

Northern Planning Committee

Agenda

Date: Wednesday, 8th May, 2024
Time: 10.00 am
Venue: Council Chamber - 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 interests, other registerable interests, and non-registerable interests in any item on the agenda 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 10th April 2024 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. **24/0086C - FARRIERS COTTAGE, MOSS END LANE, SMALLWOOD, CHESHIRE, CW11 2XQ: Prior Approval to convert existing barn into dwelling for J & E Wray (Pages 7 - 24)**

To consider the above planning application.

6. **Planning Enforcement Performance Update (Pages 25 - 54)**

To receive an update on the performance of planning enforcement during the last quarter of 2022/2023 and the year of 2023/2024.

Membership: Councillors M Beanland, T Dean, K Edwards, M Gorman, A Harrison, S Holland, T Jackson, D Jefferay (Chair), N Mannion, J Place, J Smith and F Wilson (Vice-Chair)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 10th April, 2024 in the The Capesthorpe Room - Town
Hall, Macclesfield SK10 1EA

PRESENT

Councillor D Jefferay (Chair)
Councillor F Wilson (Vice-Chair)

Councillors M Beanland, T Dean, K Edwards, M Gorman, A Harrison,
S Holland, T Jackson, N Mannion, J Smith and B Puddicombe

OFFICERS IN ATTENDANCE

- Robert Law, Principal Planning Officer
- Fiona Reynolds, Planning Officer
- Nicky Folan, Planning Solicitor
- Gaynor Hawthornthwaite, Democratic Services Officer

61 APOLOGIES FOR ABSENCE

Apologies were received from Councillor J Place.

Councillor B Puddicombe attended as a substitute for Councillor Place.

62 DECLARATIONS OF INTEREST/PRE DETERMINATION

There were no declarations of interest.

63 MINUTES OF THE PREVIOUS MEETING

That the minutes of the previous meeting held on 13th March 2024 be approved as a correct record and signed by the Chair.

64 PUBLIC SPEAKING

That the public speaking procedure be noted.

65 WITHDRAWN - 23/3363M - 6A, BARTON STREET, MACCLESFIELD, SK11 6RX: DEMOLITION OF AN EXISTING VACANT CAR GARAGE AND THE CONSTRUCTION OF TWO RESIDENTIAL UNITS FOR MR SIMON GREEN, GREENACRE DEVELOPMENTS

This item was WITHDRAWN by Officers prior to the meeting.

66 **23/1174M - DAWSON FARM, BUXTON ROAD, BOSLEY, SK11 0PX:
DEMOLITION OF EXISTING AGRICULTURAL BUILDINGS AND
DWELLINGHOUSE, AND CONSTRUCTION OF NEW REPLACEMENT
DWELLINGHOUSE WITH ASSOCIATED RENEWABLES AND
LANDSCAPING FOR MR ALAN BUDDEN, ECO DESIGN
CONSULTANTS**

Consideration was given to the above application.

(Mr J Scott (Agent) attended the meeting and spoke in respect of the application).

RESOLVED:

The Committee was minded to APPROVE the application against officer recommendation, for the following reasons:

1. The proposal faces up to the challenges of climate change, in terms of providing multigenerational living and reducing its energy consumption using renewable energy.
2. The design is appropriate as it fits into the landscape, would be pleasant in the Peak Park Fringe and would maintain the openness of the countryside.
3. The economic benefits to the local economy are considerable given the scale of development and the construction required.
4. The environmental benefits of the scheme are considerable given the proposed multigenerational living and renewable energy.
5. The proposal would result in the removal of some aesthetically displeasing agricultural buildings.
6. The size, scale, siting, and design would not be a visually obtrusive feature and would create and add a new concept of what is acceptable in the landscape with a modern multigenerational living arrangement.
7. Impacts on protected species would be ameliorated through habitat mitigation comprising of extensive bat boxes and retention of a barn. The development is of overriding public interest because of its experimental multigenerational living to reduce the development requirements in terms of the need for buildings and would provide sufficient renewable energy to sustain it.

Under the terms of the Council's Constitution and Terms of Reference, Members resolved to refer the application to Strategic Planning Board for determination as officer advice was that approval of the development would represent a significant departure from planning policies within the Development Plan, regarding development in the open countryside, design and those affecting protected species.

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

(This decision was contrary to the officer's recommendation of refusal).

The Committee adjourned for a short break.

67 23/3707M - LOWER BROOK CROFT, SMITHY LANE, RAINOW, SK10 5UP: NEW SINGLE STOREY FRONT AND SIDE EXTENSIONS FOR MR & MRS MOODY

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. Time period for implementation – three years
2. Development to be in accordance with approved plans
3. Materials as application
4. Removal of permitted development rights (classes A – E).

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

68 23/3708M - LOWER BROOK CROFT, SMITHY LANE, RAINOW, SK10 5UP: LISTED BUILDING CONSENT FOR NEW SINGLE STOREY FRONT AND SIDE EXTENSIONS FOR MR & MRS MOODY

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. Time period for implementation – three years
2. Development to be in accordance with approved plans
3. Materials as application

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

The meeting commenced at 10.00 am and concluded at 12.30 pm

Councillor D Jefferay (Chair)

Application No: 24/0086C

Location: FARRIERS COTTAGE, MOSS END LANE, SMALLWOOD, CHESHIRE, CW11 2XQ

Proposal: Prior Approval to convert existing barn into dwelling.

Applicant: J & E Wray

Expiry Date: 10-May-2024

SUMMARY

The building is not considered to be in agricultural use, and as such, the proposed development does not satisfy the criteria for Permitted Development as set out in Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and, therefore, should be refused.

SUMMARY RECOMMENDATION

Refuse

REASON FOR REFERRAL

The application has been submitted by a Cheshire East Councillor, and under the terms of the Constitution a committee decision is required.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to an approx. 18.5m by 9m footprint building constructed with a concrete base, steel frame with a mixture of blockwork and brickwork facing materials and brown painted corrugated sheeting above with a small area of land surrounding the building. The building is an isolated location north of Moss End Lane in the parish of Smallwood, within the designated Open Countryside as defined in the Local Plan Policies Map.

DETAILS OF PROPOSAL

This application is for prior approval of change of use from a described agricultural building to Class C3 (1no. dwellinghouse). The application is assessed against Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO).

The application pertains to the material change of use with only associated small-scale operational development, namely the creation of new window openings to allow natural light to

the proposed bedrooms and the replacement of some of the roof cladding. The building in question was approved by planning permission 24138/3 dated 31st July 1995.

RELEVANT HISTORY

32159/6 - Renewal of Planning Permission 25602/3 For Stables For Private Use - Not decided 24/JUL/2000

24138/3 - Erection of Agricultural Building For The Housing Of Tractor And Agricultural Implements, Fodder Storage And Part For The Stabling Of Horses For Domestic, Leisure And Pleasure Purposes Only For The Inhabitants Of Farriers Cottage. The Change Of Use And Stone Paving Of The Remainder Of The Site For The Working Of Horses - Approved with conditions 31/JUL/1995

25602/2 - Stables for Private Use - Not decided 31/JUL/1995

25587/3 - Garages For Private Use - Refused 28/SEP/1993

9958/3 Application For Removal of Condition 2 Of The Planning Permission 6044/3 - Refused 23/OCT/1979

9547/3 - Change of Use - Disused Bungalow To Clipping Room, Birds, Cattery And Dog Boarding Accommodation - Withdrawn 16/AUG/1979

60443/3 - Erection of Bungalow - Approved with conditions 06/DEC/1977

CONSULTATIONS (External to Planning)

CEC Highways: No objection.

CEC Environmental Protection: Request contaminated land conditions

Smallwood Parish Council: Support

Jodrell Bank: No consultation response

OTHER REPRESENTATIONS

None received.

OFFICER APPRAISAL

This is not a planning application but a prior notification of a proposed change of use of a described agricultural building to a dwellinghouse which will be assessed against the relevant criteria contained within the GPDO as amended.

Class Q of the GPDO confirms that the conversion of an agricultural building is permitted development where it is development consisting of:

(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Whether an agricultural building?

The building was approved for an agricultural purpose as part of application 24138/3. Within this application there was also a non-commercial equestrian use approved on site, as evidenced by the paddock to the east of the building. It is reached by a track from the unclassified public highway.

The supporting information in planning application 24138/3 stated that the building would be used for agricultural purposes with roughly 1/3 of the building given over to temporary domestic equestrian use until such time as stables accommodation could be arranged. In this written statement from the applicant on 28th January 1992 it was stated that the remaining 2/3 of the building would be given over to the storage of fodder and agricultural plant and equipment "totally commensurate with agriculture". Further detail again indicates that 2/3 of the building would be given over to the management of the holding.

Further submitted statements by the applicant with planning application 24138/3 state that "the proposal is not for a riding school or livery of for [sic] any other commercial or profitable gain. The purpose is to purely meet domestic requirements of a family interested in horses and animals **and for no other purpose**" (case officer's emphasis). Despite the description of development referencing storage of fodder and agricultural equipment, this points to a domestic use.

Paragraph X of the GPDO identifies that;
'agricultural building' means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business.

At the time of the case officer's site visit in connection with the current application, the building was in use for storage of domestic paraphernalia as well as 2no. classic cars. This is not an agricultural use. There was no evidence of fodder or agricultural equipment being stored there. It was clear that the building was divided into three pens as indicated by the supporting statement by the agent which support the statement of the applicants in the original planning application.

The agent for the applicant has provided a compliance statement which states that the building was in use as agricultural on 20th March 2013 as per the GPDO requirement. The site is within a stated agricultural holding of 2.8 hectares and a Department of the Environment, Food and Rural Affairs (DEFRA) agricultural holding number has been provided to the LPA. The case officer has reviewed records and identified a former Ministry of Agriculture, Fisheries and Food (MAFF) reference number allocated to the land on 8th November 1991.

The building is of typical agricultural appearance but site imagery from 2010 indicates that the building was in situ and that the field to the east had been used as a paddock. Aerial imagery

from 2016 continues to show the fields as being used in a domestic equestrian use with horses present to the east of the building. At the time of the case officer's visit the fields about the site edged red did not appear to have been recently grazed by livestock however in any case the building was not in obvious current agricultural working condition. On the balance of probability, it is reasonable to assume the test of the building being agricultural has not been met.

On the basis of the above it is considered that the building does not meet the definition of an 'agricultural building' contained within the GPDO.

Whether a conversion?

The High Court judgement, *Hibbitt and Another vs SOS and Rushcliffe BC (25/10/16)*, provides greater clarification on developments proposed under Class Q, particularly with respect of whether a development under this Class represents a "conversion" in the first instance. The decision states that if the development does not amount to a "conversion" then it fails at the first hurdle, which is a freestanding requirement which must be met irrespective of anything in Q.1. There is no definitive point of what constitutes a conversion, and this is therefore a matter of planning judgement.

The NPPG (para 105 – ID 13-105-20180615) states that

“The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.”

A recent additional to paragraph 105 now states that,

“Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q”.

The application building is constructed with a concrete base, steel frame, with corrugated cladding to the walls and roof. There are no openings on the elevations of the building other than the large doors to the west facing elevation.

The application is accompanied by a Structural Report. The supporting statement is brief but states that the proposed roof construction will lead to a small increase in loads on the frames

and purlins. The author of the report believes that the sections of the portal frames are likely to be adequate without enhancement. If the steel portals do require assistance in carrying the additional loads, then the layouts seem to be suitable locations for internal structure to assist. The existing timber purlins may require some enhancement by flitch plating, or they can be supplemented by additional purlins. There should be no need to remove any of the existing roof structure of either steel portal frames or purlins. Any enhancement can probably be carried out in situ.

The works proposed would not exceed what could reasonably be described as a "conversion". This is inherently down to the nature of the building itself and its suitability for conversion. As the development proposals are considered to be within what can reasonably and sensibly be considered to be a "conversion" the threshold of Class Q(b) would be met.

Limitations and conditions of GPDO

While it has been found that the works would not benefit from Class Q Permitted Development rights in the first instance, an assessment has been carried out on whether the development would satisfy the limitations and conditions of the GPDO:

Paragraph Q.1 sets out where development is not permitted by Class Q:

(a) the site was not used solely for an agricultural use as part of an established agricultural unit—

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

The application history and a site assessment indicates that on the 20th March 2013, the building was not used solely for an agricultural use as part of an established agricultural unit. Even were this criterion evidenced to be satisfied; the proposal is not currently in use as agricultural so the test overall would still be failed.

(b) in the case of—

(i) a larger dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

Proposal would not exceed 465m², would be approx. 225m².

(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

The proposal is for 1 dwelling and will not exceed 465sqm.

(c) in the case of—

(i) a smaller dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

The proposal is for larger dwellinghouse.

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

The proposal is for 1 larger dwellinghouse under 465 sqm.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The Planning Statement states that the site is not occupied under an agricultural tenancy.

(f) less than 1 year before the date development begins—

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

N/A

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—

(i) since 20th March 2013; or

(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

No agricultural development under Part 6 has taken place.

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

The proposal does not exceed the external dimensions of the existing buildings.

(i) the development under Class Q(b) would consist of building operations other than—

(i) the installation or replacement of—

(aa) windows, doors, roofs, or exterior walls, or

- (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and**
- (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);**

As noted above the building will require the insertion of a number of new openings and the construction of new wall materials and a roof. However, the works proposed are considered not to exceed what could reasonably be described as a "conversion". This is inherently down to the nature of the building itself and its suitability for conversion. As the development proposals are considered to be within what can reasonably and sensibly be considered to be a "conversion" the threshold of Class Q(b) would be met.

(j) the site is on article 2(3) land;

The site is not on Article 2(3) land.

(k) the site is, or forms part of—

- (i) a site of special scientific interest;**
- (ii) a safety hazard area;**
- (iii) a military explosives storage area;**

The site does not form part of any of these designations.

(l) the site is, or contains, a scheduled monument;

The site is not and does not contain a scheduled monument.

(m) the building is a listed building.

The building is not a Listed Building.

Determination to whether Prior Approval is required

Paragraph Q.2 notes that, where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to -

(a) transport and highways impacts of the development –

The Highways Officer has considered the application and has no objection

There is sufficient space for parking provision.

(b) noise impacts of the development

The Environmental Health Officer has been consulted and has raised no objection in terms of the noise implications of the development.

(c) contamination risks on the site

The Environmental Health officer has reviewed the proposal and has no objection subject to standard conditions regarding contaminated land.

(d) flooding risks on the site

Site is not within a flood risk zone.

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order

The location and siting of the building is not impractical or undesirable.

Para 109 of the NPPG states that, 'Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable".'

It goes on to note that LPAs should not refuse applications just because the location is not one which would usually permit residential development but if there are practical locational issues e.g. 'additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals'. In this instance the siting is not considered impractical or undesirable.

(f) the design or external appearance of the building

The design and appearance are considered acceptable.

Additionally, Jodrell Bank Observatory (JBO) have not objected to the application.

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses

The plans show windows/doors to all habitable and non-habitable rooms of the proposed dwelling house.

Other Matters

Space Standards

Paragraph 3(9A) of the GPDO states that permission is not granted for any development for any new dwellinghouse;

- (a) where the gross internal floor area is less than 37 square metres in size; or
- (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

The proposed development complies with this requirement.

CONCLUSION

In terms of Q(b) the scope of the proposed building operations proposed is considered to be reasonable to facilitate the conversion of the building into a dwellinghouse.

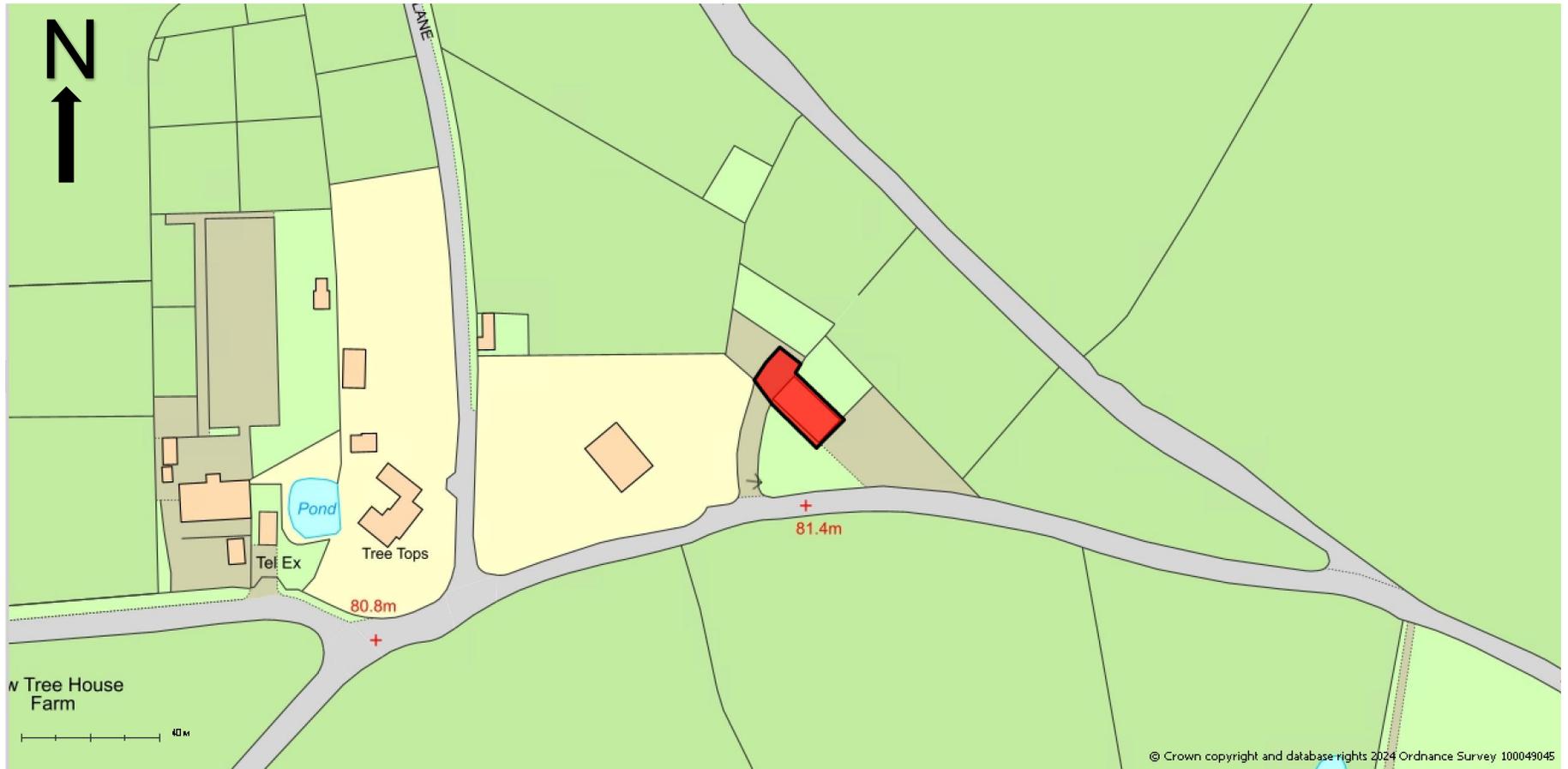
However, the building is not considered to be in agricultural use, and is considered to be in ancillary domestic workshop/storage use, so Q(a) would not be complied with.

As such, the proposed development does not satisfy the criteria for Permitted Development as set out in Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and, therefore, should be refused.

Recommendation

Refuse for the following reason:

- 1. The building is not an agricultural building (as defined in the GPDO) and as such, the proposed development does not satisfy the criteria for Permitted Development as set out in Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).**



24/0086C

FARRIERS COTTAGE

MOSS END LANE

SMALLWOOD

CW11 2XQ

Northern Planning Committee**8th May 2024****Planning Enforcement Performance Update****Report of: David Malcolm, Head of Planning****Ward(s) Affected: All****Purpose of Report**

- 1 To update Members on the performance of planning enforcement during the last quarter of 2022/2023 and the year of 2023/2024.
- 2 The report is for information only.

Executive Summary

- 3 The report provides statistical information in relation to the performance of planning enforcement during the last quarter of 2022/2023 and the year 2023/2024. It includes information in relation to the number of notices served or other actions taken in addition to quantifying the workflow through the service during this time. The report also includes a status report on those cases where formal enforcement action has been taken.

RECOMMENDATION

The Northern Planning Committee is requested to:

1. Note the content of the report.

Background

- 4 The last performance report was presented to Members of the committee in March 2023. A further update report was scheduled for April 2024.
- 5 Whilst overall the number of alleged breaches reported fell during 2022, 871 compared to 1069 in 2021, it appears that the number of reports is again on the increase with 982 being received in 2023. So far in 2024, 233 alleged breaches have been reported.

Quarter	Cases Opened	Cases Closed
January 2023 - March 2023	252	183
April 2023 - June 2023	239	146
July 2023 - September 2023	270	167
October 2023 - December 2023	209	168
January 2024 – March 2024	233	154

The following table breaks down the number of complaints received by type. Members will note that by far the highest number relate to operational development.

Nature of Complaint	Jan 2023-Mar 2023	Apr 2023 - Jun 2023	Jul 2023 – Sep 2023	Oct 2023 – Dec 2023	Jan 2024 - Mar 2024
S215	2	5	6	3	4
Adverts	1	4	2	8	8
Trees in Conservation Areas	1	1	0	0	0
Non-compliance with conditions	47	37	36	31	44
Material change of use	59	46	66	48	53
Operation Development	127	142	150	114	112
TPO	15	9	10	5	11

- 6 The following table sets out the reasons for closure of cases per quarter. A common thread running through all quarters is that the majority of cases are closed because the matter reported did not represent a breach of planning control. In the main this would be as a result of the development being permitted development under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015. Members will no doubt be aware that the provisions of the Order have been significantly expanded since 2015 with further amendments proposed. This effectively means that less development falls within the control of the Local Planning Authority (LPA). This trend means that it is increasingly difficult to manage public expectations as lack of action is still often seen as a failure the LPA to act.

Reason for Closure	Jan 2023- Mar 2023	Apr 2023- Jun 2023	Jul 2023 – Sep 2023	Oct 2023 – Dec 2023	Jan 2024- Mar 2024
Not Expedient	28	14	18	13	25
Complied Voluntarily	35	20	25	25	36
No Breach	85	98	101	116	79
Not Development	5	3	1	2	0
Permission Granted	23	10	16	8	7
Special Circumstances	3	3	3	2	3
Immune	0	0	1	0	1

- 7 The third quarter of 2023 saw a significant number of notices being issued. This included 5 on one site. In this instance it was necessary to stop works which were causing or likely to cause significant demonstrable harm to trees within a Conservation Area. A Planning Contravention Notice, two Temporary Stop Notices, an Enforcement Notice and Stop Notice were issued in quick succession. This resulted in officers being pulled away from dealing with other matters for a period of time which, of itself, can lead to additional backlogs. However, at times resources must be channelled to those cases where clear and demonstrable harm is being or is likely to be caused. This can often be to the detriment of progressing other matters where a similar level of harm cannot be demonstrated.
- 8 It is of note that there may be some stages within an investigation where information cannot be publicly shared because it may prejudice the Council's case.
- 9 The Following table provides information on the number of notices served with the reporting period. Further details in relation to the notices can be found at Appendix 1 to this report. For ease of reference notices served since the last report are in red.

Action Type	Jan 2023 - Mar 2023	Apr 2023 - Jun 2023	Jul 2023 – Sep 2023	Oct 2023 – Dec 2023	Jan 2024 - Mar 2024	Total
PCN	3	5	11	2	2	24
Enforcement Notice	1	6	8	5	4	24
Temp Stop Notice	2	0	3	0	0	5
Breach of Condition Notice	1	0	2	0	1	4
Listed Building Enforcement Notice	0	1	0	1	0	2
Injunction	0	0	0	0	0	0
S215 Notice	0	0	0	0	0	0

- 10 The above table demonstrates that there has been significant amount of activity in relation to the number of notices which have been served throughout the reporting period. However, it should be noted that notices are only served in a very small percentage of cases and are done so as a last resort in most instances. Every effort is made to secure a remedy through negotiation and with the agreement of the alleged transgressor in the first instance. This is usually the swiftest and most effective way to deal with breaches of planning control. Many of which can be regularised through the submission of a planning application and therefore brought within the control of the Local Planning Authority.
- 11 So far 10 appeals have been lodged in relation to the Council's decision to issue an enforcement notice. At present the Planning Inspectorate (PINS) are experiencing capacity issues, particularly when dealing with enforcement appeals. This is having a direct effect on the time it is taking them to reach a decision on an appeal. The LPA has received a letter from PINS in relation to a number of appeals advising that they are currently unable to allocate to an Inspector to undertake the necessary site visit and as a consequence they can give no indication when a decision may be reached. This is an extremely frustrating situation and one which the LPA is unable to influence in any way. To date only 1 decision has been received in relation to those 10 appeals, it was dismissed, and the notice was upheld. In addition, one appeal has been withdrawn.
- 12 By way of an example of the delays being experienced an appealed notice issued in March 2022 only received a decision in March 2024. While not all as a result of delays by PINS, and partly due to the appellant albeit failing to agree to a rescheduled hearing date within a reasonable timescale, it shows the timeframes involved. In another example a notice issued in October 2021 did not receive a decision until October 2023.
- 13 The above demonstrates how cases can become extremely protracted due to external factors which can be extremely frustrating for Members, residents and officers alike.
- 14 Similar circumstances can arise during prosecution proceedings. It is not uncommon for a first hearing to be adjourned with no plea having been entered. If at a subsequent hearing a not guilty plea is entered a further adjournment for a trial date will be necessary. This can result in there being many months between an initial court date and decision.
- 15 Members may recall a press release from February in relation to a landowner and his wife who had failed to comply with the requirements of a high court injunction. Those requirements included the cessation of any residential use of the land by 15th July 2024. All buildings included in the injunction must be demolished by 26th January 2025. All a timetable for all other requirements of the order must be agreed with the Council by no later than 31st August 2024. The judge imposed a 12-month suspended sentence. If the landowner fails to meet the requirements by the timescales set and further committal proceedings are successful, he will have to serve a term in prison.

- 16 Whilst both parties were found guilty the judge did not impose any sentence on the wife as he did not consider there to be a sufficient level of culpability on her part.
- 17 The above clearly demonstrates why injunctions are very the last resort tool available to planning enforcement and should only be used in a situation whereby the LPA is satisfied that a judge may be willing to impose a custodial sentence having regard to the level of culpability.
- 18 Some members will recall that reference was made in the previous report to an outstanding payment of court costs amounting to £18,597. The Council sought a charging order to recover these costs as the defendant had failed to pay within the required 21 days. The matter was heard in the magistrates' court in Telford. A charging order, a way of securing a debt against a debtor's assets, was made and an application has been made to HM District Land Registry to have it placed as a restriction on the title. Since the charging order was made additional costs have been awarded to the Council as a result of further proceedings. An application is to be made to add these to the order. These include £10,000 in relation to an unsuccessful appeal to the Court of Appeal in London on 12th March 2024. The appeal was against the decision of the High Court to commit him to prison.
- 19 The migration to the new Development Management computer system remains ongoing. When fully implemented it should be possible to streamline ways of working and improve capability to keep Members and customers updated on more regular basis.

Consultation and Engagement

- 20 Consultation and Engagement has not been required because the purpose of this report is for information only.

Reasons for Recommendations

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

Other Options Considered

- 22 N/A

Implications and Comments

Monitoring Officer/Legal

- 23 No direct comments as report is for information only.

Section 151 Officer/Finance

- 24 No direct comments as report is for information only.

Policy

- 25 It is an objective of the Corporate Plan for new development to be appropriately controlled to protect and support our borough and to have robust and effective planning enforcement.
- 26 Service provision should be provided in accordance with the Cheshire East Enforcement Policy and the service specific adopted Planning Enforcement Policy.

Equality, Diversity and Inclusion

- 27 No direct implication.

Human Resources

- 28 No direct implication.

Risk Management

- 29 No direct implication.

Rural Communities

- 30 No direct implication.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 31 No direct implication.

Public Health

- 33 No direct implication.

Climate Change

- 34 No direct implication.

Access to Information	
Contact Officer:	Deborah Ackerley deborah.ackerley@cheshireeast.gov.uk
Appendices:	Appendix 1 – Status report on cases where formal enforcement action has been taken.
Background Papers:	Corporate Plan. Cheshire East Enforcement Policy

	Planning Enforcement Policy
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Appendix 1 – Enforcement Update April 2024

SITE	Ward	Breach	Type of Notice	Current Status
The Quinta, Beechfield Road, Alderley Edge	ALDERLEY EDGE	Unauthorised fencing	Enforcement Notice	Notice served. Appeal lodged. Still no start date letter from PINS as of 15 th March 2024
Chorley Old Hall, Chorley Hall Close, Alderley Edge	ALDERLEY EDGE	Unauthorised fencing	Enforcement Notice	Notice issued 09/08/2023. Compliance due. Planning Application 23/4061M refused appeal lodged 24 th January 2024.
8 Elm Crescent, Alderley Edge	ALDERLEY EDGE	Unauthorised fencing	Enforcement Notice	Notice served 09/08/2023. Appeal dismissed, notice upheld 22/01/2024 Compliance due 22 nd March 2024
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. Further prosecution.
The Stables, Kynsal Lodge Buerton	AUDLEM	Listed Building	Listed Building Enforcement Notice	Listed Building Enforcement Notice issued August 2022 Appeal dismissed requirements of notice varied. Awaiting full compliance.
Aston House Farm, Wrenbury Road, Aston	AUDLEM	Listed Building	Listed Building Enforcement Notice	LBEN issued 6 th April 2023. Compliance due 9 th August 2023 Compliance visit due March 2024.
Dairy House Farm, Wrenbury Heath Road, Sound	AUDLEM	Unauthorised extensions and alterations to a dwelling.	Enforcement Notice	Notice issued. No Appeal. Compliance due January 2025.

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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 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.
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 under consideration for the demolition of the pub and erection of houses. <u>The planning application has been refused.</u> Pursuing compliance with the Notice. Trial listed for 1 st July 2024.
Jahanara Bhavan	BRERETON RURAL	Unauthorised operational development	Enforcement Notice	Planning application refused appeal decision awaited. Appeal dismissed April 2022– Notice required to be issued. Further appeal submitted and further application for CLEUD submitted.

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				Enforcement Notice issued 23/08/2023 – currently under appeal. Letter from PINS delay in site visit therefore delay in decision
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) Appeal hearing due 5 th September 2023. Appeal dismissed – compliance due November 2024.
Meadow View, Dragons Lane, Moston	BRERETON RURAL	Amendment to site layout including creation of new access	Breach of Condition Notice	Compliance due February 2024 Notice not complied with.
Lazarus Farm, Dragons Lane, Moston	BRERETON RURAL	Amendment to site layout including creation of new access	Breach of Condition Notice	Compliance due February 2024 Notice not complied with.
The New Inn, Newcastle Road, Betchton	BRERETON RURAL	Unauthorised material change of use scaffolders yard.	Enforcement Notice	Retrospective planning permission refused. Notice issued 1 st September 2023 No appeal Compliance due July 2024
Land off Chells Hill Road, Church Lawton	BRERETON RURAL	Unauthorised material change of use for motocross	Enforcement Notice	Notice issued 2 nd August 2023 Appeal lodged PINS holding letter no Inspector available for site visit.
Land South East of Warmingham Lane, Mostob	BRERETON RURAL	Unauthorised deposit of soil, materials and waste.	Temporary Stop Notice	TSN issued 11 th August 2023
White Lodge, Chester Road, Mere	BUCKLOW	Formation of an earth mound, hardtsanding, alterations to driveway,	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

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		erection of fence and aerial/CCTV pole		and requirements of enforcement notice in this regard remain. Compliance due February 2022. Full compliance achieved CASE CLOSED.
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. Land has changed hands. Officers working with new owners to achieve compliance. Further site visit required to check full 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. Partial compliance only
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.
Wood Platt Cottage,	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.

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Chelford Road, Marthall				
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. Appeal postponed due to be heard 11 th July 2023. No show by Inspector appeal finally heard 11 th January 2024 – Appeal dismissed.
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	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

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				<p>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> <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. Matter remains subject to civil proceedings.</p> <p>Owners civil action successful – occupier evicted from the land October 2024 CASE CLOSED</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

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				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	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. Building to which notice relates burned down, effectively forcing compliance with notice 2022. Appears owner may have relocated the business into the dwelling under investigation.
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. Some works of demolition have now been undertaken – to be reviewed.
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.
221 Broad Street, Crewe	CREWE EAST	Unauthorised single storey front extension	Enforcement Notice	Notice issued 8 th March 2024, effective 12 th April 2024.
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.

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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.
15 White Hart Lane, Wistaston	CREWE SOUTH	Unauthorised operational development.	Enforcement Notice	Enforcement Notice issued 21 st April 2023. Compliance due 26 th June 2023. Visit required to check compliance. Fence reduced to 1.3 metres in height. CASE CLOSED
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.
Field Adjacent Entrance to Rocks Barn, Rocks Farm, Mudhurst Lane, Disley	DISLEY	Unauthorised engineering operation.	Temporary Stop Notice. Enforcement Notice	TSN issued 16 th August 2023 Enforcement Notice issued 9 th February 2024. Compliance due September 2024.

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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 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.
Forest Yard, Salters Lane, Siddington	GAWSWORTH	Unauthorised material change of use to a timber yard.	Enforcement Notice	Planning permission refused, appeal dismissed. Enforcement Notice issued 5 th February 2024 Compliance due July 2024. <u>Appeal lodged with the planning inspectorate</u>
Five Oaks, Clay Lane, Haslington	HASLINGTON	Unauthorised material change of use	Enforcement Notice	Notice served, compliance due. Case officer liaising with owner Prosecution authorised. Trial listed for 05/03/2024
Oakhanger Euestrian Centre, Holmshaw Lane, Haslington	HASLINGTON	Unauthorised operational development	Enforcement Notice	Enforcement Notice issued 8 th August 2023 Awaiting appeal decision. PINS issued holding letter no Inspector available
143 Wilmslow Road, Handforth	HANDFORTH	Unauthorised Fencing	Enforcement Notice	Enforcement Notice issued 12 th March 2023 Notice partially complied with, further works planned.
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.

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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 – Outstanding application for discharge for conditions, awaiting decision before progressing case.
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.
Holly Farm, Withers Lane, High Legh	HIGH LEGH	Unauthorised operational development	Enforcement Notice	Enforcement Notice issued 24 th May 2023 Appeal lodged Sept 2023 Letter from PINS no Inspector to carry out site visit delay in decision
Sudlow Barns, Sudlow Lane	HIGH LEGH	Breach of Condition	Breach of Condition Notice	Notice issued 14 th February 2024 Compliance due 14 th May 2024.

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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 Appeal dismissed. Partial compliance – use ceased fencing still to be removed.
Pinewood, 1 Legh Road, Knutsford	KNUTSFORD	Unauthorised extension to garage	Enforcement Notice	Notice served 16 th August 2023 Appeal Lodged February 2024 Letter from PINS no Inspector to carry out site visit delay in decision
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. Original landowner now deceased.
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

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<p>Castle Hill Farm, Castle Mill Lane, Ashley</p>	<p>MOBBERLEY</p>	<p>Unauthorised material change of use to a mixed use for agriculture and storage of caravans, boats, trailers and motor vehicles</p>	<p>Enforcement Notice</p>	<p>Notice issued 11th August 2017. Appeal dismissed. Compliance due January 2020. Compliance visit due – Under review.</p>
<p>Land at Broadoak Lane, Mobberley</p>	<p>MOBBERLEY</p>	<p>Unauthorised hardstanding and use of the land for the siting of residential caravans</p>	<p>Injunctions</p>	<p>An injunction was granted on 13th August 2020 to prevent further operational development taking place and anymore caravans being brought on the land, a further injunction was granted on 1st September 2020. Injunctions not complied with. Committal proceedings instigated for breaches of the court order. Trial date 14th and 15th October 2020 to consider committal proceedings and a final injunction on the land. Trial adjourned. Awaiting new trial date.</p> <p>Injunction obtained – compliance required Committal proceedings verdict sentencing 4th May 2021 – found guilty and ordered to pay costs of at least £25k. Further proceedings instigated regarding cost recovery,</p>
<p>Land at Broadoak Lane, Mobberley</p>	<p>MOBBERLEY</p>	<p>Unauthorised material change of use to a residential caravan site</p>	<p>Enforcement Notice</p>	<p>Notice issued 03/02/21 appeal lodged Public Inquiry due to start 14th December 2021 however PINS sent further letter on 15th November stating would commence 22 February 2022.</p> <p>Appeal dismissed compliance due June 2023. Residential use of the site has ceased – partial compliance with notice. Under review. Land has now changed hands</p>

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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
Land at Pedley House Lane, Great Warford	MOBBERLEY	Unauthorised material change of use	Enforcement Notice	Notice issued 6 th October 2023 Appeal lodged
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 Under review
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 Walls reduced in height
Land at Liverpool Road, West	ODD RODE	Unauthorised material change of use – deposit of waste	Temporary Stop Notice	TSN issued 10 th July 2023. Some material removed. Owner agreed to remove additional material in Spring 2024.

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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
Canalside Farm, Adlington	POYNTON AND WEST ADLINGTON	Unauthorised buildings	Enforcement Notice	Enforcement Notice issued 12 th May 2023. Compliance due 27 th December 2023. Appeals lodged then withdrawn. Under review
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 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

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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.
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 Road, Prestbury	PRESTBURY	Unauthorised material change of use to residential and residential garden, with areas of hardstanding, pond, building and walls.	Enforcement Notice	Enforcement Notice issued 28 th September 2020. Notice comes into effect on 2 nd November 2020. Appeal pending site visit due 21 st September 2021, decision still awaited. Appeal dismissed December 2021 compliance due June 2022 Application 22/1829Mm for a reduced garden area approved. Check implemented/notice complied with in respect of remaining area. Awaiting application for DISON (No. 4) Newt mitigation and fish removal from pond.
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.

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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	Enforcement Notice issued 26 th January 2022 Effective 1 st March 2022 compliance due 01 st July 2022. Application for a Certificate of Proposed Use or Development submitted reference 22/0911M proposing to amend the wall. Negative certificate issued Further application submitted July 2022 22/2675M – awaiting decision Pursue highways for compliance
9 Lees Lane, Newton	PRESTBURY	Unauthorised operational development	Enforcement Notice	Notice issued 29 th September 2023 Appeal lodged
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.
13 Lime Close, Sandbach	SANDBACH TOWN	Unauthorised operational development	Enforcement Notice	Notice issued 18 th May 2023. Effective 30 th June 2023. Compliance due 30 th August 2023
4 Brickhouse Barns, Congleton	SANDBACH TOWN	Unauthorised works to a listed building	Listed Building Enforcement Notice	Notice issue 18 th October 2023 Compliance due October 2024

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Road, Sandabch				
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> <p>Notice complied with. CASE CLOSED</p>
The Wharf, Bullocks Lane, Sutton	SUTTON	Unauthorised material change of use from storage of roofing materials to residential	Enforcement Notice	<p>Enforcement Notice issued 26th October 2016. Appeal dismissed. Compliance due by March 2018. Notice partially complied with. Unauthorised building used for residential purposes demolished.</p> <p>Existing buildings probably still being used for domestic storage</p>
Land at 45 Robin Lane Lyme Green	SUTTON	Unauthorised fencing	Enforcement Notice	<p>Application for boundary fence refused 22/1271N Enforcement notice issued 18th October 2023 Appeal lodged out of time Compliance due 1st June 2024.</p>
Land North of Moorfields, Willaston, Nantwich	WILLASTON AND ROPE	Non-compliance with condition	Breach of Condition Notice	<p>BCN issued 01/03/2023 – Developers in administration</p>
Rush Cottage, Gore Lane, Chorley,	WILMSLOW WEST AND CHORLEY	Unauthorised extensions to residential property	Enforcement Notice	<p>Enforcement Notice issued 29th November 2016 in relation to unauthorised extensions to the property. Appeal dismissed. Compliance due 13th January 2018. Notice not complied with. Pursuing compliance with Notice.</p>

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Alderley Edge				Under Review
Foden House, Foden Lane, Alderley Edge	WILMSLOW EST AND CHORLEY	Unauthorised operational development	Enforcement Notice	Notice issued 6 th October 2023 Compliance due 01/02/2024 visit required
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. Works to comply with enforcement notice undertaken. Under to review to confirm full compliance.
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 th July 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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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
9a Daveylands, Wilmslow	WILMSLOW EAST	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	Application for planning permission 20/2271M refused dismissed at appeal Dec 2022 Notice issued 13 th April 2023 – appeal lodged
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. Injunction not complied with, committal proceedings successful 12 month suspended sentence imposed. Residential use must cease by 15 th July 2025. All

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				<p>unauthorised development to be removed by January 2025.</p> <p>Appeal against court order dismissed 12th March 2024.</p>
<p>Six Acres, Wirswall Road, Wirswall</p>	<p>WRENBURY</p>	<p>Construction of a building and creation of a hard standing</p>	<p>Enforcement Notice</p> <p>Injunction</p>	<p>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.</p> <p>Warrant required for further visit, due to apply after lockdown.</p> <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. Injunction not complied with, committal proceedings successful 12 month suspended sentence imposed. Residential use must cease by 15th July 2025. All unauthorised development to be removed by January 2025.</p> <p>Appeal against court order dismissed 12th March 2024. Under review</p>
<p>Bank House Farm, Audlem Road, Hatherton</p>	<p>WYBUNBURY</p>	<p>Unauthorised installation of plastic windows in a listed building.</p>	<p>Listed Building Enforcement Notice</p>	<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>

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				Compliance remains outstanding – under review. Appears property has been sold. Contact to be made with new owner.
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>Prosecution case adjourned twice now listed for 16th April 2024</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>Prosecution case adjourned twice now listed for 16th April 2024.</p>

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