>	Breach of Condition Notice Served
<b>Location</b>	138 A&B Sockport Road Marple
<b>Description</b>	Faiure to comply with conditions 2 (cycle parking) and 3 (car parking facilities) of planning permission DC/074448
<b>Case Officer</b>	Dave Westhead
<b>Notice Served Date</b>	9 December 2022
<b>Compliance Date</b>	9 February 2023. Owner has contacted the Council, cycle lockers on order, proof provided, site visit to be carried out to ensure that they are fitted. Cycle Storage fitted, notice complied with.