

Table 1: Planning Enforcement - Cheshire East Borough Council

| Site Address | Breach | Type of Notice | Current Status |
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| Former Borough of Macclesfield | | | |
| Land at Carr Lane, Chorley | Steel structure clad in blue corrugated sheeting | Enforcement notice | Enforcement Notice served. Appeal dismissed. High Court challenge to appeal decision dismissed. Planning Permission 02/2280P granted subject to conditions by NAPC on 8/1/03 for retention of building with new facing and roofing materials. Appeal against imposition of conditions in relation to the timing of implementation upheld 17/10/03. Legal proceedings against non compliance with Enforcement Notice deferred to allow for implementation of planning permission 02/2280P. Planning permission expired on 08/01/2008. Legal proceedings now being considered. |
| Land at Carr Lane, Chorley | (1) Hardstanding (2) Use of land for stationing of caravan and Portacabins for residential and non agricultural storage | Enforcement notice | Enforcement Notice served. Appeal dismissed. No compliance. Prosecution commenced but withdrawn due to legal advice regarding nature of respondents defence. External legal advice received and considered, decision required as to whether commence further legal proceedings |
| Lindow End Smithy, Edge View Lane, Chorley | Erection of building | Enforcement notice | Enforcement Notice served. Appeal dismissed. Building collapsed and so only slab remains. Full compliance still required, but awaiting compliance with a subsequent Enforcement Notice required beforehand (see 08/00011E) |
| Styal Moss Nursery, Moss Lane, Styal | Unauthorised use of land for airport parking | Enforcement notice | Enforcement Notice served. Appeal lodged 12/10/2006. Public Local Inquiry commenced 20 November 2007, but adjourned until 12 and 13 February 2008. Appeal dismissed 10/03/08. Awaiting compliance with Enforcement Notice , but High Court Challenge lodged by Appellant. Awaiting outcome of High Court case. |
| Lode Hill, Altrincham Road, Styal, Wilmslow | Unauthorised use of land for commercial parking (airport parking) | Enforcement notice | Enforcement Notice served. Appeal lodged 12/02/08. Appeal part allowed and part dismissed (use allowed to continue, but hardstanding to be removed. Awaiting compliance. |
| Lindow End Smithy, Edge View Lane, Chorley, Alderley Edge | Change of use of land from industrial to residential including the siting of residential caravans, greenhouses, shed, meter housing and other domestic paraphernalia | Enforcement notice | Enforcement Notice served. Appeal lodged 08/04/08. Appeal Dismissed 07/01/09, Notice upheld. Awaiting compliance. |
| Croker Farm | Unauthorised building | Enforcement notice | Continued non-compliance with Enforcement Notice. Two prosecutions for non-compliance. On each occasion owner fined £250 and ordered to pay £250 costs to MBC. Planning application to retain as replacement dwelling refused 12/12/01. Appeal lodged and dismissed. Considering further prosecution. |

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| Deans Farm, Congleton Road, Gawsworth | Formation of hardstanding and storage of caravans | Enforcement notice | Caravans removed several years ago but hardstanding remained. Planning Application 03/2268P for barn conversion which incorporated hardstanding into garden areas was approved subject to a section 106 agreement. The section 106 agreement was never signed and the application was therefore remitted back to the Planning Sub-Committee on 10 May 2006 which subsequently refused the application. Further planning application submitted January 2007 but withdrawn March 2007 Decision required as to whether to pursue removal of hardstanding through legal proceedings. |
| 1 Putty Row, Macclesfield Road, Eaton | Erection of front porch, boundary wall, railings and gates | Enforcement notice | Enforcement Notice served. No appeal. Partial compliance with Notice. Porch not removed. Decision required as to whether to pursue removal of porch through legal proceedings. |
| Hollands nursery, Maley Pole Farm, Congleton Road, Gawsworth | Breach of planning condition that required removal of building | Breach of Condition Notice | Breach of Condition Notice served (no right of appeal). Not complied with. Legal Department instructed to commence prosecution, but property was about to change hands which made prosecution no longer possible. Sale was never completed and therefore decision required as to whether to pursue removal of building through legal proceedings. |
| Robins Cob, Fanshawe Lane, Henbury | Unauthorised detached garage and extension to dwelling | 2 x Enforcement notices | Two Enforcement Notices Served (Notice A - Garage and Notice B - Extensions). Appeals Lodged against both Notices. Inspector upheld Notice A and quashed Notice B. Time for compliance with Notice A extended to 12 months. Awaiting compliance with Notice A, but protected bats found roosting in garage which is causing delay with demolition of the garage |
| Jarmans Farm | Unauthorised boundary wall | Enforcement notice | Enforcement Notice served. Appeal lodged. Appeal dismissed. No compliance, but liaison with applicant has resulted in planning application for modified version of wall being submitted 20 March 2007. Refused 11 May 2007. Further negotiations ongoing in relation to acceptable modifications before further planning application submitted |
| 3 Georges Road West, Poynton | Unauthorised erection of two storey side extension | Enforcement notice | Enforcement Notice served. Appeal lodged 3/12/2007. Appeal dismissed 31/03/08. Notice not complied with. Legal action being pursued. |
| Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield | Unauthorised erection of two buildings and an area of hardstanding | Enforcement notice | Enforcement Notice served. Appeal lodged 27/05/2008. Appeal decision awaited |
| Stable Cottage, Mereside Road, Mere | Unauthorised single storey link extension | Enforcement notice | Enforcement Notice served. Appeal lodged. Appeal dismissed. No compliance. Prosecution was being considered, but documented medical advice was submitted which rendered legal proceedings inappropriate. Property sold January 2009, so pursuing compliance with new owner. |
| Crabtree Farm, Crabtree Lane, High Legh | Unauthorised change of use of land, formation of ménage and erection of buildings | Enforcement notice | Enforcement Notice served. Appeal lodged 20/04/2007. Appeal dismissed and Notice upheld 05/03/08 in relation to buildings and hardstanding. Appeal allowed and planning permission granted for change of use of land and ménage. Planning permission 08/1575P granted on 9/10/08 for a modified version of one of the buildings and part of the hardstanding. No compliance with Notice. Liaising with owner regarding compliance. |
| Breach Cottage, Breach House Lane, Mobberley | Construction of an unauthorised building | Enforcement notice | Enforcement Notice served. Appeal lodged 05/12/07. Appeal dismissed and Notice upheld in relation to the building that was the subject of the Enforcement Notice, however planning permission granted for the building as it existed as the time of the Public Inquiry (the building was reduced in |

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| | | | size shortly before Public Inquiry). The Council is challenging the appeal decision in the High Court. Awaiting outcome of court proceedings. |
| Maple Farm, Paddock Hill, Mobberley | Construction of an unauthorised building | Enforcement notice | Enforcement Notice served. Appeal lodged 21/12/07. Appeal dismissed 08/01/09. Awaiting compliance. |
| 1 Pear tree Cottage, Paddock Hill, Mobberley | Construction of unauthorised building | Enforcement notice | Enforcement Notice served. Appeal lodged 28/12/2007. Appeal allowed 05/01/2009. Notice quashed. Case closed |
| Stockin Moss Field, Chelford Road, Mathall | Unauthorised erection of building | Enforcement notice | Enforcement Notice served. Appeal lodged 25/05/2007. Appeal dismissed 27/03/08. Notice complied with. Case closed |
| Mere End Cottage, Mereside Road, Mere, Knutsford | Unauthorised erection of dwellinghouse and detached garage | Enforcement notice | Enforcement Notice served. Appeal lodged 29/04/08. Public Inquiry to be held 10/02/09. Appeal Decision awaited. |
| Former Borough of Crewe and Nantwich | | | |
| Land off Groby Road, Crewe | Unauthorised skip hire | Enforcement notice | Lawful Use application for use of site for operation of skip hire (Ref P04/1614) was refused 31 st March 05. Correspondence from owner regarding the submission of a further Lawful Use application. Then in December 07 an appeal against the refusal of the lawful use application was received. Appeal Inquiry was scheduled for 23 rd September 2008 but the appeal has been withdrawn. An application for lawful use in respect of a smaller area has been received and is under consideration |
| Plum Tree Moorings, Nantwich Road, Wrenbury Heath | Unauthorised change of use to permanent moorings and unauthorised engineering works – construction of retaining wall | Enforcement notice | Appeal made against Notice. Appeal hearing held 28 th June 2006. Appeal dismissed and Notice upheld. 12 months given within which to comply with the Notice. Correspondence with the Planning Inspectorate for clarification on decision. Meeting held on 6/11/7 with owner and agent but British Waterways did not attend so a letter sent to BW asking for comments. BW replied that they fully supported the requirements of the Enforcement Notice. Legal in communication with owner's solicitor. Recent visit by enforcement officer to investigate whether the notice is being complied with. |
| 39 Welsh Row, Nantwich | Unauthorised alterations to a listed building | Enforcement notice | Appeal made against Notice. Inspector dismissed Appeal and upheld Notice. 2 months given within which to comply with the Notice. Site visit on 20 th December 2007 shows notice not complied with. Matter passed to Legal Services. Legal in dialogue with the owner. Date for compliance extended to 6 th February 2009. The site was inspected on the 12 th March 2009 and the Notice was complied with. Accordingly the Notice has subsequently been withdrawn. |
| 4 Bridge House Farm, Baddington Lane, Nantwich | Unauthorised extension | Enforcement notice | Appeal lodged. Planning Inspector upheld the notice and extended the date for compliance to 23 rd February 2008. Planning permission granted for a smaller extension to be implemented within 1 year therefore, applicant has until 7 th march 2009 to implement the permission. Enforcement notice remains effective should the planning permission not be implemented. Owner has erected scaffolding and informed enforcement team that demolition of the external part of the extension is due to start within a week |
| Land off Waldrons Lane, Coppenhall, | Unauthorised engineering | Enforcement notice | Planning application was submitted and refused at October meeting. |

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| Crewe | works – track and parking | | Planning Compliance Officer has notified Legal that the Notice has not been complied with. A 2 nd planning application was submitted and refused at Committee on 2 nd April. Notice not complied with. A planning application for access track was submitted May 2008 and approved on 22 nd July 2008 to be implemented within 3 years. The permission also deals with ecology. Enforcement notice remains effective should the permission not be implemented. |
| Haycroft Farm, Peckforton Hall Lane, Spurstow | Unauthorised operational development and engineering works | Enforcement notice | Appeal lodged to be dealt with by written representations. Decision from Inspector received 9 th July 2008 and appeal was dismissed and notice upheld. The Enforcement Notice is currently being complied with. |
| Land at Swallow Farm, Elton Lane, Winterley | Unauthorised siting of mobile home unit and wooden structure | Enforcement notice | A Planning application has been submitted for residential occupation on site and the application refused at September Committee meeting. Enforcement Officer is in communication with the applicant who confirms that following lengthy negotiations with the Highways Authority the form of a realistic application has been agreed and he will be submitting that further application imminently. |
| Oakhanger Equestrian Centre | Unauthorised repairs/adaptions to motor vehicles | Enforcement notice | Appeal lodged to be dealt with by written representation. Appeal dismissed and notice upheld. Further complaints regarding noise disturbance have been received although recent site visits have not revealed any evidence of the notice being breached. This remains under investigation. |
| Land at Wybunbury Lane, Stapeley | Unauthorised engineering works and siting of 3 caravans | Temporary stop notice | Temporary Stop Notice expired |
| Land at Wybunbury Lane, Stapeley | Unauthorised engineering works, change of use from agricultural to residential and siting of 3 caravans. | Stop notice | |
| Land at Wybunbury Lane, Stapeley | Unauthorised engineering works, change of use from agricultural to residential and siting of 3 caravans. | Enforcement notice | Appeal lodged and to be conjoined to and heard with the Planning Appeal at a Public Inquiry to be held 28 th to 30 th April 2009. |
| 54 Barthomley Crescent, Crewe | Untidy land | Section 215 notice | Notice has been complied with |
| Former Borough of Congleton | | | |
| Horseshoe Farm, Warmingham Lane, Warmingham | Unauthorised change of use from keeping horses to a mixed use for the keeping of horses/stationing of caravans/mobile homes and associated works and structures | Enforcement notice | The enforcement appeal was dismissed and planning permission granted with conditions, the site is currently being monitored for compliance with those conditions and is being monitored in relation to allegations of further unauthorised works. |
| Oakotis Heath Road, Sandbach | Unauthorised stationing of caravans and unauthorised creation of hard standing. | Enforcement notice | Enforcement Notices were issued against both breaches of planning control and the period for compliance has now lapsed. Further action is therefore now anticipated, this will take the form of prosecution in the Magistrates Court in the first instance. |

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| Owls Hoot, Blackden Lane, Goostrey | Unauthorised erection of a dwelling, double garage and boundary wall, gate piers and gates. | Enforcement notice | Separate enforcement notices have been issued in relation to the dwelling, garage and wall each notice requires demolition of the structure detailed. An appeal has been lodged against only that Notice which relates to the dwelling which is due to be heard at an information hearing on 30 June 2009. |
| Ye Old Kings Arms, Congleton | Unauthorised works to a listed building | N/A | The property is a grade II listed building and the exterior of the premises has been painted without the necessary listed building consent, i.e the plaster in fill panels and the timber. Criminal investigations are currently under way and two people have so far been interviewed under caution with a third likely. Remedial works to the building are currently being explored but these must ensure that the integrity of the building is not further compromised. The Council has the option to instigate prosecution proceedings and/or issue a listed building enforcement notice. |
| 56 Crewe Road, Alsager | Take-away premises operating outside its permitted hours | Enforcement Notice | Enforcement notice has been issued and is currently the subject of an appeal. |
| 30 Lime Close, Sandbach | Unauthorised erection of a front dormer window | Enforcement notice | the notice was appealed and the appeal dismissed. Currently awaiting compliance with the Notice. If its requirements are not met, e.g. remove the dormer or implement an alternative planning approval prosecution proceedings/works in default will be considered. |
| 4 Model Cottages, Cranage | unauthorised change of use of residential premises to a mixed residential and commercial use | Enforcement notice | The Notice was appealed and the appeal was heard at a Public Inquiry in 2008. The appeal was dismissed, however, the appellant has now applied for judicial review. The matter is currently with the appeal courts and we are awaiting a decision on whether or not the judge will allow leave to appeal the Inspectors decision |
| 24 Astbury Lane Ends | Unauthorised first floor conservatory | Enforcement notice | Unauthorised first floor conservatory refused planning permission and an enforcement notice was issued, both the refusal of planning permission and the enforcement notice were appealed, both of which were dismissed. The conservatory is due to be dismantled in April. |
| The Mere Inn, Crewe Road, Alsager | Unauthorised erection of a building used as a smoking shelter | Enforcement notice | Planning permission was granted for the erection of a structure to be used as a smoking shelter however, a totally different building has been erected. An enforcement notice has been issued requiring its removal but this is currently the subject of an appeal. |
| 13 Hazel Grove, Alsager | Unauthorised fence in excess of 1 metre adjacent to highway | Enforcement notice | A retrospective planning application was refused for the retention of a fence is excess of 1 metre high adjacent to a highway. An enforcement notice has been issued and it is currently the subject of an appeal. |
| 28 Kendal Court, Congleton Borough Council | property which has been allowed to fall into a state of disrepair so much so that it is considered to have an adverse impact on the visual amenity of the area. | S215 notice | A S215 (Untidy Site) Notice has been issued and was due for compliance by the end of February 2009. If its requirements have not been met the Council has the option to prosecute and/or carry out the works in default. |
| 4 Nidderdale Close, Congleton | Unauthorised raised decking | Enforcement notice | Retrospective planning permission has been refused for raised decking and an enforcement notice has been issued. Both the refusal of planning permission and the enforcement notice are the subject of appeals. |

| Former Cheshire County Council Waste and Minerals Enforcement | | | |
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| Land at Halith Cottage, Higher Poynton | Importation and Deposit of Waste | Enforcement notice | EN served and appealed by Ms Preston. Planning Inspectorate upheld Notice, but Ms Preston has failed to comply with steps of EN for removal of waste. Prosecution is next. |
| Whittakers Green Farm Composting Site | Unauthorised waste transfer station | Enforcement notice | Appeal has been lodged with Planning Inspectorate, but no notification from the Inspectorate as of yet. |