

Northern Planning Committee

Agenda

Date:	Wednesday, 22nd March, 2023
Time:	10.00 am
Venue:	The Capesthorpe Room - Town Hall, Macclesfield SK10 1EA

Members of the public are requested to check the Council's website the week the Northern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

It should be noted that Part 1 items of Cheshire East Council decision-making meetings are audio recorded and the recordings are uploaded to the Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. Minutes of the Previous Meeting (Pages 3 - 6)

To approve the Minutes of the meeting held on 15th February 2023 as a correct record.

Please Contact: Gaynor Hawthornthwaite
E-Mail: gaynor.hawthornthwaite@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **22/4163M - Wilmslow Manor Care Home, 51, HANDFORTH ROAD, WILMSLOW, CHESHIRE, SK9 2LX: Three-storey side extension to existing care home to provide an additional three bedrooms for Mr J P Singleton, Newcare (Handforth) Ltd (Pages 7 - 18)**

To consider the above planning application.

6. **22/4758M - 4, WAREHAM STREET, WILMSLOW, SK9 1BT: Variation of condition 1 and removal of condition 3 on approval 21/3436M for retrospective application for external drinking & dining area in connection with restaurant with proposed decking and canopy for Ms A Mott, Sotto (Pages 19 - 28)**

To consider the above planning application.

7. **Planning Enforcement Update Report (Pages 29 - 56)**

To note the content of the report.

Membership: Councillors M Beanland, L Braithwaite (Vice-Chair), T Dean, JP Findlow, A Harewood, S Holland, D Jefferay, J Nicholas (Chair), I Macfarlane, N Mannion, L Smetham and J Smith

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 15th February, 2023 in the The Capesthorne Room -
Town Hall, Macclesfield SK10 1EA

PRESENT

Councillor J Nicholas (Chair)
Councillor L Braithwaite (Vice-Chair)

Councillors T Dean, JP Findlow, A Harewood, S Holland, D Jefferay,
I Macfarlane, B Puddicombe, L Smetham and J Smith

OFFICERS IN ATTENDANCE

Paul Wakefield - Planning Team Leader
Nicky Folan - Planning Solicitor
Neil Jones - Principal Development Officer
Faye Plant - Senior Planning Officer
Rachel Hamilton - Conservation Officer
Gaynor Hawthornthwaite - Democratic Services Officer

52 APOLOGIES FOR ABSENCE

Apologies were received from Councillors M Beanland and N Mannion.
Councillor B Puddicombe attended as a substitute for Councillor N
Mannion.

53 DECLARATIONS OF INTEREST/PRE DETERMINATION

Councillor D Jefferey declared that application 22/2347M was in his Ward
and that he had spoken to some of the neighbours about the logistics of
registering and speaking at the meeting; that he had visited a resident on
Paxford Place on a previous application, a few years ago, but had not
spoken to them about this application and that he knows two of the
speakers, but had not discussed the application with them.

Councillor Jefferey also declared that in relation to applications 22/2347M
and 22/0741M comments had been submitted by The Residents of
Wilmslow, which is his political party, but that he had not discussed or pre-
determined the applications.

It was noted that all Members had received correspondence in respect of
application 22/1599M.

54 MINUTES OF THE PREVIOUS MEETING

That the minutes of the previous meeting held on 18 January 2023 be
approved as a correct record and signed by the Chair.

55 PUBLIC SPEAKING

That the public speaking procedure be noted.

56 22/2347M - 17 & 19, HOLLY ROAD SOUTH, WILMSLOW, CHESHIRE, SK9 1NQ: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 34 RETIREMENT LIVING APARTMENTS INCLUDING LODGE MANAGER'S OFFICE AND RECEPTION, COMMUNAL FACILITIES, GUEST SUITE, CAR PARKING AND LANDSCAPING

Consideration was given to the above application.

(Councillor J Newell (Wilmslow Town Council) and James Bradley (Objector) attended the meeting and spoke in respect of the application).

RESOLVED:

That, for the reasons set out in the report and update report, the application be delegated to Officers in consultation with the Chair, to REFUSE, for the following reasons, subject to the receipt of any additional representations:

1. The proposals fail to provide on-site affordable housing or open space and does not provide a mechanism to secure requisite affordable housing, health and Open space and recreation contributions towards off site provision and therefore fail to comply with the NPPF and Cheshire East Local Plan Strategy policy IN2, SE6, SC2 and SC5.
2. Insufficient information has been submitted with the application in order to assess adequately the impact of the proposed development on existing trees on site. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Cheshire East Local Plan Policy SE5 and policy ENV 6 of the Site Allocations and Development Plan Document.
3. The lack of onsite parking will lead to on-street parking pressure in the vicinity of the site to the detriment of the free flow of traffic.

57 22/0741M - LITTLE STANNEYLANDS, STANNEYLANDS ROAD, WILMSLOW, CHESHIRE, SK9 4ER: THE CONVERSION OF THE DWELLING AND ITS OUTBUILDINGS INTO TEN SEPARATE DWELLINGS (RESUBMISSION OF 21/4264M) FOR ANNABELLE TUGBY ARCHICHITECTS

Consideration was given to the above application.

(Councillor J Newell (Wilmslow Town Council), Mr R Bagguley (Objector), and Mr D Savage (Agent) attended the meeting and spoke in respect of the application).

RESOLVED:

That, for the reasons set out in the report and update report, the application be APPROVED, subject to the completion of a Section 106 Agreement to include:

- Biodiversity compensation - £7070.73
- Management plan for the open space areas on site

and the following conditions:

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX – Materials as application
4. A01LS –landscaping scheme to be submitted
5. A04LS – Implementation of landscaping scheme
6. Nesting bird survey to be submitted
7. Ecological Enhancement details to be implemented
8. Car parking spaces to be provided and retained at all times thereafter
9. Shared pedestrian/cycleway to be constructed
10. Construction management plan to be submitted
11. Safeguarding nesting birds
12. Implementation of hedgehog mitigation.
13. Tree Protection and Implementation Measures
14. Engineer no dig solution to be submitted
15. Drainage layout to be submitted (trees)
16. Works to be carried out in strict accordance with the drawings
17. No trellising, loggias, sheds, fencing within the new garden spaces
18. Detailed drawings of the new windows, doors to the new dwellings at a scale of 1:20
19. Samples of materials for the new dwellings.
20. Detailed drawing to show the location and interface of the new partition within the barn with the original timber framing.
21. Removal of PD rights
22. Phase II ground investigation and risk assessment to be submitted has been completed.
23. Verification Report to be submitted
24. Testing of imported soil
25. Surface water drainage strategy to be submitted
26. Existing and proposed levels to be submitted
27. Details of any external lighting to be submitted

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head

of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

58 22/1599M - LITTLE STANNEYLANDS, STANNEYLANDS ROAD, WILMSLOW, CHESHIRE, SK9 4ER: LISTED BUILDING CONSENT TO ACCOMPANY APPLICATION 22/0741M - THE CONVERSION OF THE EXISTING DWELLING AND ITS OUTBUILDINGS INTO TEN SEPARATE DWELLINGS (RESUBMISSION OF 21/4264M) FOR ANNABELLE TUGBY, ANNABELLE TUGBY ARCHITECTS

Consideration was given to the above application.

RESOLVED:

That, for the reasons set out in the report, the application be APPROVED, subject to the following conditions:

1. A07LB - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. No trellising, loggias, sheds, fencing within the new garden spaces
4. Detailed drawings of the new windows, doors to the new dwellings at a scale of 1:20
5. Samples of materials for the new dwellings.
6. Detailed drawing to show the location and interface of the new partition within the barn with the original timber framing.

In order to give proper effect to the Northern Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

The meeting commenced at 10.00 am and concluded at 11.45 am

Councillor J Nicholas (Chair)

Application No: 22/4163M

Location: Wilmslow Manor Care Home, 51, HANDFORTH ROAD, WILMSLOW, CHESHIRE, SK9 2LX

Proposal: Three-storey side extension to existing care home to provide an additional three bedrooms.

Applicant: Mr J P Singleton, Newcare (Handforth) Ltd

Expiry Date: 19-Dec-2022

SUMMARY

The application site has an extensive planning history. Application number 20/4483M approved the demolition of two former detached properties and the erection of a 63-bedroom care home with associated landscaping, car park and access. This was recommended for approval at Northern Planning Committee 13.01.21 subject to conditions and a S106 Agreement, and the decision was subsequently issued 24.05.21, following completion of the S106 Agreement.

The above application has been implemented in full and the site is part occupied. This application proposes a three-storey extension, off-of the existing building's northern side elevation, to deliver 3no. additional bedrooms.

The proposal does not result in any significant impacts by reason of design and visual impact, impact to residential amenity or nor would it result in any other issues appropriate for assessment; noting the minor nature of the application and the recent planning history.

The applicant proposes to make no changes; to the implemented scheme, to the parking layout, or increase the vehicle parking quantum despite the minor intensification of the existing use on site. Officers, including Strategic Transport consultees, state no objection to this, taking into consideration the site context, the information provided and the relevant planning history of the site, including conclusions made by Inspectors.

Bearing all the above points in mind, it is considered that the proposal accords with relevant Development Plan policies and it is recommended that the application be approved, subject to relevant conditions.

SUMMARY RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

The application has been called-in to be determined by the Northern Planning Committee by Cllr Anderson for the following reason:

“This development originally for a 69 bedroom care home had previously been reject by the Northern planning board. it was allowed by the planning inspectorate only if the plans were reduced to a 63 bed care home. This has now been built and this application is to add an extra 3 bedrooms.

This is contrary to:

- a) the planning inspectorates decision*
- b) Appendix C; not enough parking provision”*

DESCRIPTION OF SITE AND CONTEXT

The site frontage (north-east) is to Handforth road, with mature tree screening to the north and west, separating the site from the neighbouring residential properties and the public open space to the rear.

The site is located to the south-east of Handforth and north-east of Wilmslow, within the settlement boundary of Wilmslow. The site is located within the Wilmslow designated neighbourhood plans area.

DETAILS OF PROPOSAL

This application proposes a three-storey extension, to the northern side elevation of the existing building; fronting the pedestrian path linking Handforth Road with the sports field to the rear (west of the application site).

The proposed extension results in the provision of 3no. additional bedrooms; split across three floors. The proposed extension would match the existing eaves and ridge height of the building and is positioned just north of an existing rendered gable bay, where the existing building has a small recess.

RELEVANT PLANNING HISTORY

22/2112D – Discharge of conditions 4, 12, 13 & 15 on approval 20/4483M – Approved 29.09.22

22/1570M – Variation to condition 2 to approved 20/4483M – Approved with conditions 07.10.22

21/5264D – Discharge of conditions 4, 5, 8, 10 & 15 on application 20/4483M – Part Approved/Part Refused 11.05.22

21/4882D – Discharge of condition 6 on application 20/04483M – Approved 06.12.21

20/5368M – Non-material minor amendment to application 19/3831M – Withdrawn 12.07.21

20/4845D – Discharge of conditions 3, 6 & 14 on 19/3831M – Approved 10.03.21

20/04701D – Discharge of conditions 4, 10, 12 & 15 on approved application 19/3831M – Approved 04.02.21

20/4483M – Demolition of existing two detached properties and erection of 63-bedroom care home with associated landscaping, car park and access – Approved with conditions 24.05.21

19/3831M – Demolition of existing 2 detached properties and erection of 60-bedroom care home with associated landscaping, car parking and access (revised scheme) – Refused 21.01.20 (Appeal Allowed 17.08.20 ref. APP/R0660/W/20/3249224)

18/4024M – Demolition of existing 2 detached properties and erection of 65no. bedroom care home with associated landscaping, car park and access – Refused 03.05.19 (Appeal Dismissed 28.10.19 ref. APP/R0660/W/19/3230381)

18/1025M – Demolition of existing 2 detached properties and erection of 83-bedroom care home with associated landscaping, car parking and access – Not determined 15.06.18

RELEVANT PLANNING POLICY

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

IN1 Infrastructure

IN2 Developer Contributions

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE12 Pollution, Land Contamination and Land Instability

SC3 Health and Well Being

SC4 Residential Mix

Appendix C – Parking Standards

Site Allocations and Policies Document 2022 (SADPD)

PG9 Settlement boundaries

GEN1 Design principles

GEN5 Aerodrome safeguarding

ENV2 Ecological implementation

ENV5 Landscaping

ENV6 Trees, hedgerows and woodland implementation

ENV15 New development and existing uses
ENV16 Surface water management and flood risk
ENV17 Protecting water resources
RUR12 Residential curtilages outside of settlement boundaries
HOU1 Housing mix
HOU2 Specialist housing provision
HOU8 Space, accessibility and wheelchair housing standards
HOU12 Amenity
INF3 Highway safety and access
INF9 Utilities

Wilmslow Neighbourhood Plan 2019

LSP1 Sustainable Construction
H2 Residential Design
TA2 Congestion and Traffic Flow

Other Material considerations

National Planning Policy Framework 2021 (NPPF)
National Planning Practice Guidance
Cheshire East Borough Design Guide 2017

CONSULTATIONS (External to planning)

Strategic Transport – No objection

Strategic Housing – No objection

NHS Eastern Cheshire Clinical Commissioning Group (CCG) – No comment

Adult Services – No comment

Director of Social Care – No comment

Environmental Health – No objection

United Utilities – No objection

Safeguarding for Manchester Airport – No objection subject to conditions

Wilmslow Town Council - Recommend refusal on grounds of additional parking pressures and implications of.

Public Representations Received

14 letters of representation from local residents and the local MP have been received objecting to the proposal on the following grounds:

- Additional parking pressures on the approved scheme;

- Overspill parking;
- Impacts to the capacity and safety of surrounding highways network; namely impacts to Handforth Road and Welland Road roundabout;
- No demonstrated need for additional accommodation;
- Piecemeal approach to planning process;
- Overdevelopment of site and unsustainable quantum of development on site;
- Light pollution;
- Adverse impact of construction on occupiers of care home and surrounding residents;
- Realism of the scheme from perspective of construction logistics;
- Adverse safety implications to pedestrians using footpath and play areas adjacent to site;

OFFICER APPRAISAL

Background

The application site has extensive planning history. Application 20/4483M for a 63-bedroom care home with associated landscaping, car park and access was approved by the Northern Planning Committee on 13.01.2021, and has since been implemented in full, and the site is operational.

This application seeks planning permission for a three-storey extension, to be located on the northern side elevation; fronting the pedestrian path.

The proposed extension would deliver 3no. bedrooms; 1no. per floor. Should the development be granted planning permission, cumulatively with the existing implemented scheme, this would mean the building would have a total of 66no. bedrooms.

Principle of Development

Policy MP1 of the Local Plan Strategy (2017) outlines that planning applications that accord with the policies in the Development Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Policy SC4 of the Cheshire East Local Plan states the following: *“Development proposals for accommodation designed specifically for the elderly and people who require specialist accommodation will be supported where there is a proven need; they are located within settlements; accessible by public transport; and within a reasonable walking distance of community facilities such as shops, medical services and public open space.”*

This application proposes to extend the existing implemented scheme (20/4483M) which is now complete, and in operation, to deliver 3no. additional bedrooms. The principle of development was established and concluded acceptable through the approving of the now implemented scheme and the planning history of the site. For this reason, any proposed intensification of the existing use on site, does not result in any change of use or warrant any assessment as to the acceptability of the principle of development. The proposed extension to the existing building, is only acceptable if it is concluded to on-balance, be in accordance with all outlined relevant policies.

Need for the Development

Application 19/3831M, for a 60-bed care home, was refused at Northern Planning Committee (13.01.21) and later allowed at appeal. At the time Adult Services objected to that application on the basis of vacancy rates within residential care homes and nursing homes in the borough. In support of that application, the applicant commissioned a comprehensive *Needs Assessment*.

Regarding the subsequent appeal related to the above application, the Inspector accepted the Needs Assessment; outlining that:

The needs assessment has been reviewed in detail by the Council's Adult Social Care Contract and Commissioning team, who have concluded that the content and data contained in the report is an accurate reflection of the current position in the identified catchment area; is fair and appropriate and has demonstrated examples of working collaboratively with the local authority and Local Clinical Commissioning Groups. I have no reason to disagree with the findings of the needs assessment, or the Council's conclusion that a need has been demonstrated for a proposal of this nature within this area.

Adult Services were consulted on this application but have provided no comment. A number of parties, including representations from members of the public in response to this application, have questioned the need for the extending of the existing implemented scheme.

Although time has passed since the undertaking of the Needs Assessment, considering the robust and thorough nature of the Assessment undertaken coupled with the minor nature of the proposed development, officers do not conclude it reasonable or necessary to require the applicant to undertake any additional, updated assessment, for the minor extension of the existing use.

It is considered that the proposed creation of 3no. additional bedrooms would not have a material impact upon the principle of the proposal complying with the objectives of policy SC4 (Residential Mix) of CELPS and HOU1 (Housing Mix) of the SADPD.

Healthcare

Regarding the implemented scheme, officers secured a financial obligation through a Section 106 Agreement, relating to contributing to off-site healthcare provision (toward the development of Handforth Health Centre) in order to adequately mitigate the impacts of the development on the delivery of healthcare services within the local area. This was secured through the engagement at the time with the NHS Eastern Cheshire Clinical Commissioning Group (CCG).

The NHS Eastern Cheshire Clinical Commissioning Group (CCG) were consulted on this application and have provided no comment. Notwithstanding, given the minor nature of this proposed extension (3no. bedrooms), officers do not conclude the extending of the established use on site, would result in any impact on off-site healthcare provision, to the extent to require the securing of any additional monies. For this reason, officers do not consider any planning obligation of this nature to be reasonable or necessary, given the extant S106 Agreement.

Design and Impact on the Character and Appearance of the Area

Policies SE1 (Design) of the CELPS and GEN1 (Design Principles) of the SADPD seek to ensure that new development respects the character of the area and is of an appropriate design. This is consistent with the provisions of the NPPF and is supported through the Cheshire East Design Guide.

The now fully implemented scheme was concluded to be acceptable in design terms and the permission was issued with relevant conditions to ensure appropriate materials. The materials for the proposed extension will match the existing building; officers recommend the attaching of a relevant condition, requiring as such to best ensure, the proposed development represent an appropriate addition to the host building, in visual terms.

The proposed development is a three-storey extension off-of the northern side elevation; fronting the pedestrian path and beyond; thick vegetation which roughly marks the rear (southern) boundaries of the two dwellings on Swale Close. The proposed extension has an approximate total depth of 6m however, owing to the proposed development extending a recessed part of the side elevation, the proposed extension would only extend approximately 3.8m further than the existing elevation. Owing to the proposed infilling of the existing recess, in visual terms, the proposed extension has a limited impact on the wider elevation. The proposed extension in height, measures approximately 8.6m to the eaves, and 9.9m to the ridge; matching that of the existing building.

Overall it is considered that the impact of the proposal on the character of the area is limited noting the minor nature of the proposed development; and considering the development would extend from an existing recessed part of the side elevation. The proposed development is therefore concluded acceptable in relation to policies SE1 and GEN1 of the CELP and policy H2 of the WNP.

Living Conditions

Policies HOU12 of the SADPD seeks to ensure development does not significantly injure the amenities of adjoining or nearly residential properties through a loss of light, overbearing effect or loss of sunlight/daylight with guidance on space distances between buildings contained in saved policy HOU13 of the SADPD and guidance within the Cheshire East Design Guide.

The proposed addition of 3no. bedrooms would be located on the northern side elevation fronting the public footpath to the north of the site, it is not considered that there would be any additional harm to the amenity of the adjacent neighbouring properties, compared to the extant permission. The nearest properties located to the north are over 29 metres away and there are mature trees on the intervening land. Therefore, there would be no additional overlooking resulting from the additional three windows.

The proposed extension does not propose any extraction fans and therefore there would be no additional impacts, brought about by this application, regarding odour or noise.

Noting the above, it is considered that the impact of the proposal on the residential amenity of the neighbouring properties in accordance with Policies SE1 of the CELPS and HOU12 and HOU13 of the SADPD.

Highways

This application proposes an addition 3no. bedrooms; which would cumulatively with the existing development, result in 66no. bedrooms on site. The applicant does not propose any additional parking on site. This cumulatively with the existing development, results in a ratio of 0.38 spaces per bedroom. The Strategic Transport Team did not explicitly object to this application however requested the applicant provide a review of proposed car parking provision in relation to parking standards (Appendix C of the CELPS). The applicant subsequently submitted additional information to justify the proposal, noting the site history.

Strategic Highways consultees provided additional comments after reviewing the additional information submitted. They outlined that the objections raised by the Town Council and others, relating to off-street car parking provision are noted however there exists no sustainable reason for refusing this application in this regard.

For context, planning application 18/4024M for a 65-bed care-home with 24 parking spaces was refused and subsequently dismissed at appeal. The appeal was not dismissed on highways grounds however and the Inspector stated, *'the appeal proposal would provide sufficient car parking for the development and that vehicles would be able to enter and leave the site in a forward gear'*. The parking provision for this refused (and dismissed) application equated to a ratio 0.36 parking spaces per bedroom.

The now implemented and operational scheme which delivered 64no. bedrooms, was approved with 25no. car-parking spaces, a ratio of 0.40 spaces per bedroom.

Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Based on the above, the existing level of car-parking on site, not proposed to be increased under this application, is acceptable in arrangement and quantum notwithstanding the small increase in bedrooms which this application proposes. This position is taken when considering the relevant planning history affecting the site and conclusions by Inspectors when considering appeals on this site.

Trees

CELPS Policy SE5 seeks to ensure the sustainable management of trees, woodland and hedgerows including provision of new planting to provide local distinctiveness within the landscape, enable climate adaptation resilience, and support biodiversity. Furthermore, the planting and sustainable growth of large trees within new development as part of a structured landscape scheme is encouraged in order to retain and improve tree canopy cover within the borough as a whole. Similarly SADPD policy ENV 6 requires proposals to retain and protect trees, woodland and hedgerows. Proposals should include measures to secure the long term maintenance of newly planted trees.

Whilst no specific information has been submitted in support of this application regarding impact to trees, as confirmed by the applicant, the proposed development would not impact any trees, hedgerows or woodlands inclusive of root protection areas. Reviewing the siting of the

proposed extension, this is in accordance with the approved Tree Works and Tree Protection Plan; approved as part of the Arboricultural Survey re. the implemented scheme (and forming condition 14 on the subsequent permission). The proposal is therefore considered to comply with the above policies.

Nature Conservation

Policy SE3 of the CELPS requires all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Policy NE5 of the WNP states that "Planning applications will be supported where it can be demonstrated that they will not adversely affect designated and non-designated wildlife habitats including Priority Habitats within Wilmslow."

The Council Nature Conservation Officer commented on this application, outlining that; in accordance with Policy SE3(5), all development should positively contribute to the conservation of biodiversity, and that should the application be approved, a condition should be attached to the permission, requiring measures of ecological enhancement. However, the implemented scheme was supported by an ecology report; for which a condition (condition 7) was attached to the permission; requiring compliance with. The condition also required provision for roosting bats to be installed. A detailed landscaping condition (condition 4) was also attached to the implemented scheme. Considering the condition schedule attached to the wider implemented scheme, and the minor nature of the proposed extension, officers consider it appropriate to not require addition measures related to ecological enhancement, to be attached to this permission, through any condition.

Land Contamination

The implemented scheme on the site proposed under this application to be extended, approved a Desk Study and Ground Investigation Document and condition 13 of the permission outlines that should any contamination be found which was not previously identified, remediation measures shall be required as agreed with the LPA.

The investigative work undertaken for the implemented scheme covered the whole site area; including the land affected by this application and thus this application would not prejudice the investigative work recently undertaken. Nonetheless, for robustness, officers recommend the attaching of a compliance condition to this permission, outlining that if any contamination is identified, works on site will cease, and measures of remediation shall be identified and agreed with the LPA; in accordance with condition schedule for the implemented scheme.

CONCLUSIONS

The proposed development would result in the addition of 3no. additional bedrooms within the existing care facility. The proposed extension to the existing building is considered to be acceptable and in the context of the wider implemented scheme. Owing to the proposed extension extending a recessed part of the existing northern side elevation, represents a minor change to the overall visual impact of the wider development.

Noting the proposed extension would be off-of the northern side elevation, for reasons set out within this report, the development would not result in any unacceptable adverse impact to neighbouring residential amenity.

In determining this application, officers have had regard to previous appeal decisions affecting the site and as referenced within this report, and officers acknowledge the Inspector's position on previous schemes; that being, not objecting to previous applications with lower parking levels to that now proposed on highways grounds. The Council Strategic Transport Team were consulted on this application and state no objection. Officers conclude that the proposed development, not proposing to amend the existing parking layout/quantum, would not result in any unacceptable adverse impact to the surrounding highways network from both the perspective of safety or capacity. Accordingly the application is recommended for approval.

RECOMMENDATION: Approve subject to the following conditions:

1. Time Limit
2. Compliance with Plans
3. Materials to Match
4. Details of air vents, air conditioning units or fans to be submitted
5. Contamination (compliance)
6. Manchester Airport Safeguarding (bird strike; pools of water)
7. Manchester Airport Safeguarding (exterior lighting restriction)
8. Manchester Airport Safeguarding (reflective materials)

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives or reasons for approval prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



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Application No: 22/4758M

Location: 4, WAREHAM STREET, WILMSLOW, SK9 1BT

Proposal: Variation of condition 1 and removal of condition 3 on approval 21/3436M for retrospective application for external drinking & dining area in connection with restaurant with proposed decking and canopy

Applicant: Ms A Mott, Sotto

Expiry Date: 01-Apr-2023

SUMMARY

This application seeks consent to vary Condition 1 (approved plans) and remove Condition 3 (temporary permission) attached to the approved application in April 2022 for retrospective permission at 4 Wareham Street in Wilmslow. The approved application granted temporary permission for an external drinking and dining area in connection with the restaurant, with proposed decking and canopy.

The site is located within Wilmslow Town Centre and is an area of protected open space.

The current approval restricts the use of the outdoor external area for a period of 18 months, which is due to expire on 22nd October 2023. The submitted Planning Statement states the development would encourage longevity for the existing business and would have a positive impact on Wilmslow Town Centre.

The temporary permission includes 3 pergolas, two on the proposed decking and one within existing parking spaces to the east of the site and protected open space. The application seeks to vary the approved plans, which would remove the pergola within the existing parking area and would result in the introduction of planter beds around the decked area.

The development is not considered to comply with the relevant local plan policies which relate to protected open space, and the proposed materials would not be appropriate for a permanent structure.

SUMMARY RECOMMENDATION

Refuse

REASON FOR REFERRAL

Application 22/4758M was referred to the Northern Planning Committee at the request of Cllr Jefferay (Wilmslow East Ward) for the following reasons:

“Whilst it was the case officer's view that the application contravened open space policy and it was therefore only appropriate for the structure to be temporary to support the business during the pandemic, as open space the grass actually provided minimal amenity value to Wilmslow's residents and its development has attracted widespread support amongst residents. It has been used far more since the structure was built than it ever was before and therefore it is my belief that the economic benefits of the business should outweigh the benefits provided as open space.

Further, the justification for the condition relied heavily on saved MBC local plan policies which, with the adoption of the SADPD, have now been superseded.

Noting that approval would potentially require a deviation from policy (and it is my opinion that this deviation is justified) the application should be considered by the Northern Planning Committee”

DESCRIPTION OF SITE AND CONTEXT

The application site is located on the edge of the Wilmslow town centre boundary, within an area that comprises a mix of uses including shops, cafes, public houses and residential properties.

DETAILS OF PROPOSAL

The application seeks to vary condition 1 and remove condition 3 on approval 21/3436M - Retrospective planning permission for external drinking and dining area in connection with restaurant, with proposed decking and canopy.

The application seeks to vary the approved plans, by removing the bar proposed in the existing parking area, providing a main entrance to the proposed external area with sliding doors, and the introduction of planter beds around the decked area

The application also seeks to remove condition 3, which granted temporary permission of the external dining area. The application seeks permanent consent for its retention.

Approved application 21/5769M is a like-for-like approval of the application seeking to be varied.

RELEVANT HISTORY

21/3436M – Approved with conditions 22-Apr-2022

Retrospective planning permission for external drinking and dining area in connection with restaurant, with proposed decking and canopy

21/5769M - Approved with conditions / 12-Aug-2022

Proposed decking and canopy

71559P – Advertisement Consent - Approved / 16-Sep-1992

Illuminated projecting sign

71050P – Full Planning - Approved / 01-Jul-1992

Use of premises for a2 purposes professional and financial services

72424P – Full Planning - Approved / 18-Nov-1992

Change of use from retail to hot food take-away/ restaurant

68867P – Full Planning - Approved / 28-Nov-1991

New shop front

33483P – County Matter Development -Approved / 06-Oct-1983

For an eight-space car park to be used by shopkeepers (and their customers) in Wareham Street and that part of station road Wilmslow

POLICIES:

Cheshire East Local Plan Strategy (CELPS):

EG5 – Promoting a Town Centre First Approach

MP 1 - Presumption in Favour of Sustainable Development

PG1 – Overall Development Strategy

PG2 – Settlement Boundaries

SD 1 – Sustainable development in Cheshire East

SD 2 - Sustainable Development Principles

SE1 - Design

SE2- Efficient Use of Land

SE5 – Trees, Hedgerows and Woodlands

SE6 – Green Infrastructure

Appendix C Parking Standards

Site Allocations and Development Policies Document (SADPD) (Adopted December 2022)

PG9 – Settlement Boundaries

ENV6 – Trees, Hedgerow and Woodland Implementation

GEN1 – Design Principles

HOU12 – Amenity

HOU13 – Residential Standards

RET1 – Retail Hierarchy

RET5 – Restaurants, cafes, pubs and hot food takeaways

RET7 – Supporting the vitality of town and retail centres

INF3 – Highway Safety and Access

REC1 – Open Space Protection

Wilmslow Neighbourhood Plan (adopted 2019)

Policy CR4 – Public Open Space

Policy LSP1 – Sustainable Construction

Policy TC4 – Retail Development

Other Material planning policy considerations

National Planning Policy Framework (The Framework)

National Planning Practice Guidance

Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Wilmslow Town Council – No objection

Conservation and Archaeology (CEC) – No comment received

REPRESENTATIONS

In response to the original consultation exercise, representations were received from 1 residence. This consultation response supported the proposal for the following reasons:

The terrace gives great character to the area and is perfect business and casual meeting spot. It also creates employment and business opportunities.

OFFICER APPRAISAL

Relevant Considerations

When considering variation or removal of condition applications (known as Section 73 applications), it must be recognised that the development will have previously been found to be acceptable in principle. With regards to this application, the development was considered to be acceptable only on a temporary basis.

Condition 1 – Approved Plans

Condition 1 outlines the plans in which the previous approval was based upon. As currently worded, it states:

The development hereby approved shall be carried out in total accordance with the approved plans:

Drawing No. 0167-P30 (Proposed Plan and Section)

Drawing No.0167-P35 (Proposed Elevations)

Pergola Information

received by the Local Planning Authority on 10th December 2021 and:

Drawing No. 0167-P05 (Proposed Site Plan)

Site Location Plan

received by the Local Planning Authority on 24th June 2021 except where varied by other conditions of this permission.

Reason: For the avoidance of doubt and to specify the plans to which the permission/consent relates.

The applicants seek to amend the approved plans, by removing the proposed pergola in the existing parking area and by adding planter beds to the boundaries of the decked area.

Policy SD2 of the CELPS states that all development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- Height, scale, form and grouping
- Choice of materials
- External design features
- Massing of the development (the balance between built form and green/public spaces)
- Green infrastructure; and

- Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy GEN1 of the SADPD sets out that development proposals should create high quality, beautiful and sustainable buildings and places and should reflect local character.

Policy LSP1 of the Wilmslow Neighbourhood Plan relates to sustainable construction. Applicants should seek to incorporate the following features as part of their applications:

- The use of sustainably sourced and energy efficient materials as part of the building's construction, which seek to reduce the overall carbon footprint of the building
- The use of innovative design techniques which reduce the demand for energy including, the incorporation of passive solar gain, passive cooling and ventilation and neutral design
- The use of on-site energy generation technologies to reduce the demand for energy
- Where appropriate, the inclusion of electric vehicle charging points

The positioning of the proposed external dining area would be visible from Manchester Road and would be positioned between existing built form and viewed against the backdrop of buildings on Wareham Street. No objection is raised to the removal of the bar within the existing parking area and the introduction of planter beds around the decking. The planter beds would provide some softening of the appearance of the external dining area from the surrounding street scene to a limited degree, and the removal of the bar would re-introduce the parking spaces the bar currently occupies and reduce the number of structures on the site.

The development is however a prominent addition to the surrounding area due to its close proximity to Manchester Road. Further to this, the structure is made up of retractable flexible translucent plastic screening between pergola posts. This material is not considered to be suitable for a permanent structure. It would not weather well, and would deteriorate rapidly, which will be to the detriment of the character and appearance of the area. The structure does not positively contribute to the character and identity of the area and is therefore contrary to policy SD 2 of the CELPS. It is also not clear how the proposal complies with policy LSP1 of the Wilmslow Neighbourhood Plan.

The proposed development would result in a detrimental impact upon the character of the surrounding area contrary with policies SD2 of the Cheshire East Local Plan, Policy GEN1 of the SADPD, Policy LSP1 of the Wilmslow Neighbourhood Plan and the NPPF.

Condition 3 – Temporary permission to October 2023

The applicant seeks to remove Condition 3. Condition 3 restricts the use of the external dining area for 18 months, expiring in October 2023. As currently worded, it states:

The building/structure and use hereby permitted is acceptable for a temporary period only. The use shall cease and all structures shall be removed from the site, and the site returned to its former condition on or before 22th October 2023 unless in the meantime a further application has been submitted to and approved by the Local Planning Authority. The land shall be restored in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Reason: To enable continued control and appraisal of the development proposed having regard to the particular circumstances and nature of the development, and to comply with policies SE1 and SE6 of the Local Plan, RT1 and RT2 of the Macclesfield Local Plan and the NPPF.

It should be noted that saved policies in the Macclesfield Local Plan have now been replaced by policies within the SADPD and therefore cannot be used within the determination of planning applications. Therefore, the below outlines the development in relation to relevant policies, including the newly adopted Site Allocations and Development Policies Document.

The amenity open space is identified as an area of protected open space on the adopted policies map. The amenity open space is included within the current CEC Open Space Assessment and listed as Amenity Greenspace and is protected under CELPS policy SE6.

Policy REC1 of the SADPD states development proposals that involve the loss of open space will not be permitted unless:

- i. an assessment has been undertaken that has clearly shown the open space is surplus to requirements; or
- ii. it would be replaced by equivalent or better open space in terms of quantity and quality and it is in a suitable location; or
- iii. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss.

The criteria set out under Policy REC1 of the SADPD mirrors Paragraph 99 of the NPPF with regards to when existing open space should not be built upon. The open space referred to in REC 1 relates to *“existing areas of open space shown on the adopted policies map, such as formal town parks, playing fields, pitches and courts, play areas, allotments and amenity open space; other incidental open spaces, which are too small to be shown on the adopted policies map, but which are of public value for informal recreation or visual amenity; and open spaces provided through new development yet to be shown on the adopted policies map.”*

The area is a piece of amenity open space in the centre of Wilmslow Town Centre. Situated on a busy highway junction, it forms part of a larger area of Green Infrastructure in this area and helps soften the urban/built environment as well as contributes to the public realm for the benefit of the wider community and urban air quality. The amenity open space and its trees also help improve microclimate, biodiversity and reduce peak flow rainfall. With the ever-growing awareness around the green agenda, the importance of these areas is increasingly recognised as being critical for the contribution they make on a number of levels.

The application as proposed removes the area from the public realm and prevents the open access previously enjoyed by the local community. The bench situated at the rear of the amenity open space is now isolated and enclosed. The decking and canopies urbanise the space, transform it into part of the built environment and remove the softening and openness once provided by the amenity green space. Taking each point within REC 1 in turn:

Assessment to show the open space is surplus to requirements

No updated assessment of open space has been provided with the current application with the applicant relying on the assessment submitted with the previous application. The conclusion of the previous assessment was that the area is so small it would not cause any material harm to the supply of amenity space in Wilmslow Town Centre. This argument was not accepted previously, and no additional reasons have been provided for it to be accepted now. The supporting information to Policy REC 1 is clear where it states that the policy relates to *“other incidental open spaces, which are too small to be shown on the adopted policies map, but which are of public*

value for informal recreation or visual amenity". This description covers a wide range of sizes and types of open spaces, and this policy seeks to protect them in a robust and consistent manner. The applicant's previous assessment stated that the Open Space Strategy makes no mention of a lack of amenity space in the Town Centre. Whilst this is acknowledged, it is considered that approving developments such as this could result in continuous, harmful changes to the amenity open spaces within the Town Centre, and other areas, thereby reducing the supply of amenity space. No evidence has been provided to suggest that there is a surplus, and the approval of the development could result in more harmful impacts to the town centre's open amenity space over time and become more damaging as incremental changes are added. The submitted assessment therefore does not clearly show the open space is surplus to requirements.

Replaced by equivalent or better open space in terms of quantity and quality in a suitable location
No proposals for replacement open space have been put forward. The development would therefore not provide the replacement of equivalent or better provision.

Development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss.

The development is not for alternative sports and recreational provision.

The development is therefore not considered to comply with the exceptions to development on existing open spaces and would be contrary to Paragraph 99 of the NPPF and Policy REC1 of the SADPD.

The application therefore leads to the loss of amenity open space, contrary to Policy SE6 of the Local Plan, Policy REC1 of the SADPD and Paragraph 99 of the NPPF.

It is understood that the applicants required the proposed development so that they could and can continue to keep their business operating throughout the COVID 19 pandemic. Under the previously approved application, the agent stated the applicant would accept a condition regarding a 3-year temporary permission.

At the time of the original application officers were sympathetic to this position and the Council granted a temporary permission to allow the applicant more time to review their options. Whilst the proposed development was considered contrary to policies of the adopted local plan and the justification for permanent permission was very limited, it was considered that a temporary permission could be justified in order to aid the security of the financial future of the restaurant after difficulties experienced during the pandemic, helping the business to adapt after lockdowns. The work would enable additional trade on a temporary basis following the lifting of restrictions.

Therefore, it was clearly outlined under the previously approved application as to why a temporary permission was appropriate at that time, and no significant changes to the scheme have been made or additional information provided that would justify a permanent permission being granted now.

Other Material Considerations

There are no concerns with regards to residential amenity from the proposal by virtue of separation distance to surrounding properties. The proposed development has been amended from the previously approved application and no longer results in the loss of parking spaces. The site is

situated within the town centre and is in a sustainable location. There are no highway implications associated with the proposal as parking provision would not be altered nor would access to the public highway.

The trees are not protected by a Tree Preservation Order or lie within a designated Conservation Area, however the group present a relatively attractive and decorative feature; visible from Manchester Road on the approach to the controlled junction. The Arboricultural Officer is satisfied that the structure is unlikely to cause any long- term damage to the trees.

CONCLUSION

In summary, the changes to the proposal are not significant to allow the development to be considered acceptable on a permanent basis. The use of plastic screening between pergola posts would not be appropriate for a permanent structure and the development continues to result in the loss of protected open space. The proposed development is contrary to Policies SD2 and SE6 of the Local Plan, Policy REC1 and GEN1 of the SADPD, Policy LSP1 of the Wilmslow Neighbourhood Plan and Paragraph 99 of the NPPF.

RECOMMENDATION

Refuse for the following reason:

- 1. The materials to be used in the proposed development would not be appropriate for a permanent structure and the development would be contrary to policies regarding the protection of open green spaces. The proposal would therefore be contrary to policies SD2 (Sustainable Development Principles) and SE6 (Green Infrastructure) of the Cheshire East Local Plan Strategy, GEN1 (Design Principles) and REC1 (Open Space Protection) of the Site Allocations and Development Policies Document, LSP1 (Sustainable Construction) of the Wilmslow Neighbourhood Plan and Paragraph 99 of the National Planning Policy Framework.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add Conditions and/or Informatives or reasons for approval prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



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Working for a brighter future together

Northern Planning Committee

Date of Meeting: 22nd March 2023

Report Title: Performance of the Planning Enforcement Service

Senior Officer: David Malcolm - Head of Planning

1.0 Report Summary

- 1.1 The purpose of this report is to provide the Northern Planning Committee with information relating to the activities and performance of the Council's planning enforcement service during the period 2021 and 2022 including a status report on those cases where formal enforcement action has already been taken.

2.0 Recommendation

- 2.1 Members are requested to note the content of the report.

3.0 Reason for Recommendation

- 3.1 The information contained within the report is to update Members on performance only.

3.0 Background

3.1 Introduction

- 3.2 The reporting period for this updated is for 2021 and 2022.

- 3.3 Members may recall that the last report made reference to a significant proportion of officer time being taken up by a single case during the latter part of 2020, i.e. the unauthorised material change of use of land to a use as a residential caravan site in Mobberley. That continued into the early part of 2021 when it was necessary for the Council to instigate committal proceedings in relation to the site owners failure to comply with an

injunction. In May 2021 the owner was convicted on 10 counts of contempt of court and was sentenced to eight months jail for each offence to run concurrently, suspended for two years. They were also ordered to pay the Council's legal costs and to make an interim payment of £25k by 1st June 2021. Officers continue to pursue the interim payment.

- 3.4 In addition to this the Council successfully defended its decision at appeal to refuse planning permission for the change of use of the land and the Enforcement Notice issued in relation to the unauthorised material change of use to a residential caravan site.
- 3.5 As Members have previously been advised the Council only uses its powers to seek an injunction in exceptional circumstances. Regard must be taken to the fact that anyone named in that injunction who breaches it may be held in contempt of court and may be imprisoned, fined or have their assets seized. Therefore, such action should only be taken in relation to the most serious breaches of planning control. However, in 2022 it was again considered necessary to apply to the High Court for an injunction against the owner of land at Six Acres, Wirswall Road, Wirswall.
- 3.6 On 3rd October 2022 His Honour Judge Bird granted an injunction with immediate effect. It requires the landowner to remove buildings and hardstanding from the land by May 2023 and restore the land to its condition before the unauthorised development took place by August 2023.
- 3.7 The landowner was required to pay the Council's costs of £18,597 within 21 days of the court hearing. These costs remain outstanding and further action is being taken to recover them.
- 3.8 Once again it will be necessary for the Council to take the matter back to court for committal proceedings if the injunction is not complied with.
- 3.9 It is interesting to note the Judge's comments on handing down his judgement. He concluded that the parties had "thumbed their noses" at the law and reprimanded them for wasting council resources and money during times when people are struggling financially. He recognised that the council has acted professionally in the face of abuse from the landowner and gave special recognition to the professionalism of the planning officers involved.
- 3.10 Gathering evidence in relation to the Council's application for an injunction was particularly challenging having regard to the owner's behaviour and it required officers to obtain a court warrant each time they required access to the land.
- 3.11 Another noteworthy case is in relation to a development of 263 dwellings in Crewe. Owing to the developer's failure to obtain a discharge of a contaminated land condition in a timely manner planning permission for

the development expired. This left each and everyone of the properties without the benefit of planning permission and potentially liable to enforcement action despite the majority of properties being occupied. Officers had endeavoured to work with the developer to resolve outstanding requirements of the condition and the time put in by colleagues in Environmental Protection providing specialist advice should not go unrecognised. However, a point was reached whereby a decision was issued refusing to discharge the condition.

- 3.12 A further planning application has now been submitted in an attempt to regularise the current breach of planning control.
- 3.13 This case serves to demonstrate the reliance the service has on other disciplines within the Council to support the works which it is undertaking. Collaborative working is an essential part of the process and a lack of resources within other services can impact on service delivery in planning enforcement.
- 3.14 Recently the role of planning enforcement has hit the spotlight nationally. In November 2022 the Royal Town Planning Institute, town planning professional body issued a research paper "Planning Enforcement Resourcing – The scale and nature of resourcing teams." The findings of this report mirror the experiences of Cheshire East.
- 3.15 Resources and recruitment remain challenging for Cheshire East, with currently 3 vacancies within the enforcement team. As a result, (as they should always in any event) Officers do have to focus on much of their time on those cases where clear and demonstrable harm is being or is likely to be caused.
- 3.16 The report notes that 73% of survey respondents had struggled to recruit in recent years at both junior and senior level. The resultant lack of resources inevitably impacts on the time it takes to investigate alleged breaches of planning control and to act where appropriate. Added to this is the complexity of some cases which can absorb a significant amount of time which at first glance is not always evident to the wider public.
- 3.17 It is also not often possible to share with Members the reasons why some cases are particularly complex having regard to protecting the integrity of evidence and ensuring due process is not compromised. It only tends to be when a case is concluded that some of the reasons for protracted timescales become apparent.
- 3.18 Report Format
- 3.19 The information contained in this report is divided into three sections:
- 3.20 Paragraphs 3.23 - 3.32 provide a summary of investigative activity and formal enforcement action undertaken during 2021 and 2022.

3.21 Section 4 provides an update of those cases where formal enforcement action has been authorised and has taken place.

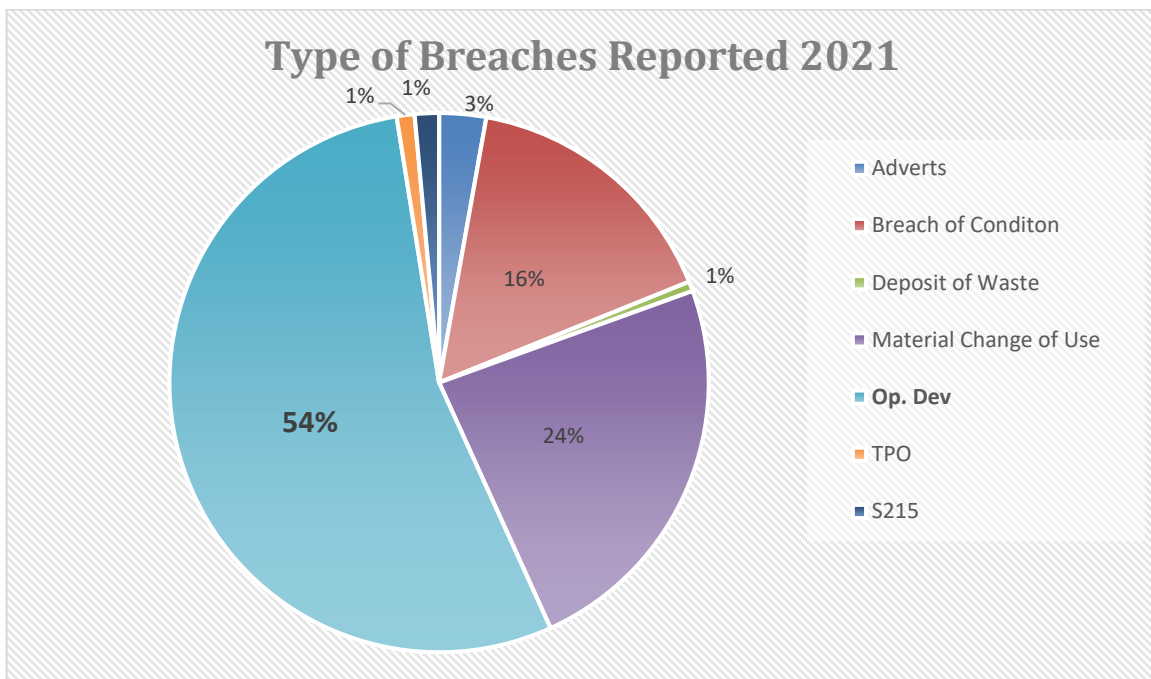
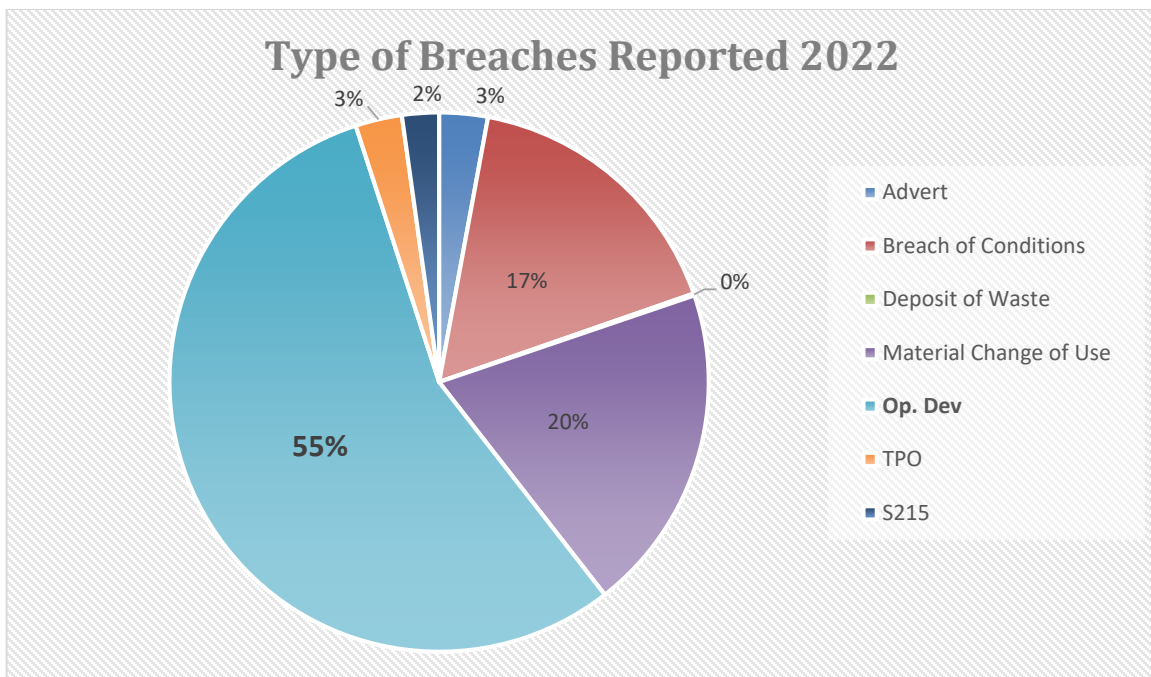
3.22 Section 5 Advises on future reports.

3.23 Reported Information

3.24 It will be noted from Charts 1 and 2 that the most reported type of breach relates to operational development. Perhaps because this is the easiest to spot and tends to have a greater impact on complainants. Of the reported breaches relating to operational development 237 were closed in 2021 and 213 were closed in 2022 as no breach had been identified, the majority being permitted development. With the continued liberalising of permitted development rights it must be recognised that there is a significant amount of development that the Local Planning Authority (LPA) has no control over regardless of the impact that it may have on a complainant. It is important to have awareness of this to manage expectations and that that it is not a case of the LPA failing to act.

3.25 It is also important to note that the role of investigating officers is one of impartiality, it is not their role to champion one person's cause over that of another. In this regard it is crucial to carefully manage customer's expectations. Where a breach of planning control is identified any decision to take enforcement action must have an evidential base sufficient to be relied upon at any resultant appeal as well as having regard to local and national planning policy.

CHART 1

**CHART 2**

3.26 Enforcement cases are given an initial priority when they are received based on the apparent harm being or likely to be caused. The priority determines the timescale within which officers endeavour to carry out their first visit. (It is not always necessary to carry out a site visit). Charts 3 and 4

below provide a breakdown of allocations for the calendar year 2021 and 2022.

Priority 1 – High - Site visit within one working day

A report of an alleged breach will only be allocated as a P1 where it appears to officers of the Council that irreparable harm is being, or is likely to be, caused to an historic/ecological asset or where there is the potential for irreparable harm to the environment, or members of the public. These include:

- Unauthorised works to listed buildings
- Unauthorised demolition in a Conservation Area
- Development causing immediate and irreparable harm to an area of land which has special protection.
- Development causing serious danger to the public (This does not include unsafe working practices or parking of operatives or delivery vehicles on the highway. These are matters that the Council cannot control and should be reported directly to the Health and Safety Executive or the police respectively.)
- Unauthorised works to, or affecting, trees covered by a Tree Preservation Order, or in a Conservation Area.

Priority 2 – Medium – Site visit within 5 working days

A report of an alleged breach will be allocated as a P2 only where a significant degree of harm is likely to or is occurring in the opinion of officers of the Council. These include:

- Building work that is already in progress
- Development which is potentially immune from enforcement action within 6 months (following a period of 4 years in relation to building works already undertaken and 10 years in relation to a material change of use).
- Development causing serious harm to its surroundings or the environment
- Breaches of Condition/non-compliance with approved plans which is considered by officers of the Council to be causing serious harm
- Development which represents a clear breach of planning policy and is unlikely to be granted planning permission.

Priority 3 – Low – Site visit within 15 working days

In all other instances and where no significant degree of harm is likely to result the Council will allocate a report of an alleged breach as a P3. These include:

- Other building work which is complete, e.g. an extension which already has a roof on it.
- Development not causing significant harm to its surroundings or the environment - where the breach is technical in nature or is a minor deviation from a planning permission.
- Advertisements.
- Breaches of condition/non compliance with approved plans causing no significant harm to, or no harm to, the character or appearance of an area e.g. where a window has not been glazed with obscure glass and the development is not yet occupied.
- *Development which is likely to be permitted development, - the erection of sheds, outbuildings, porches, rear single storey extensions. (See link below)
- *Minor domestic development e.g. fences, satellite dishes (see link below)
- Untidy Land, i.e. where land is having an adverse impact on the appearance of an area. (This does not extend to land which is merely overgrown).

CHART 3

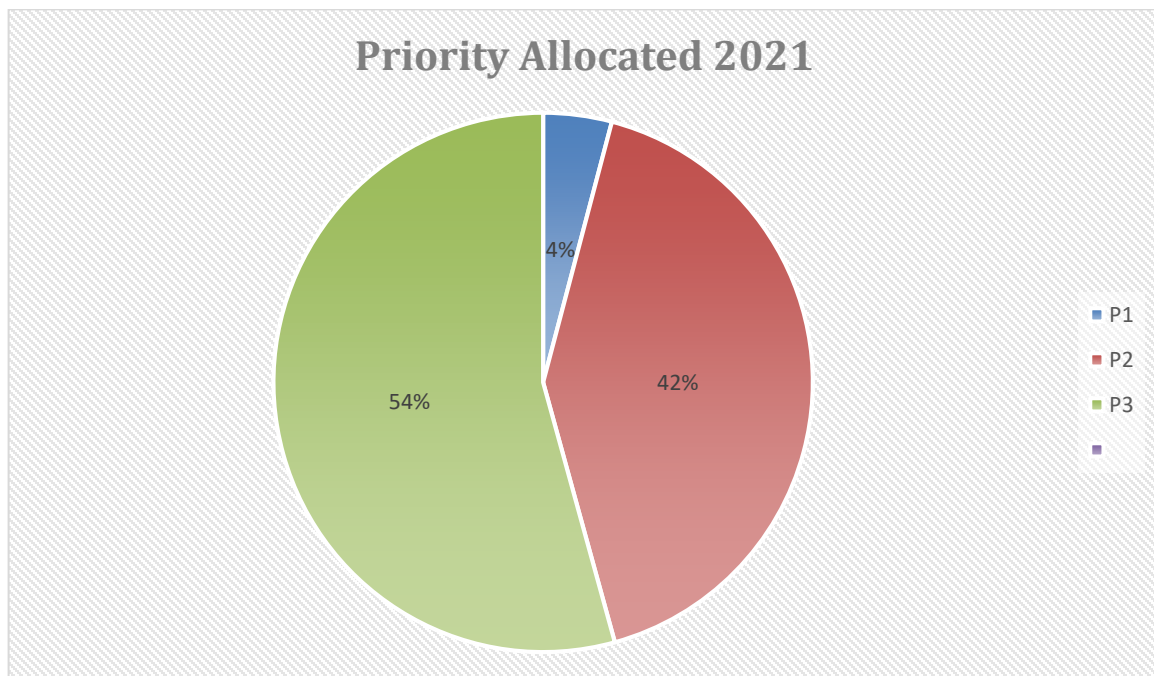
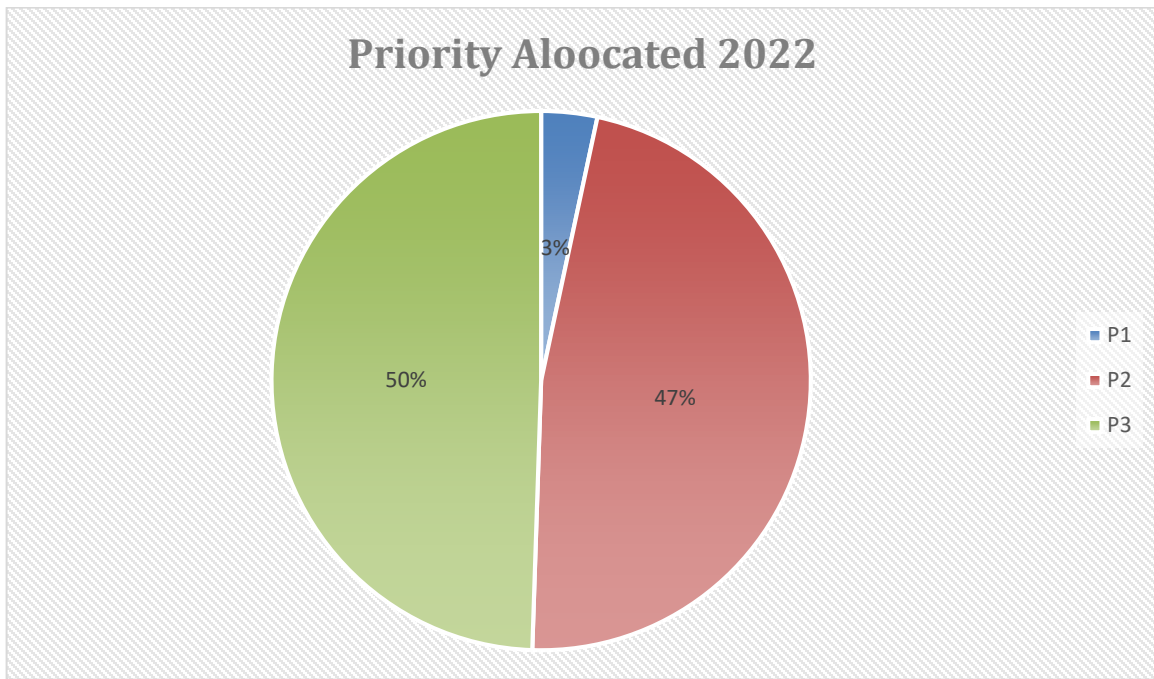


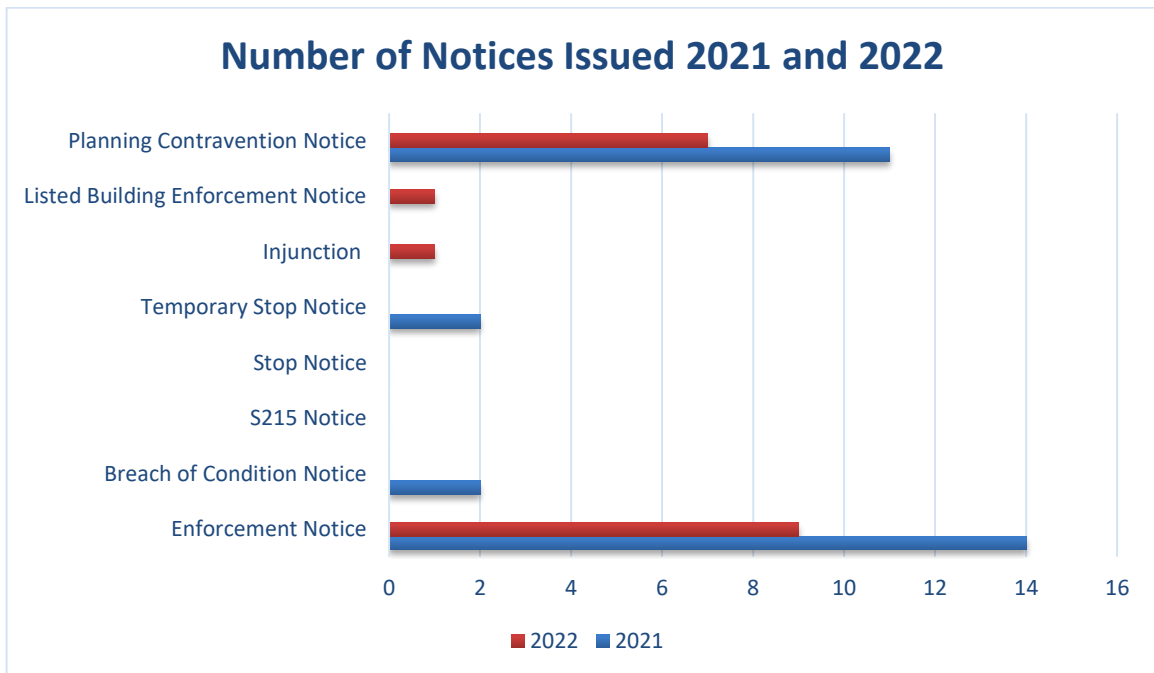
CHART 4



3.22 NOTICES SERVED

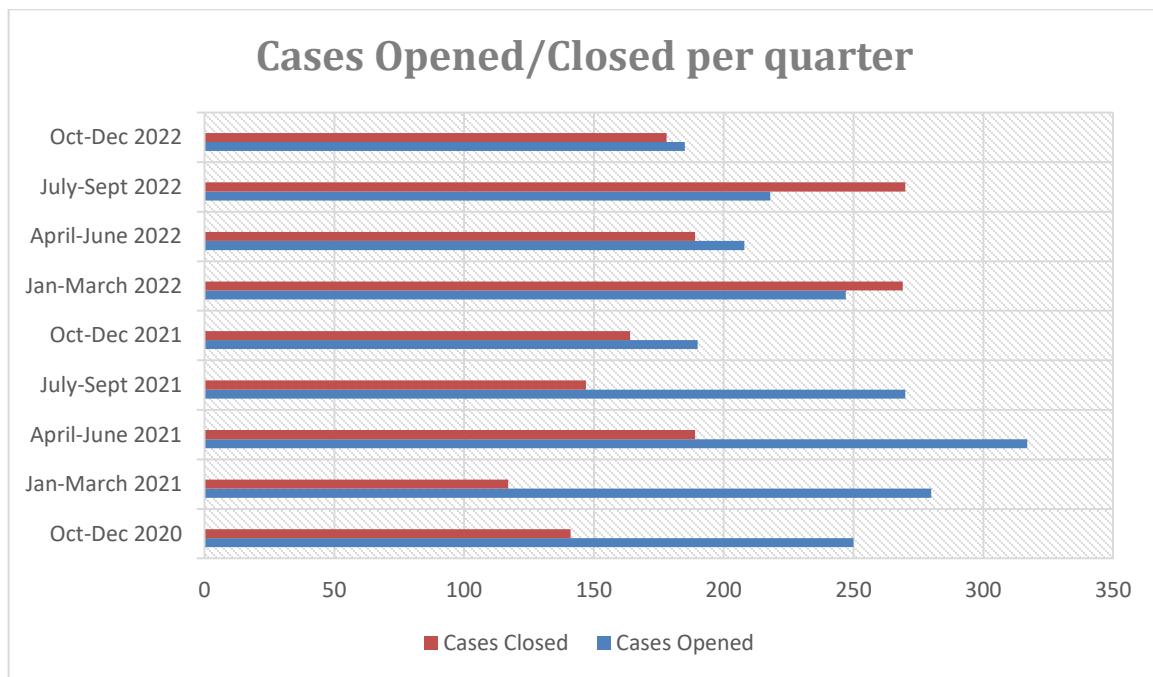
3.23 Charts 5 shows the breakdown of notices served annually in 2021 and 2022.

CHART 5

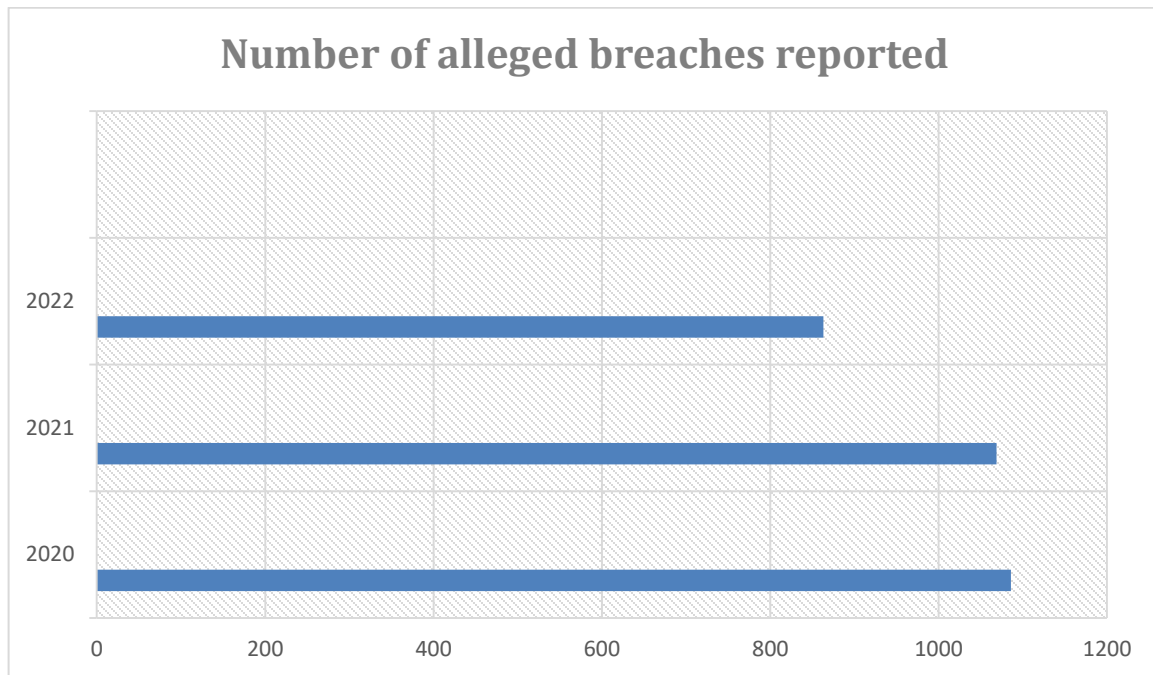


- 3.24 Members will note that a total of 53 notices have been served over the reporting period, a not insignificant number which averages to nearly 2 notices being issued each month.
- 3.25 Also during the reporting period 15 enforcement appeals were lodged. Out of these 9 have been determined. One appeal was withdrawn, one part allowed part dismissed with all others being dismissed. This represents an extremely good performance at appeal.
- 3.26 The service continues to progress prosecutions where appropriate but it is only possible to report outcomes in relation to these in order that the Council's case is not prejudiced in any way. Where appropriate a press release will be issued contemporaneous to the completion of legal proceedings.

CHART 14



- 3.27 Whilst the number of reported alleged breaches fell in 2022 there remains a significant backlog of cases and a lack of resource. Consequently, the small drop in numbers has not served to reduce officer workloads. Efforts continue to be made to work through the back log with cases being reviewed and RAG rated.

CHART 15

3.28 Service Improvement

3.29 Additional information has been provided for customers on the Planning Enforcement web pages of the Cheshire East website. This not only informs them of the enforcement process but also signpost customers to other services/agencies which may be better placed to assist them with their enquiry where it is not a matter which falls under the jurisdiction of planning enforcement.

3.30 Since the last report to Members the revised Planning Enforcement Policy has been adopted and is available to view on the Cheshire East website [Planning enforcement November 2020 \(cheshireeast.gov.uk\)](https://www.cheshireeast.gov.uk/planning-enforcement-november-2020).

3.31 Members will no doubt be aware that the Planning Service is in the process of transitioning to a new computer system. It is envisaged that this will bring significant benefits to not only officers using the system but also in the monitoring of workflows. It should also improve the communication of outcomes of investigations to both Members and customers.

3.32 It is anticipated that it will require less keyboard time for officers which in turn will free up time to focus on investigating alleged breaches of planning control. The new system should be operational by the summer of 2023.

4.0 Update on Formal Enforcement Action Already Taken

- 4.1 Whilst the majority of the work of the enforcement team involves investigating reports of suspected breaches of planning control, the Appendix attached to this report details the status of those cases where it was appropriate to take enforcement action and serve a formal notice.

The cases are listed in Ward order.

5.0 Future Reports

- 5.1 The next report will be presented in April 2024 and will contain information for the last quarter of 2022/23 and the four quarters of 2023/24.

6.0. Implications of Recommendation

6.1 Legal Implications

- 6.1.1 No direct implication

6.2 Finance Implications

- 6.2.1 No direct implication

6.3 Policy Implications

- 6.3.1 No direct implication

6.4 Equality Implications

- 6.4.1 No direct implication

6.5 Human Resource Implications

- 6.5.1 No direct implication

6.6 Risk Management Implications

- 6.6.1 No direct implication

6.7 Rural Communities Implications

- 6.7.1 No direct implication

6.8 Implication for Children & Young People/Care for Children

- 6.8.1 No direct implication

6.9 Climate Change -

6.91 No direct implication

6.10 Public Health Implications

6.10.1 No direct implication

6.11 Ward Members Affected

6.11.1 All wards are affected

7.0 Access to Information

7.1 The following document is appended to this report

Appendix 1 – Status report on cases where formal enforcement action has been taken.

8.0 Contact Information

8.1 Any questions relating to this report should be directed to the following officer.

Name: Deborah Ackerley

Job Title: Principal Planning Officer (Enforcement)

Email: Deborah.ackerley@cheshireeast.gov.uk

Appendix 1 – Enforcement Update March 2023

SITE	Ward	Breach	Type of Notice	Current Status
Edgefields, Hough Lane Alderley Edge	ALDERLEY EDGE	Unauthorised erection of 2no. connected buildings	Enforcement Notice	Enforcement Notice issued 1 st April 2019. Compliance due by 3 rd October 2019. Appeal lodged 1st May 2019. Enforcement Notice appeal dismissed. Planning appeal allowed and permission granted therefore over-riding the enforcement notice. CASE CLOSED
Holashaw, Hassall Road, Hassall	ALSAGER	Unauthorised material change of use for stationing of a residential caravan	Enforcement Notice	Enforcement Notice issued 17 th July 2020. Appeal lodged. Appeal dismissed compliance to be monitored – 24 June 2021. New allegation that occupiers of caravan now living in part of commercial property, under investigation – no evidence of living in commercial building. Letter before action sent regarding compliance with notice – prosecution Notice now complied with CASE CLOSED
Brookfield Stables, Watery Lane, Astbury	ASTBURY	Unauthorised stable block	Enforcement Notice	Enforcement Notice issued 17 th November 2016. Appeal dismissed. Initial site visit established notice not complied with. Successful prosecution December 2018 Fined £500 plus VSC. Stables still remain. Under Review
The Stables, Kynsal Lodge Buerton	AUDLEM	Listed Building	Listed Building Enforcement Notice	Listed Building Enforcement Notice issued August 2022 Currently under appeal
Land at Manor Farm, Hankelow	AUDLEM	Unauthorised creation of a track	Temporary Stop Notice/Enforcement Notice	Temporary Stop Notice issued 09/11/21 (now expired) Enforcement Notice issued 21/03/22 Appeal dismissed awaiting compliance as required – due March 2023 Works for compliance commenced February 2023
Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield	BOLLINGTON	Unauthorised erection of two buildings and an area of hardstanding	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Owner refused permission to lodge appeal in High Court. Costs awarded in favour of Council. Two buildings removed and therefore Enforcement Notice substantially complied with, but seeking

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				clarification from legal regarding expediency of pursuing reinstatement of land
Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield	BOLLINGTON	Unauthorised erection of two timber buildings	Enforcement Notice	Enforcement Notice issued – different building to those covered by previous Enforcement Notice. Appeal dismissed. Compliance due February 2015. Notice substantially complied with as both buildings removed. Area of hardstanding removed further visit required to establish if area has been seeded for grass.
Pool House Clarke Lane Bollington	BOLLINGTON	Unauthorised erection of a fence	Enforcement Notice	Enforcement Notice issued on 5 th February 2019. Compliance due 8 th May 2019. Appeal dismissed. Compliance due 1 st May 2020. Site visit required to check compliance with the Notice. Notice not complied with. Pursuing compliance with the Notice. Possible prosecution. Property now been sold, new owner submitted planning application but not valid. Necessary to consider declining to determine any valid application and review prosecution. Valid application now received but not yet allocated to case officer. Application 21/4168M remains outstanding.
George and Dragon, 61 Rainow Road, Macclesfield	BOLLINGTON	Untidy Land	S215 Notice	Untidy Land Notice issued 1 st March 2018. Compliance due July 2018. Notice not complied with. Prosecution proceedings instigated. The matter was heard in the Magistrates court on 19 th November 2019 and none of the defendants were present. The defendants were convicted in their absence and each fined £800 with a Victim surcharge of £80.00 each. Each defendant was ordered to pay £851.56 towards the Council's costs. Further site visit undertaken and the Notice has not been complied with. Planning application currently under consideration for the demolition of the pub and erection of houses. Pursuing compliance with the Notice. Under review
Co-op Bollington	BOLLINGTON	Unauthorised material change of use of land to a carpark and associated hardstanding	Enforcement Notice	Planning permission refused for the use of the land as a car park, also dismissed at appeal. Enforcement Notice drafted and agreed by Legal. Enforcement notice issued 5 th April 2022 compliance due 10 th August 2022 Appeal lodged, appeal dismissed and Enforcement Notice upheld. Compliance due 28 th January 2023. Works have been

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				undertaken. Site visit required to check compliance with the Notice.
Jahanara Bhavan	BRERETON RURAL	Unauthorised operational development	Enforcement Notice	BEING DRAFTED – further application submitted for an amended scheme, awaiting decision before proceeding. Application refused appeal decision awaited. Appeal dismissed April 2022– Notice required to be issued. Further appeal submitted and further application for CLEUD submitted
Land South of Dragons Lane, Moston	BRERETON RURAL	Unauthorised Material Change of Use	Enforcement Notice	Notice served October 2021 appeal pending, still waiting for a hearing date from PINS (over 12 months)
White Lodge, Chester Road, Mere	BUCKLOW	Formation of an earth mound, hardtsanding, alterations to driveway, erection of fence and aerial/CCTV pole	Enforcement Notice	Enforcement Notice issued 22 nd March 2021. Appeal lodged. Appeal decided 29 th October 2021. Part allowed part dismissed. Earth bund granted planning permission but weld mesh fencing and CCTV refused and requirements of enforcement notice in this regard remain. Compliance due February 2022. Site Visit required to check compliance.
The Chase Plumley Moore Road Plumley	CHELFORD	Unauthorised change of use of land from agricultural to garden, erection of gate, gate piers and hardstanding.	Enforcement Notice	Enforcement Notice issued 9 th December 2019. Compliance due 14 th April 2020. Appeal lodged 7 th January 2020. Appeal dismissed on 24 th August 2020. Compliance due by 24 th February 2021. Site Visit to check compliance
Woodend Nursery Stocks Lane Over Peover	CHELFORD	Unauthorised change of use of land to agriculture, horticulture and the parking of vehicles, formation of hardstanding, lighting columns, ticket machines and barrier.	Enforcement Notice	Enforcement Notice issued 21 st January 2020. Compliance due 28 th June 2020. Appeal lodged 5 th February 2020. Appeal dismissed January 2021. Compliance due May 2021 – site visit required to check compliance.
Wood Platt Cottage, Chelford Road, Marthall	CHELFORD	Unauthorised change of use of land to an unauthorised waste transfer site	Enforcement Notice	Enforcement Notice issued 25 th August 2017. Appeal dismissed 10 th January 2019, Compliance due 10 th June 2019. Notice partly complied with. Pursuing compliance with the Notice. Under review.

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Wood Platt Cottage, Chelford Road, Marthall	CHELFORD	Unauthorised erection of a building	Enforcement Notice	Enforcement Notice issued 25 th August 2017. Appeal dismissed 10 th January 2019, the Notice was upheld. Compliance due 10 th September 2019. Notice not complied with. Pursuing compliance with the Notice.
Wood Platt Cottage, Chelford Road, Marthall	CHELFORD	Unauthorised erection of a building, walls, siting of portacabins, weighbridge and areas of hardstanding	Enforcement Notice	Enforcement Notice issued 23 rd March 2022, currently under appeal
Hawthorn House, Free Green Lane, Over Peover	CHELFORD	Unauthorised Building	Enforcement Notice	Enforcement Notice issued 12 th January 2017. Appeal dismissed. Partial award of costs awarded to the Council. Compliance due July 2018. Notice not complied with. Pursuing compliance with the Notice.
Land North of Pedley Lane, Timbersbrook	CONGLETON EAST	Unauthorised change of use from and agricultural use to a recreational and education use.	Enforcement Notice	<p>Enforcement Notice issued and appealed. Appeal dismissed 30 July 2010. Compliance due 30 March 2011. Works in default carried out August 2011 and site cleared of all buildings/shelters/animals. Occupier repopulated the site. High Court action instigated to secure an Injunction. Voluntary undertaking secured which required site clearance. Failed to comply, Committal proceedings instigated in High Court. Further agreement reached which required submission of Certificate of Lawful Use (CLUED). CLUED submitted. Appeal against non-determination of CLUED lodged. Council's statement submitted. Appeal withdrawn November 2014. Further breaches on site currently under investigation. Prosecution proceedings instigated in relation to non-return of Planning Contravention Notice. Landowners convicted in their absence fined £220 each, £250 costs each and Victim surcharge £34 each. Further contact to be made requiring response to PCN.</p> <p>Court made an error in that they did not have regard to an email from the defendants advising why they could not attend court, case re-opened.</p> <p>An agreement was made outside of the court proceedings that the defendants would pay £15k towards the outstanding costs of works in default. In light of this and a commitment from the owner to pursue civil action against the current occupier to remove them from the site NFA in relation to the PCN.</p>

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				<p>Ongoing issues, liaising the owners</p> <p>Occupier erected a dwelling on site but recently removed from the land.</p> <p>Site also subject to separate civil proceedings to evict occupier.</p> <p>Civil proceedings successful, occupier required to vacate by 3rd January 2023.</p> <p>Occupier did not vacate</p>
34 South Bank Grove, Congleton	CONGLETON EAST	Untidy Land	S215 Notice	S215 Notice served 9 th June 2018. Partial compliance. Case to be reviewed.
Coole Acres, Coole Lane, Newall	COOLE PILATE	Breach of condition, temporary residential unit and business unit	Breach of Condition Notice	Breach of Condition Notice issued 12 th January 2016 Compliance due November 2017. Further application submitted to amend condition in relation to temporary residential unit and business unit. Application refused, appeal lodged. Appeal dismissed in relation to temporary residential unit. Condition No. 5 requires its removal July 2020. Site visit required to check compliance and any necessary further action.
Coppenhall House, Groby Road, Crewe	CREWE EAST	Unauthorised material change of use of a stable building to B8 warehouse and distribution with ancillary offices.	Enforcement Notice	<p>Enforcement Notice issued. Appeal dismissed January 2020. Currently pursuing compliance with Notice. Owner has failed to respond to request to attend an interview under caution.</p> <p>Building to which notice relates burned down, effectively forcing compliance with notice 2022.</p> <p>Appears owner may have relocated the business into the dwelling under investigation.</p> <p>.</p>
4 Hall O Shaw Street	CREWE EAST	Untidy Site	S215 Notice	Untidy Land Notice issued 15 th September 2016. Notice not complied with. Conviction secured. Continued failure to comply with notice. Further prosecution instigated, conviction secured. Further site visit required.
Rear of 91 Hall O'Shaw Street, Crewe	CREWE EAST	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due October 2014. Notice not complied with. New Notice issued 01/12/15 as a result of new information of land ownership. Notice came into effect on 3 rd January 2016 and allowed a period of one month for compliance. Permission for redevelopment of site but not

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				implemented. New site owners, some works carried out. Further site visit required. Site redeveloped CASE CLOSED 2023
Land at Maw Green Road, Crewe	CREWE EAST	Untidy Land	S215 Notice	Notice served 27 th September 2019. Land alleged to have been sold. If land has been sold further notice required. Recent planning application for a single dwelling refused. Case to be reviewed.
55-57 Remer Street, Crewe	CREWE EAST	Breach of Condition	BCN	Case requires review, application was to be submitted, noise assessments being carried out but no application received. Use ceased CASE CLOSED
24 Gresty Road, Crewe	CREWE SOUTH	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due January 2015. Notice not complied with. Case referred to Multi Agency Group for discussion regarding hoarding activity. – Properties sold, further site visit required.
20 Gresty Road, Crewe	CREWE SOUTH	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due January 2015. Notice not complied with. Case referred to Multi Agency Group for discussion regarding hoarding activity – properties sold, further site visit required.
Land adjacent to Riverswood, Strines Road, Disley	DISLEY	Unauthorised use of land as a Residential Caravan site	Enforcement Notice	Enforcement Notice issued 11 th June 2015. Appeal dismissed Compliance due September 2016. Site visit undertaken, the Notice has been partly complied with. Pursuing compliance with the Notice.
Woodend Cottage Disley	DISLEY	Unauthorised operational development - Detached Garage	Enforcement Notice	(Retrospective planning application currently under appeal, PINS may use their powers under s79(6) to dismiss the appeal if they consider the appellant is causing undue delay in the process (letter dated 2 nd November 2021). Appeal was dismissed. Notice issued 30 th May 2022 – Compliance due October 2022 Site Visit required to check compliance
Ladera, Back Lane, Eaton	GAWSWORTH	Unauthorised change of use from a recreational caravan site to a residential and recreational caravan site.	Enforcement Notice	Enforcement Notice issued on 28 th May 2019. Appeal lodged 17 th July 2019. Appeal hearing took place in February 2020. Appeal withdrawn on 17 th March 2020 by the appellant. Partial

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				award of costs awarded to the Council. Compliance with the Notice due 17 th September 2021. Site visit required, officers trying to arrange this with owner.
Brookbank Farm Goostrey	GOOSTREY	Unauthorised material change of use – Skip Hire and waste transfer station	Enforcement Notice	WITH LEGAL Current appeal against refusal of planning permission Appeal Allowed CASE CLOSED
Five Oaks, Clay Lane, Haslington	HASLINGTON	Unauthorised material change of use	Enforcement Notice	Notice served, compliance due. Case officer liaising with owner Prosecution authorised papers with legal
Mere End Cottage, Mereside Road, Mere, Knutsford	HIGH LEGH	Unauthorised erection of dwelling house and detached garage	Enforcement Notice	Enforcement Notice served. Appeal lodged. Appeal allowed for garage but dismissed for dwelling. Dwelling remains incomplete and unoccupied. Pursuing compliance with Notice.
Land at Spinks Lane, Pickmere	HIGH LEGH	Unauthorised Change of use of land from agricultural use to the siting of residential and touring caravans	Enforcement Notice	Subject of an Enforcement Notice and an appeal, two planning applications and two appeals, two injunctions and one prosecution. Consent Order agreed 21 July 2014. Notice not complied with. Further Court Hearing in September 2015 at which time it was agreed that the caravans could remain for a period of two years subject to the conditions set out in the Court Order.
Aston Park House, Budworth Road, Aston By Budworth	HIGH LEGH	Unlawful works to a Grade II* listed building	Listed Building Enforcement Notice	Listed Building Enforcement Notice Issued 18 th May 2017 requiring restoration works to be carried out to the dwelling. Appeal lodged 20 th June 2017. Appeal withdrawn 9 th January 2018. Partial award of costs awarded to the Council. Enforcement Notice to be complied with by August 2018. Pursuing compliance with the Notice. Successful prosecution 2018, 250 hours community service £65k costs. Full payment of costs remain outstanding. Property has now been sold, appears new owner unaware of extent of outstanding works –
Meadow Lodge, Clamhungar Lane, Mere	HIGH LEGH	Unauthorised operational development, erection of a garage	Enforcement Notice	Enforcement Notice served 11 th August 2021, notice due to come into effect 13 th September 2021. Appeal decision awaited Appeal dismissed compliance due December 2022 Further visit required.

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Land at Beggarmans Lane Knutsford	KNUTSFORD	Unauthorised use of land for dog exercise area	Enforcement Notice	Notice issued 20 th September 2022 Currently under appeal
Land opposite 162 Moss Lane Macclesfield	MACCLESFIELD SOUTH	Unauthorised change of use of land for parking/storage of vehicles and domestic paraphernalia, siting of a storage container and hardstanding	Enforcement Notice	Enforcement Notice issued 2 nd August 2019. Compliance due 4 th January 2020. No appeal lodged. Notice not complied with. Pursuing compliance with Notice. REVIEW further site visit required
Land Opposite Five Acre Farm, Cledford Lane, Middlewich	MIDDLEWICH	Unauthorised operation development, erection of a building and boundary walls	Enforcement Notice	Enforcement Notice issued 5 th August 2015. Appeal dismissed. Prosecution for non-compliance February 2019. Found guilty, fined £200 with £30 VSC. Notice still not complied with further proceedings required. Registered owner now deceased, case to be reviewed.
Land at Moss Lane Mobberley	MOBBERLEY	Unauthorised hardstanding and earth bund	Enforcement Notice	Notice issued 25 th October 2019. Compliance due 29 th May 2020. No appeal lodged. Notice not complied with. Pursuing compliance with the Notice. Case to be reviewed, possible new owner of the land. A planning application has been submitted reference 21/2963M, awaiting decision. Application was withdrawn. There is a new owner of the land, discussions required to take place regarding compliance with the Notice. Last visit Nov. 2022 Review
Castle Hill Farm, Castle Mill Lane, Ashley	MOBBERLEY	Unauthorised material change of use to a mixed use for agriculture and storage of caravans, boats, trailers and motor vehicles	Enforcement Notice	Notice issued 11 th August 2017. Appeal dismissed. Compliance due January 2020. Compliance visit due – Under review.
Land at Broadoak Lane, Mobberley	MOBBERLEY	Unauthorised hardstanding and use of the land for the siting of residential caravans	Injunctions	An injunction was granted on 13 th August 2020 to prevent further operational development taking place and anymore caravans being brought on the land, a further injunction was granted on 1 st September 2020. Injunctions not complied with. Committal proceedings instigated for breaches of the court order. Trial date 14 th and 15 th October 2020 to consider committal proceedings and a final injunction on the land. Trial adjourned. Awaiting new trial date.

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				Injunction obtained – compliance required Committal proceedings verdict sentencing 4 th May 2021 – found guilty and ordered to pay costs of at least £25k
Land at Broadoak Lane, Mobberley	MOBBERLEY	Unauthorised material change of use to a residential caravan site	Enforcement Notice	Notice issued 03/02/21 appeal lodged Public Inquiry due to start 14 th December 2021 however PINS sent further letter on 15 th November stating would commence 22 February 2022. Appeal dismissed compliance due June 2023.
Land at Davenport Lane, Mobberley	MOBBERLEY	Unauthorised operational development	Enforcement Notice	Notice issued 23 rd June 2021 – no appeal lodged. Compliance due October 2021. Site visit required to check compliance. Not complied with under review
106-108 Station Road, Scholar Green	ODD RODE	Unauthorised extensions and alterations	Enforcement Notice	Enforcement Notice issued 6 th March 2020. Appeal lodged. Further significant works undertaken to the property meaning notice no longer capable of compliance Notice withdrawn. Retrospective application refused. Notice issued 29 th October 2021 – advised appeal to be lodged. Notice currently under appeal Appeal dismissed except for front extension compliance due April 2023
106-108 Station Road, Scholar Green	ODD RODE	Unauthorised boundary walls	Enforcement Notice	Enforcement Notice issued 6 th March 2020. Appeal lodged. Walls subject to the notice removed, Amended walls erected, Notice withdrawn as no longer relevant. Retrospective application refused. Notice issued 29 th October 2021 – advised appeal to be lodged. Notice currently under appeal Appeal dismissed Compliance due October 2022 – under review
Canalside Farm, Adlington	POYNTON AND WEST ADLINGTON	Unauthorised material change of use – petting farm	Enforcement Notice	Notice Served 16 th March 2022, effective date 18 th April 2022, compliance date due 18 th October 2022. Appeal lodged notice in abeyance. Appeal dismissed – Use to cease by 21 st January 2023 other requirements to be complied with August 2023
Elm Beds Caravan Park, Poynton	POYNTON EAST AND POTT SHRIGLEY	Unauthorised residential caravan	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal Dismissed. Resolution from SPB in October 2012 to apply to Court for Injunction. Following legal advice, the injunction is not being pursued at the present time. Case remains open. Legal advice

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				currently being sought. Legal advice received. Site meeting arranged with the operator. Site meeting held. Operator advised they must comply with the notice.
Panache, 1 London Road, Poynton	POYNTON EAST AND POTT SHRIGLEY	Unauthorised flue	Enforcement Notice	Enforcement Notice issued 25 th November 2019. Compliance due 6 th May 2020. No appeal lodged. Site visit undertaken to check compliance with the Notice. Notice not complied with. Pursuing compliance with the Notice. Under review
1 Waterloo Road Poynton	POYNTON EAST AND POTT SHRIGLEY	Unauthorised fence	Enforcement Notice	Enforcement Notice issued 1 st March 2021. Notice came into effect 31 st March 2021. No appeal lodged. Compliance due 31 st May 2021. Site visit required to check compliance. Possible prosecution Fence reduced in height but trellis placed on top of part of it – remains in breach – Under review
Land adjacent to 5 Rushmere Close, Adlington	POYNTON WEST AND ADLINGTON	Unauthorised change of use of land to garden	Enforcement Notice	Enforcement Notice issued 16 th February 2015. Appeal lodged. Appeal decided 29 th September 2015. Appeal dismissed. Compliance due 29 th June 2016. Notice partly complied with. Pursuing compliance with the Notice.
Land at Woodford Road Poynton	POYNTON WEST AND ADLINGTON	Unauthorised engineering operation and the formation of a track	Enforcement Notice	Notice issued 6 th September 2021. Notice comes into effect 7 th October 2021. Appeal lodged. Appeal in progress. Enforcement Notice withdrawn – unable to evidence that the development wasn't immune owing to the passage of time due to evidence not being provided by Stockport Metropolitan Borough Council Appeal was withdrawn CASE CLOSED
Mottram Wood Farm Smithy Lane Mottram St Andrew	PRESTBURY	Unauthorised Dwelling	Enforcement Notice	Enforcement Notice issued 10 th June 2015. Notice due to be complied with by 10 th May 2018 (special circumstances for lengthy compliance date). Notice not complied with. A planning application, reference 20/1452M for the retention of the cabin for the processing of alpaca wool in association with the alpaca breeding enterprise submitted. Application refused 1 st Feb. Decision appealed; appeal allowed. Review case to close.
Land at Willot Nurseries, Wilmslow	PRESTBURY	Unauthorised material change of use to residential and residential garden, with areas of	Enforcement Notice	Enforcement Notice issued 28 th September 2020. Notice comes into effect on 2 nd November 2020.

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Road, Prestbury		hardstanding, pond, building and walls.		<p>Appeal pending site visit due 21st September 2021, decision still awaited.</p> <p>Appeal dismissed December 2021 compliance due June 2022</p> <p>Application 22/1829Mm for a reduced garden area approved. Check implemented/notice complied with in respect of remaining area</p>
Ash Cottage, London Road, Prestbury	PRESTBURY	Unauthorised operational development	Breach of Condition Notice	BCN served requiring demolition of original dwelling and removal of all resultant materials from the land. Compliance due February 2022. Under review.
Land lying to the South of Dunge Farm, Over Alderley	PRESTBURY	Unauthorised operational development	Enforcement Notice	Enforcement Notice issued 15 th July 2021. Notice comes into effect 15 th August 2021. Compliance due by 15 th February 2023. Works have commenced in association with the Notice. Visit required to check compliance
Tree Tops Greendale Lane Mottram St Andrew	PRESTBURY	Unauthorised operational development – Boundary wall	Enforcement Notice	<p>Enforcement Notice issued 26th January 2022 Effective 1st March 2022 compliance due 01st July 2022. Application for a Certificate of Proposed Use or Development submitted reference 22/0911M proposing to amend the wall.</p> <p>Negative certificate issued</p> <p>Further application submitted July 2022 22/2675M – awaiting decision</p> <p>Pursue highways for compliance</p>
30 Lime Close, Sandbach	SANDBACH TOWN	Unauthorised erection of a front dormer window	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Notice not complied with. Owners had children with special needs and so legal action held in abeyance. Property has been repossessed. Prospective owners being advised of requirement to remove front dormers. Notice not complied with as of 12 March 2015. Contact to be made with new owners. Requires review.
Land at Gaw End Lane Lyme Green	SUTTON	Unauthorised change of use of land to agricultural and parking of vehicles, skips, formation of earth bunds, hardstanding, fencing and gate	Enforcement Notice	<p>Enforcement Notice issued 12th December 2018. Compliance due 10th May 2019. Appeal lodged 27th March 2019. Appeal dismissed. Compliance due by 10th January 2020. Notice not complied with. Pursuing compliance with the Notice.</p> <p>Land now being developed for housing. Need to check compliance with Notice.</p>

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The Wharf, Bullocks Lane, Sutton	SUTTON	Unauthorised material change of use from storage of roofing materials to residential	Enforcement Notice	Enforcement Notice issued 26 th October 2016. Appeal dismissed. Compliance due by March 2018. Notice partially complied with. Unauthorised building used for residential purposes demolished. Existing buildings probably still being used for domestic storage
Land at 45 Robin Lane Lyme Green	SUTTON	Unauthorised fencing	Enforcement Notice	Being drafted Application for boundary fence refused 22/1271N
Rush Cottage, Gore Lane, Chorley, Alderley Edge	WILMSLOW WEST AND CHORLEY	Unauthorised extensions to residential property	Enforcement Notice	Enforcement Notice issued 29 th November 2016 in relation to unauthorised extensions to the property. Appeal dismissed. Compliance due 13 th January 2018. Notice not complied with. Pursuing compliance with Notice. Under Review
Lode Hill, Altrincham Road, Styal, Wilmslow	WILMSLOW LACEY GREEN	Unauthorised use of land for commercial parking (airport parking)	Enforcement Notice	Enforcement Notice issued. Appeal lodged. Appeal part allowed and part dismissed (use allowed to continue, but hard standing to be removed). Planning Inspectorate made typing error in their formal Decision Letter which cannot be corrected and may result in the Council not being able to pursue the removal of the hard standing. Legal advice being sought. Police closed down airport parking operation
Lode Hill, Altrincham Road, Styal, Wilmslow	WILMSLOW LACEY GREEN	Unauthorised material change of use of land for deposit of waste	TSN Enforcement Notice Stop Notice	TSN served 8 th February 2023, ceases to have effect on 6 th March 2023. Enforcement Notice and Stop Notice served 16.02.23. Stop Notice comes into effect 1 st March 2023. Enforcement Notice comes into effect 22 nd March 2023.
Fairview Stanneylands Road Styal	WILMSLOW LACEY GREEN	Unauthorised material change of use of land from agriculture to the importation of material, storage of non agricultural items, storage container and hardstanding.	Temporary Stop Notice (TSN) and Enforcement Notice	TSN issued on 18/07/2018 to stop further material being imported and deposited on the land. The TSN was complied with. Enforcement Notice issued. Appeal dismissed. Compliance due 28 th July 2019. Notice partly complied with, hard standing remains. Pursuing compliance with the Notice. Notice now complied with. CASE CLOSED

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Wilmslow Garden Centre, Manchester Road, Wilmslow	WILMSLOW LACEY GREEN	Erection of a conservatory showroom building, associated decking, balustrade, glass screen and hardstanding	Enforcement Notice	Enforcement Notice issued on 28 th August 2019. Compliance due 27 th April 2020. No appeal lodged. A planning application, reference 20/0442M, was submitted in February 2020 for retention of the decking and balustrade is currently under consideration. Planning application for retention of the decking was refused. Notice partly complied with. Pursuing compliance with the Notice. Notice fully complied with Jan 2021 CASE CLOSED
17 Fletsand Road Wilmslow	WILMSLOW EAST	Without planning permission, the importation and deposit of material in order to the raise the levels of the land within the rear garden	Enforcement Notice	Enforcement notice issued on 1 st March 2021. Appeal lodged. Appeal decided. Notice upheld. Compliance due 11 th December 2021. LPA allowed a further period of time for compliance in order to complete the works. Under review
Six Acres, Wirswall Road, Wirswall	WRENBURY	Material change of use from agriculture to a mixed use of agriculture and the parking of non-incidental vehicles, equipment, materials, children's play equipment and domestic chattels.	Enforcement Notice	Enforcement Notice issued. Compliance due 8 th December 2014. Notice had been complied with but now possible further offence. Case to be reviewed. Warrant required for further visit, due to apply after lockdown. Witness statements prepared for injunction application – court papers being drafted. Further operational development taken place on the land to be included in proceedings. Injunction awarded by High Court 3 rd October 2022. All unauthorised development to be removed from the land by April 2023 land to be returned to condition prior to unauthorised development by August 2023.
Six Acres, Wirswall Road, Wirswall	WRENBURY	Construction of a building and creation of a hard standing	Enforcement Notice Injunction	Enforcement Notice issued. Appeal dismissed. Warrant of entry required to carry out a compliance inspection. Notice not complied with. Successful prosecution May 2017 fined £500 and ordered to pay all of prosecution costs within 12 months - £7k. Further warrant required for additional compliance visit. Additional operational development taken place. Compliance remains outstanding case under review pending further action. Warrant required for further visit, due to apply after lockdown.

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				<p>Witness statements prepared for injunction application – court papers being drafted</p> <p>Injunction awarded by High Court 3rd October 2022. All unauthorised development to be removed from the land by April 2023 land to be returned to condition prior to unauthorised development by August 2023.</p>
Greenacres, Lower Hall Road, Norbury	WRENBURY	Erection of an outbuilding	Enforcement Notice	<p>Enforcement Notice issued January 2019. Compliance due November 2019. Partial compliance achieved. Case to be reviewed.</p> <p>Notice complied with. CASE CLOSED</p>
Land at Little Island Livery, Haymoor Green Road, Wynbunbury	WYNBUNBURY	Unauthorised erection of a timber building used for grooms accommodation and raised decked area	Enforcement Notice	<p>Enforcement Notice issued 21st August 2019. Compliance due 23rd January 2020. Appeal lodged 19th September 2019.</p> <p>Appeal dismissed – New application submitted in February 2021 to retain building and in association with equestrian use for staff facilities and office, remains undetermined (21/0482N) Application approved CASE CLOSED</p>
Bank House Farm, Audlem Road, Hatherton	WYBUNBURY	Unauthorised installation of plastic windows in a listed building.	Listed Building Enforcement Notice	<p>Enforcement Notice issued 27th September 2018. Notice not complied with..</p> <p>Conviction secured. Letter sent to Mr Harvery advising must comply review is no movement take back to court</p> <p>Compliance remains outstanding – under review</p>
Avenue Lodge, London Road Doddington	WYBUNBURY	Unauthorised installation of plastic windows in a listed building.	Listed Building Enforcement Notice	<p>Enforcement Notice issued 25th February 2019.</p> <p>Notice quashed in a ridiculous appeal decision further notice issued 17th December 2020 subject to further appeal. Appeal dismissed compliance due January 2022.</p> <p>No compliance with notice. Under review</p>
Lake Lodge, London Road, Doddington	WYBUNBURY	Unauthorised installation of plastic windows in a listed building	Listed Building Enforcement Notice	<p>Enforcement Notice issued 17th December 2020 – subject of an appeal. Appeal dismissed compliance due January 2022</p> <p>No compliance with notice. Under review</p>

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Gorsty Hill Golf Club, Abbey Park Way, Weston, Crewe	WYBUNBURY	Breach of condition	BCN	<p>Notice issued to get foundations of building removed</p> <p>Notice not complied with prosecution proceedings authorised currently with legal.</p> <p>Convicted in absence – notice mostly complied with</p>

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