

17 AUGUST 2023
PLANNING AND HIGHWAYS REGULATION 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 AND HIGHWAYS REGULATION COMMITTEE

PLANNING APPEALS

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	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

AREA COMMITTEE: CENTRAL STOCKPORT

Appeal date	27 April 2023
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	48 Brinnington Road, Portwood
Proposal	Refusal of planning permission for the demolition of a single storey garage site clearance and erection of a 2 bedroom 2 storey detached house
Case Officer	Chris Smyton
Appeal Decision	Pending

AREA COMMITTEE: CENTRAL STOCKPORT

Appeal date	26 May 2023
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	13 Whitelea Drive, Stockport
Proposal	Refusal of planning permission for the erection of a double storey side extension single storey rear extension with dormer across roof
Case Officer	Dominic Harvey
Appeal Decision	Pending

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

AREA COMMITTEE: CHEADLE

Appeal date	19 June 2023
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	38 Lavington Avenue, Cheadle
Proposal	Appeal against the refusal of planning permission for a single storey garden room to the rear of the dwelling with matching facing brickwork and finished with a flat roof and glazed rooflight.
Helen Hodgett	Anthony Smith
Appeal Decision	Pending

AREA COMMITTEE: HEATONS & REDDISH

NONE CURRENT

AREA COMMITTEE: MARPLE

Appeal date	26 May 2023
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	Werneth Hall, Cowlshaw Brow, Romiley
Proposal	Appeal against the refusal of planning permission for the erection of front and rear dormer extensions at 1 st floor level balcony with balustrade to the rear elevation erection of porch to front entrance and a single storey garden office to the rear PV to proposed garden office proposed dormers and existing garage
Case Officer	Anthony Smith
Appeal Decision	Pending

AREA COMMITTEE: MARPLE

Appeal date	16 March 2023
Appeal Procedure	Written Representations
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	83 Stockport Road, Marple
Proposal	Appeal against the refusal of planning permission for the refusal of a retrospective application to retain platform (Loggia) and wooden building to house a pizza oven.
Case Officer	Anthony Smith
Appeal Decision	Dismissed

AREA COMMITTEE: STEPPING HILL

Appeal date	1 August 2023
Appeal Procedure	Inquiry – date of inquiry not yet set
Original Determination Level	
Nominated Councillor for Appeal (Overturns Only)	
Location	Mirrlees Fields, Stockport
Proposal	Appeal against the refusal of planning permission for the outline planning permission proposing the erection of a residential development for up to 200 dwellings with associated landscaping, site infrastructure and the provision of new public open space
Case Officer	Jane Chase
Appeal Decision	Pending

AREA COMMITTEE: WERNETH

NONE CURRENT

ENFORCEMENT APPEALS

AREA COMMITTEE: CENTRAL STOCKPORT

NONE CURRENT

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

NONE CURRENT

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	Court dates 7 & 8 August 2023.

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>

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>The developer has 3 months to comply with varied notice, which expires at the end of May.</p> <p>Complied with.</p>

AREA COMMITTEE: HEATONS & REDDISH

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	<p>It is directed that the enforcement notice is corrected and varied by:</p> <ul style="list-style-type: none">• The substitution of the plan annexed to Planning Inspectorate's decision for the plan attached to the enforcement notice;• The addition of the words 'connected with the car wash use' after the word 'equipment' in requirement 2 at section 5 of the notice. <p>Subject to these changes, 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 Town and Country Planning Act 1990 as amended.</p>

AREA COMMITTEE: MARPLE

NONE CURRENT

AREA COMMITTEE: STEPPING HILL

NONE CURRENT

AREA COMMITTEE: WERNETH

NONE CURRENT

ENFORCEMENT NOTICES

AREA COMMITTEE: BRAMHALL & CHEADLE HULME SOUTH

Action	High Hedge Remedial Notice Served
Location	44 Carwood Road, Bramhall
Description	Hedge at 44 Carwood Road is taking light and sunlight from habitable rooms att 1 Leryn Drive
Case Officer	Dave Westhead
Notice Served Date	9 June 2023 effective on 7 July 2023
Compliance Date	2 stages stage 1 within 10 months of 7 July 2023 stage 2 within 22 months of 7 July 2023

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. Appeal submitted

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	Following change of ownership original notice under Section 215 withdrawn and new notice served on 14/4/2023, effective 14/5/2023 and four months to comply, 12/9/2023 . New notice served as additional items need to be dealt with.

AREA COMMITTEE: CENTRAL STOCKPORT	
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. Occupier is unresponsive to contact from Council and Landlord, Landlord will be complying with 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.</p> <p>1st court date 6 October 2022 at Greater Manchester Magistrates Court.</p> <p>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.</p> <p>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.</p> <p>Guilty plea, £200 fine.</p> <p>Follow up visit to be arranged.</p>

AREA COMMITTEE: CENTRAL STOCKPORT

Action	Breach of condition notice
Location	72 Northgate Road, Edgeley
Description	Failure to comply with condition 1 of planning permission DC/072704
Case Officer	Dave Westhead
Notice Served Date	26 April 2023
Compliance Date	Complied with

AREA COMMITTEE: CENTRAL STOCKPORT

Action	Enforcement Notice served
Location	40 Ashburton Road, Adswood
Description	Without the benefit of planning permission the material change of use of the land from a single story dwellinghouse to a mixed use as a dwelling house and for the storage of catering equipment and chairs including the construction of a wooden lean to extension.
Case Officer	Dave Westhead
Notice Served Date	13 June 2023 effective 12 July 2023
Compliance Date	12 August 2023

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	46 Grasmere Road, Gatley
Description	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.
Case Officer	Dave Westhead
Notice Served Date	26 April 2023
Compliance Date	26 August 2023

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. Complied with.

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 – Not complied with prosecution being prepared

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	11 July 2022 Appeal withdrawn Variation notice issued to extend the compliance period to 9 months.

	<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 took effect compliance by 22 March 2023).</p> <p>Not complied with by 22 March 2023, owners have requested an extension of time. All materials are on site to carry out the works so a final extension has been granted until 1 May 2023. If not complied with the council will issue prosecution proceedings.</p> <p>Complied with</p>
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AREA COMMITTEE: HEATONS & REDDISH	
Location	20 Princes Street, Heaton Moor
Description	Without the benefit of planning permission the installation of PVC windows to the ground and 1 st floor elevations of the dwellinghouse situated in the Mauldeth Road Conservation area
Case Officer	Dave Westhead
Notice Served Date	8 June 2023
Compliance Date	8 January 2024

AREA COMMITTEE: HEATONS & REDDISH	
Location	176 Broadstone Road, Heaton Chapel
Description	Without the benefit of planning permission the material change of use of the land from a single dwellinghouse to a mixed use as a guest house and a business as a short term let visitor accommodation for paying guests by conversion of a detached garage to separate accomodation
Case Officer	Dave Westhead
Notice Served Date	26 April 2023
Compliance Date	26 August 2023

AREA COMMITTEE: HEATONS & REDDISH	
Location	271 Green Lane, Heaton Norris
Description	Without the benefit of planning permission the installation of u-PVC windows to the 1 st floor front elevation of a dwellinghouse situated within the Green Lane Conservation Area
Case Officer	Dave Westhead
Notice Served Date	14 June 2023 effective 19 July 2023
Compliance Date	19 January 2024

AREA COMMITTEE: HEATONS & REDDISH	
Location	16 Locksley Close, Heaton Norris
Description	Without the benefit of planning permission the erection of raised decking over 300mm in height
Case Officer	Dave Westhead
Notice Served Date	9 June 2023 effective 8 July 2023
Compliance Date	8 October 2023

AREA COMMITTEE: HEATONS AND REDDISH

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	<p>25 February 2023</p> <p>Appeal Submitted</p> <p>Appeal dismissed:-</p> <p>It is directed that the enforcement notice is corrected and varied by:</p> <ul style="list-style-type: none">• The substitution of the plan annexed to Planning Inspectorate's decision for the plan attached to the enforcement notice;• The addition of the words 'connected with the car wash use' after the word 'equipment' in requirement 2 at section 5 of the notice. <p>Subject to these changes, 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 Town and Country Planning Act 1990 as amended.</p>

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

AREA COMMITTEE: MARPLE

Action	Enforcement Notice Served
Location	83 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	Appeal submitted against refusal of planning permission to retain platform and wooden building to house a pizza oven – PINS decision pending. Appeal dismissed

AREA COMMITTEE: WERNETH

NONE CURRENT

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 rooms 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 April 2025. The owners have reduced the hedge in height so that it complied with the requirements for a phased reduction. Final reduction is by April 2025
Compliance Date	April 2025

