

## **BRAMHALL AND CHEADLE HULME SOUTH 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

### 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	The appeal is allowed, and planning permission is granted for demolition of existing bungalow and construction of four detached dwellings with alterations to access at 13 Regent Close, in accordance with the terms of the application, Ref DC/082350

**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	Allowed

**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: BRAMHALL & CHEADLE HULME SOUTH**

Appeal date	17 May 2023
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	23 Patch Lane, Bramhall
Proposal	Refusal of planning permission for the demolition of existing detached residential property and replacement with 2no detached residential properties
Case Officer	Osian Perks
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.</p>

	<p>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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## ENFORCEMENT NOTICES

### AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

<b>Action</b>	Enforcement Notice Served
<b>Location</b>	67 Earle Road, Bramhall
<b>Description</b>	Unauthorised 2nd floor rear extension
<b>Case Officer</b>	Dave Westhead
<b>Notice Served Date</b>	10 <sup>th</sup> July 2018
<b>Compliance Date</b>	<p>28<sup>th</sup> 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> <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.</p>

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 24<sup>th</sup> 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.

Complied with.

**AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH**

<b>Action</b>	High Hedge Remedial Notice Served
<b>Location</b>	13 The Grove, Cheadle Hulme
<b>Description</b>	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
<b>Case Officer</b>	Dave Westhead
<b>Notice Served Date</b>	17 October 2022
<b>Compliance Date</b>	<p>Notice becomes effective 25 November 2022 6 months to comply. Appeal submitted, no start letter yet. Hedge owner has reduced height of conifers in accordance with notice which dealt with issues caused with regard to light loss. Amended notice issued removing Hawthorn from notice and appeal to be withdrawn.</p> <p>Appeal withdrawn. Initial action to reduce the height of the conifers has been complied with the owners are aware of the requirement for on going maintenance.</p>

**AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH**

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

**AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH**

<b>Action</b>	Enforcement Notice Served
<b>Location</b>	21 Ogden Road, Bramhall
<b>Description</b>	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.
<b>Case Officer</b>	Amanda Hopkins
<b>Notice Served Date</b>	11 February 2019
<b>Compliance Date</b>	11 March 2020 Appeal submitted. PINS Decision :

	<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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