

PLANNING AND HIGHWAYS REGULATION COMMITTEE 23 MARCH 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 AND HIGHWAYS REGULATION COMMITTEE

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 January 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	The appeal is allowed and planning permission is granted for the demolition of existing dwelling and erection of two semi-detached three-storey houses (with variation of condition No.1 of planning approval Ref: DC/068779 to amend approved plans) at 168 Ack Lane East. The appellants application for costs against the Council was refused.

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

Appeal date	16 January 2023
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	Dom Harvey
Location	Woodlands, Ladybrook Road Bramhall
Proposal	Planning permission was granted subject to conditions which are objected to for a part one storey, part two story front extension, a single storey rear extension a two storey rear extension a single storey side extension and external alterations.
Case Officer	Dom Harvey
Appeal Decision	Pending

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

Appeal date	8 December 2023
Appeal Procedure	Inquiry
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	Chesters Croft, Cheadle Hulme
Proposal	Refusal to grant a certificate of lawful development for the use of land as part of a caravan site including the stationing of caravans for human habitation and use in conjunction with land on which caravans are situated
Case Officer	Dominic Harvey
Appeal Decision	Pending

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

Appeal date	27 February 2023
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	Land adjacent to Holm Lea, Bridle Road Woodford
Proposal	Refusal of planning permission for the erection of 2 detached dwellings with associated access and landscaping
Case Officer	Jane Chase
Appeal Decision	Pending

AREA COMMITTEE: CENTRAL STOCKPORT

Appeal date	19 October 2022
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	Cllr Wendy Meikle
Location	30 Hampstead Lane, Stockport
Proposal	Appeal against the refusal of planning permission for part single, part double rear extension with associated works and front car port conversion
Case Officer	Anthony Smith
Appeal Decision	Allowed

AREA COMMITTEE: CENTRAL STOCKPORT

Appeal date	16 January 2023
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	Area of footpath at Brinksway, Edgeley
Proposal	Appeal against the refusal of prior approval of permitted development rights for a proposed 5G 20m telecoms installation H3G street pole and additional cabinets
Case Officer	Dan Hewitt
Appeal Decision	Pending

AREA COMMITTEE: CENTRAL STOCKPORT

Appeal date	22 February 2023
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	12 Ravenoak Road, Stockport
Proposal	Appeal against the refusal of planning permission for a roof extension involving L shaped dormer
Case Officer	Anthony Smith
Appeal Decision	Pending

AREA COMMITTEE: CENTRAL STOCKPORT

Appeal date	27 February 2023
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	17 Lorgill Close, Davenport
Proposal	Appeal against the refusal of planning permission for the demolition of a detached garage and the erection of a new detached dwelling
Case Officer	Jane Chase
Appeal Decision	Pending

AREA COMMITTEE: CENTRAL STOCKPORT

Appeal date	6 February 2023
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	Pavement at Thomson Street, Stockport
Proposal	Refusal of prior approval of permitted development rights for 1 no. 15m high Hutchinson Engineering "Phase 5" streetworks pole with 3no. shrouded antennas, 2x 300mm dia. microwave dishes and GPS node mounted on a D9 root foundation 1no. MK5B Link AC cabinet - 0.6m (l) x 1.2m (w) x 1.5m (h) 1no. Ericsson RBS 6130 cabinet - 0.65m (l) x 0.7 Metres (w) 0.95m (h) 1no. Wiltshire cabinet Length - 1.65m 9l) x x 2.0m (w) x 0.75m (h) Plus associated ancilliary development. Cabinets are to be mounted on concrete foundation and steel plinths. Cabinets and mast are to be galvanised metal / steel – finished in Light Grey.
Case Officer	Chris Smyton
Appeal Decision	Pending

AREA COMMITTEE: CHEADLE

Appeal date	23 November 2022
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	45 Buttermere Road, Gatley
Proposal	Appeal against the refusal of planning permission for a single storey and rear infill extension , first extension to include loft space, roof lights and projecting full height modern glazed apex.
Case Officer	Anthony Smith
Appeal Decision	Pending

AREA COMMITTEE: CHEADLE

Appeal date	7 December 2022
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	27 Outwood Drive, Heald Green
Proposal	Appeal against the refusal of planning permission for a single storey rear and side extension.
Case Officer	Jenifer Esan
Appeal Decision	Appeal dismissed and application for costs against the Council dismissed.

AREA COMMITTEE: CHEADLE

Appeal date	10 January 2023
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	11 Greenbank Road, Gatley
Proposal	Appeal against the refusal of planning to remove existing pitched roof and replce with a new mansard roof.
Case Officer	Anthony Smith
Appeal Decision	Dismissed

AREA COMMITTEE: HEATONS & REDDISH

Appeal date	17 November 2022
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	Manchester Road, Heaton Norris
Proposal	Appeal against the refusal of planning permission for the extension of existing GRP chimney shroud by 1.5m with internal works comprising of the removal and replacement of 3 antennas internal upgrade of existing equipment room and ancillary works.
Case Officer	Jeni Regan
Appeal Decision	Allowed

AREA COMMITTEE: HEATONS & REDDISH

Appeal date	8 February 2023
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	12 Ryde Avenue, Heaton Norris
Proposal	Appeal against the refusal of planning permission for a two storey side extension
Case Officer	Aisling Monaghan
Appeal Decision	Pending

AREA COMMITTEE: MARPLE

NONE CURRENT

AREA COMMITTEE: STEPPING HILL

Appeal date	16 January 2023
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	Area of footpath, Macclesfield Road, Fiveways Hazel Grove
Proposal	Appeal against the refusal of prior approval of permitted development rights for a proposed 5G 17m telecoms installation H3G street pole and additional cabinets
Case Officer	Helen Hodgett
Appeal Decision	Pending

AREA COMMITTEE: WERNETH

NONE CURRENT

ENFORCEMENT APPEALS

AREA COMMITTEE: CENTRAL STOCKPORT

Appeal date	28 November 2022
Appeal Procedure	Written Representations
Location	Former Nicholsons Arms, Lancashire Hill, Heaton Norris
Proposal	Without the benefit of planning permission the change of use of the land to use as a hand car wash including the construction of metal and plastic buildings
Case Officer	Dave Westhead
Appeal Decision	Pending

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>New Court date 10 February 2023</p> <p>Notice complied with Councils costs paid and prosecution discontinued.</p>
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AREA COMMITTEE: CHEADLE

Appeal date	26 January 2023
Appeal Procedure	Written Representations
Location	Land at the junction of Lymm Walk and Malpas Close, Cheadle
Case Officer	Dave Westhead
Proposal	Unauthorised erection of a telecommunications mast and equipment cabinets
Decision	Pending

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> <p>Court of appeal has dismissed defendants appeal. Council now taking further action.</p> <p>Court date 13 & 14 March 2023</p> <p>Defendant dismissed his legal team one week before the hearing, new legal team appointed on 10 March 2023, case adjourned new committal date likely to be May 2023 awaiting confirmation from court.</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	Dave Westhead
Appeal Decision	Appeal dismissed on 20/7/2021 notice now effective and must be complied with by 20/10/2021

	<p>Site visit pending. Information received that notice may be being breached.</p> <p>Gathering evidence to support prosecution, Council needs evidence to criminal standard, beyond any reasonable doubt.</p>
AREA COMMITTEE: HEATONS & REDDISH	
Appeal date	9 September 2021
Appeal Procedure	Written Representations
Location	8 Edale Avenue, North Reddish
Proposal	Without the benefit of planning permission the erection of a 2 storey side extension to the property
Case Officer	Dave Westhead
Appeal Decision	<p>Appeal withdrawn Variation notice issued to extend compliance period to 9 months.</p> <p>Compliance by 1 December 2022 original application refused and a new application has been submitted.</p> <p>The Council has now granted planning permission for an amended extension which will overcome the harm being caused and bring it in line with the Councils adopted planning policies.</p> <p>The Council will now vary the notice so that an additional step will be included which will give the option of demolition of the extension or to complete it in fully accordance with drawing number 0008_3_21_B approved by planning permission DC/085811 granted on 19/10/2022. 3 months to comply.</p> <p>Site visit pending</p>

AREA COMMITTEE: HEATONS & REDDISH

Appeal date	22 August 2022
Appeal Procedure	Written Representations
Location	Unit 3A Demeter Buildings, Brighton Road Heaton Mersey
Proposal	Without the benefit of planning permission for the addition of razor wire and metal spiked bars to the roof of the building.
Case Officer	Dave Westhead
Appeal Decision	<p>The enforcement notice is varied by the deletion of three (3) months and the substitution of six (6) months as the time for compliance. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended. Appellants application for costs against the Council was dismissed.</p>

AREA COMMITTEE: HEATONS & REDDISH

Appeal date	15 November 2022
Appeal Procedure	Written Representations
Location	26 Broomfield Road, Heaton Moor
Proposal	Without the benefit of planning permission the construction of 3 dormer roof extensions on the rear roof slope of the property. The applicant has requested further time to give his tenant the required notice to enable the works to be completed.
Case Officer	Dave Westhead
Appeal Decision	Pending

AREA COMMITTEE: MARPLE

NONE CURRENT

AREA COMMITTEE: STEPPING HILL

NONE CURRENT

AREA COMMITTEE: WERNETH

Appeal date	25 July 2022
Appeal Procedure	Written Representations
Location	86A Higher Bents Lane, Bredbury
Proposal	Appeal against the refusal of planning permission for a 1.8m high electric sliding gate
Case Officer	Dave Westhead
Appeal Decision	The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the construction of a 1.8 metre high electric sliding gate across the vehicle access to the Land from Higher Bents Lane at 86A Higher Bents Lane.

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 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.</p> <p>Defendant has informed court that he has Covid, and as a result the case will be adjourned new date not yet known.</p> <p>Case adjourned until 14/2/22.</p>

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.

A site visit was carried out and whilst the notice has not been complied with work to comply is underway. Whilst the owner is in breach of the order another site visit will be made to ensure the order is complied with and if not the Council will consider the further action it will take.

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	High Hedge Remedial Notice Served
Location	44 Hill Top Avenue, Cheadle Hulme
Description	Hedge at 44 Hill Top Avenue, Cheadle Hulme is taking light from the garden of 8 Dennison Road, Cheadle Hulme.
Case Officer	Dave Westhead
Notice Served Date	14 February 2023
Compliance Date	Notice becomes effective 13 March 2023 compliance by 13 March 2024.

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	<p>11 March 2020 Appeal submitted. 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>New court date 10 February 2023</p> <p>See appeal update</p>
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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: CENTRAL STOCKPORT

Action	Enforcement Notice Served
Location	287 Wellington Road South, Heaviley
Description	Untidy Land
Case Officer	Dave Westhead
Notice Served Date	19th December 2016
Compliance Date	<p>The owners of the land are subject to a freezing order on their accounts under the provisions of the Proceeds of Crime Act. At this time the Crown Prosecutor will not allow any funds to be released to carry out works to building. They therefore have a defence to any prosecution in that the actions of a 3rd party are preventing compliance. Council is investigating options to deal with the condition of the building. Totally Local Company providing quote to deal with vegetation.</p> <p>Vegetation has been removed from the roof.</p>
Action	Enforcement Notice Served
Location	Flat 2, 3 The Grove Cale Green
Description	Without the benefit of planning control the erection of a garage to the front of the property
Case Officer	Dave Westhead
Notice Served Date	11 October 2021
Compliance Date	<p>11 February 2022</p> <p>Site visit scheduled for 13 April.</p> <p>Occupier is unresponsive to contact from Council and Landlord, Landlord will be complying with</p>

notice, to allow for him to obtain contractors compliance extended to 14/5/2022

The notice was not complied with and as a result a prosecution file has been prepared and forwarded to Legal Services waiting for first court date.

1st court date 6 October 2022 at Greater Manchester Magistrates Court.

The defendant did not attend court on 6 October 2022 (service could not be confirmed) case adjourned until 18 November 2022, Council to write to the defendant with new hearing date.

The defendant appeared at Tameside Magistrates Court on 16th November 2022, she was not represented and stated that she wanted to speak to a solicitor, no pleas were entered and the Magistrates adjourned the matter to 18th January 2023 at 1.30pm.

Guilty plea, £200 fine.

Follow up visit to be arranged.

AREA COMMITTEE: CENTRAL STOCKPORT

Action	Enforcement Notice Served
Location	36 Eccleston Road, Adswood
Description	Without the benefit of planning permission the construction of a single storey side extension extending more than 50% of the width of the existing dwellinghouse.
Case Officer	Dave Westhead
Notice Served Date	27 October 2022
Compliance Date	25 February 2023 Complied with

AREA COMMITTEE: CENTRAL STOCKPORT

Action	Enforcement Notice and Stop Notice Served
Location	Former Nicholson's Arms, Lancashire Hill Heaton Norris
Description	Without the benefit of planning permission the material change in the use of the land from a shop with associated car parking to a use as a hand car wash including the construction of metal and plastic buildings.
Case Officer	Dave Westhead
Notice Served Date	Stop Notice served Cease the use of the land for the washing and valeting of motor vehicles. This notice took effect on 14 October 2022 and all the activity specified in this notice must cease within 3 days. Enforcement Notice served 14 October 2022 Without the benefit of planning permission the material change in the use of the land from a shop with associated car parking to a use as a hand car wash including the construction of metal and plastic buildings. Compliance within 1 month.
Compliance Date	25 February 2023 Appeal Submitted

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	Dave Westhead
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. An update will be provided once evidence has been gathered and a file has been prepared to issue a summons.

AREA COMMITTEE: CHEADLE

Action	Enforcement Notice Served
Location	Land at the junction of Lymm Walk and Malpas Close, Cheadle.
Description	Without the benefit of planning permission the erection of a telecoms mast and equipment cabinets.
Case Officer	Dave Westhead
Notice Served Date	18 November 2022
Compliance Date	28 February 2023. Appeal submitted

AREA COMMITTEE: CHEADLE

Action	Enforcement Notice Served
Location	246 Kingsway, Gatley
Description	Without the benefit of planning permission the erection of a wooden extension and decking to the rear of the property.
Case Officer	Dave Westhead
Notice Served Date	18 January 2023
Compliance Date	23 May 2023

AREA COMMITTEE: HEATONS & REDDISH

Location	Fern Cliff, 18 Mauldeth Road, Heaton Moor
Description	Without the benefit of planning permission the removal of stone gate posts and metal gates at the access to the property.
Case Officer	Dave Westhead
Notice Served Date	7 December 2022
Compliance Date	18 April 2023

AREA COMMITTEE: HEATONS & REDDISH

Location	Land at 613-615 Gorton Road, Reddish
Description	Without the benefit of planning permission the erection of a galvanised metal extension to a shop on the land.
Case Officer	Dave Westhead
Notice Served Date	21 December 2022
Compliance Date	9 August 2023

AREA COMMITTEE: HEATONS & REDDISH

Location	8 Edale Avenue, North Reddish
Description	Without the benefit of planning permission the erection of a two storey side extension to the dwellinghouse
Case Officer	Debbie Whitney
Notice Served Date	9 August 2021
Compliance Date	<p>11 July 2022</p> <p>Appeal withdrawn Variation notice issued to extend the compliance period to 9 months</p> <p>They have now engaged a planning agent who is working with Council and will be submitting a planning application for alterations to the extension to comply with Council policies. If granted Council will vary notice to require the extension to be removed, or to be completed in accordance with the approved plans.</p> <p>Site visit pending.</p> <p>Compliance by 1 December 2022 a new application has been submitted.</p> <p>The Council has now granted planning permission for an amended extension which will overcome the harm being caused and bring it in line with the Councils adopted planning policies.</p> <p>The Council will now vary the notice so that an additional step will be included which will give the option of demolition of the extension or to complete it in fully accordance with drawing number 0008_3_21_B approved by planning permission DC/085811 granted on 19/10/2022.</p> <p>3 months to comply.</p> <p>On 21 December 2022 a variation of enforcement notice was served. The variation enforcement notice took effect immediately with compliance extended by three months from the date the notice</p>

	took effect (i.e. 3 months from 21 December 2022 – so 21 March 2023).
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AREA COMMITTEE: HEATONS & REDDISH

Location	26 Broomfield Road, Heaton Moor
Description	Without the benefit of planning permission the construction of 3 dormer roof extensions on the rear roof slope of the property.
Case Officer	Dave Westhead
Notice Served Date	29 September 2022
Compliance Date	1 May 2023 Appeal submitted

AREA COMMITTEE: MARPLE

Action	Enforcement Notice Served
Location	Land at Holly Head, Hollywood Road Mellor
Description	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.
Case Officer	Dave Westhead
Notice Served Date	23 February 2022
Compliance Date	3 Years

AREA COMMITTEE: MARPLE

Action	Enforcement Notice Served
Location	144 Stockport Road, Marple
Description	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.
Case Officer	Dave Westhead
Notice Served Date	20 June 2018
Compliance Date	<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 & 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 28th 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 29th 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 & £350 costs. Council still pursuing compliance.</p>

AREA COMMITTEE: MARPLE

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

AREA COMMITTEE: MARPLE

Action	Tree Replant Notice Served
Location	Land to the rear of 53A Lower Fold, Marple Bridge
Description	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.
Case Officer	Dave Westhead
Notice Served Date	20 January 2023
Compliance Date	27 May 2023

AREA COMMITTEE: MARPLE

Action	Breach of Condition Notice Served
Location	138 A&B Sockport Road Marple
Description	Faiure to comply with conditions 2 (cycle parking) and 3 (car parking facilities) of planning permission DC/074448
Case Officer	Dave Westhead
Notice Served Date	9 December 2022
Compliance Date	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.

AREA COMMITTEE: WERNETH

Action	Enforcement Notice Served
Location	86A Higher Bents Lane, Bredbury
Description	Without the benefit of planning permission the construction of a 1.8m high electric sliding gate
Case Officer	Dave Westhead
Notice Served Date	8 June 2022
Compliance Date	7 October 2022 Appeal allowed.

AREA COMMITTEE: WERNETH

Action	High Hedge Notice Served
Location	12 Green Croft Romiley
Description	The hedge along the front boundary of the Property and extending along the gable elevation of 10 Green Croft, Romiley, Stockport, the hedge has a maximum height of 9.43 metres and is 10.6 metres in length. The hedge consists of 4 conifers and a laurel.
Case Officer	Dave Westhead
Notice Served Date	23 August 2022
Compliance Date	7 October 2022 Appeal submitted.

AREA COMMITTEE: STEPPING HILL

Action	High Hedge Notice Served
Location	Bosden House, Offerton Road, Offerton
Description	The hedge at Bosden House is taking light and sunlight from habitable roos and windows at 17 Arne Close.

Case Officer	Dave Westhead
Notice Served Date	18 December 2022 effective 12 January 2023 compliance in 3 stages final compliance by March 2025.
Compliance Date	7 October 2022 Appeal submitted.

APPEAL DECISIONS, CURRENT PLANNING APPEALS AND ENFORCEMENTS

Report of the Deputy Chief Executive

1. MATTER FOR CONSIDERATION

- 1.2 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 Joy Morton on 474 3219

Anyone with enquiries relating to enforcement activity should contact Dave Westhead on 0161 474 3520