

**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.

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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

**CHEADLE AREA COMMITTEE  
PLANNING APPEALS**

**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	Dismissed

**AREA COMMITTEE: CHEADLE**

Appeal date	5 May 2023
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	3 Milton Crescent, Cheadle
Proposal	Appeal against the refusal of a lawful development certificate for a change of use from a single dwellinghouse to mixed use as a dwellinghouse and a community centre.
Helen Hodgett	Helen Hodgett
Appeal Decision	Pending

**AREA COMMITTEE: CHEADLE**

Appeal date	25 May 2023
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	Cheadle Heath Sports Centre, Norbreck Avenue, Cheadle
Proposal	Appeal against the refusal to vary a condition to extend the hours of floodlight operation from 21.00 to 22.00 Monday to Friday
Helen Hodgett	Rebecca Whitney
Appeal Decision	Pending

## ENFORCEMENT APPEALS

### 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. 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)</p>

	<p>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 &amp; 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> <p>Provisional trial date 31<sup>st</sup> July and 1<sup>st</sup> August 2023.</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	<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 breached.</p> <p>Gathering evidence to support prosecution, Council needs evidence to criminal standard, beyond any reasonable doubt.</p>



## ENFORCEMENT NOTICES

### AREA COMMITTEE: CHEADLE

<b>Action</b>	Enforcement Notice Served
<b>Location</b>	5 Mona Avenue, Heald Green
<b>Description</b>	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.
<b>Case Officer</b>	Dave Westhead
<b>Notice Served Date</b>	22 January 2021
<b>Compliance Date</b>	<p>20 May 2021. Appeal submitted.</p> <p>Appeal dismissed compliance by 21/10/2021 Site visit pending.</p> <p>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.</p>

**AREA COMMITTEE: CHEADLE**

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

**AREA COMMITTEE: CHEADLE**

<b>Action</b>	Enforcement Notice Served
<b>Location</b>	46 Grasmere Road, Gatley
<b>Description</b>	Without the benefit of planning permission the material change of use of the land from a dwellinghouse to a mixed use as a house and business use as a dispensing chemist.
<b>Case Officer</b>	Dave Westhead
<b>Notice Served Date</b>	26 April 2023
<b>Compliance Date</b>	26 August 2023

**AREA COMMITTEE: CHEADLE**

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