

Northern Planning Committee

Agenda

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| Date: | Wednesday, 21st August, 2024 |
| Time: | 10.00 am |
| Venue: | The Capesthorne Room - Town Hall, Macclesfield SK10 1EA |

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

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

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

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

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary 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 10 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. **23/4111M - AGDEN BROOK FARM, LYMM ROAD, AGDEN, CHESHIRE, WA14 4TE: Change of use of existing agricultural buildings to employment uses, including the demolition of one building for Mr Frank Cookson** (Pages 7 - 28)

To consider the above planning application.

6. **24/1796C - FARRIERS COTTAGE, MOSS END LANE, SMALLWOOD, CHESHIRE, CW11 2XQ: Conversion of existing building to one residential dwelling for J & E Wray** (Pages 29 - 44)

To consider the above planning application.

7. **24/2021M - 1, ARBOUR CRESCENT, MACCLESFIELD, SK10 2JB: 2 Storey side extension with single storey rear extension to provide additional living accommodation for Mr Matthew Guttman** (Pages 45 - 62)

To consider the above planning application.

8. **Cheshire East Borough Council (Macclesfield - 1 Kershaw Grove) Tree Preservation Order 2024** (Pages 63 - 88)

To consider whether to confirm the Tree Preservation Order at 1 Kershaw Grove, Macclesfield with no modifications

9. **Planning Enforcement Performance Update** (Pages 89 - 118)

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, D Edwardes, K Edwards, A Harrison, S Holland, T Jackson, D Jefferay (Chair), N Mannion, J Smith, J Snowball 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 Capesthorne 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: 23/4111M

Location: AGDEN BROOK FARM, LYMM ROAD, AGDEN, CHESHIRE, WA14 4TE

Proposal: Change of use of existing agricultural buildings to employment uses, including the demolition of one building.

Applicant: Mr Frank Cookson

Expiry Date: 15-May-2024

Summary

The proposed change of use is inappropriate development in the Green Belt, which is harmful by definition. Substantial weight is attached to this harm. The development also conflicts with policies relating to rural employment, particularly given the very limited amount of information provided in the application submission, and the site is not considered to be in a sustainable location given the nature of the proposed use. The proposal also results in moderate harm to the character of the area and potentially substantial harm to the living conditions of the nearest neighbouring property. Collectively these matters carry substantial weight against the proposal.

The benefits of the application are the re-use of agricultural buildings and the creation of jobs in the local area (stated to be 15 jobs on the application form, for which 96 parking spaces are provided). However, given the very limited scale of the nearest settlements, it is likely most employees would travel from larger settlements further afield creating an unsustainable pattern of development by drawing people away from the more accessible locations. This reduces the weight to be afforded to the benefits of job creation. Taken together with the re-use of the buildings limited to moderate weight is afforded to the identified benefits.

It is therefore considered that the benefits of the proposal do not clearly outweigh the harm to the Green Belt and the other harm identified. As such very special circumstances therefore do not exist. The proposal is therefore contrary to policy PG3 of the CELPS.

The proposal is not a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for refusal.

Summary Recommendation

Refuse

REASON FOR REFERRAL

The application relates to a proposal for commercial floorspace in excess of 5,000sqm, and therefore requires a committee decision.

DESCRIPTION OF SITE AND CONTEXT:

The application site is located within an existing farm holding, surrounded by agricultural land separating it from other supporting properties. Access is taken from Lymm Road. The site is located in the Green Belt.

The application form states the site measures 9958sqm. Upon measurement of the location plan, the site is measured at approx. 10,067sqm.

It is also noted the works to the access are not included within the application site (as edged red on the location plan).

DESCRIPTION OF PROPOSAL

The application seeks permission for the change of use of existing agricultural buildings to employment uses, including the demolition of one building. The proposed uses are stated to be:

E(g)(ii) - Research and development of products or processes

E(g)(iii) - Industrial processes

B2 - General industrial - Use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste)

The access to the site would be widened to accommodate larger vehicles.

RELEVANT PLANNING HISTORY

10/4562M - Approved with conditions / 09-May-2011
EXTENSION TO EXISTING AGRICULTURAL BUILDING

04/2281P - Approved with conditions / 04-Nov-2004
ERECTION OF AGRICULTURAL BUILDING FOR CATTLE

98/2141P - Determination - approval not required (stage 1) / 30-Nov-1998
AGRICULTURAL STORAGE BUILDING FOR HAY & STRAW (DETERMINATION)

70617P - Approved / 20-May-1992
AGRICULTURAL BUILDING

CONSULTATIONS (External to Planning)

Little Bollington Parish - No comments received.

Head of Strategic Transport - No objection

REPRESENTATIONS

None received.

POLICIES

Cheshire East Local Plan (adopted July 2017)

MP 1 - Presumption in Favour of Sustainable Development

PG3 – Green Belt

PG6 – Open Countryside

SD 1 – Sustainable development in Cheshire East

SD 2 - Sustainable Development Principles

EG 1 - Economic Prosperity

EG2 – Rural Economy

SE1 - Design

SE2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 – The Landscape

C01 – Sustainable Travel and Transport

Appendix C Parking Standards

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

GEN1 – Design Principles

GEN5 – Aerodrome Safeguarding

ENV1 – Ecological Network

ENV2 – Ecological Implementation

ENV3 – Landscape Character

ENV5 – Landscaping

ENV15 – New Development and Existing Uses

HOU12 – Amenity

HOU13 – Residential Standards

RUR2 – Farm Diversification

RUR10 – Employment Development in the Open Countryside

RUR11 – Extensions and Alterations to Buildings Outside of Settlement Boundaries

INF3 – Highway Safety and Access

Other material planning considerations

National Planning Policy Framework

National Planning Practice Guidance (NPPG)

OFFICER APPRAISAL

Principle of Development

Green Belt and Open Countryside

Policy PG6 of the CELPS allows for the re-use of an existing rural building which would not require extensive alteration, rebuilding or extension in the Open Countryside. However, given that the site is located within the Green Belt policy PG3 of the Local Plan, and paragraphs 154 and 155 of the NPPF are also relevant. These outline exceptions to inappropriate development within the Green Belt. The most relevant exception in this case being the re-use of buildings provided that the buildings are of permanent and substantial construction provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

No structural report has been provided to confirm the structural soundness of the existing buildings. However, a visual inspection on site suggests that they are reasonably permanent and substantial, and no operational development to any of the buildings is proposed as part of the application. It is considered that the buildings could lend themselves to the proposed uses in their current form.

The Planning Practice Guidance (“PPG”) states that: “Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a few matters which may need to be considered in making this assessment.

These include, but are not limited to:

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remendability – considering any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.”*

In terms of whether the proposal would preserve the openness of the Green Belt, very limited details of how the proposed uses would operate. Floor plans are simple line drawings with no information what use each unit would be used for and how each unit would be accessed. From the details that have been provided it is evident that no additional structures are proposed and one building to the east will be demolished to make space for some of the proposed car parking. Car parking would be provided to the north, east and south of the buildings. The parking to the south would be located within the existing open sided structure.

With the buildings largely remaining as existing, with the exception of the demolition of the building to the east, the main openness impacts arising from the proposed change of use are likely to arise externally. Some HGV movement, external storage and car parking did take place within the yard to the front as part of the agricultural use of the site. The proposed use will see this area changed to car parking with turning for HGVs, with additional car parking being provided externally to the east, some of which will be on the footprint of the building to be demolished, and the remainder of the parking being under cover of the building to the south. Whilst the proposed parking is either where there is evidence of existing activity or buildings, suggesting similar openness impacts, it is important to note that 96 car parking spaces are proposed, and given the nature of the uses proposed HGV access will still take place. The submitted Transport Note refers to the proposed use as being only “B2” and projects traffic impacts on that basis, but this is not the case. The proposed uses are stated to also be E(g)ii

and E(g)iii, which are not considered in the Transport Note, which reduces the weight to be afforded to it. Given the amount of parking proposed to serve the proposed uses and the increased level of activity associated with this number of vehicles, in addition to inevitable HGV movements, it is considered that the proposed development will not preserve the openness of the Green Belt.

It is also noted that an access drive has recently been constructed along the west and south elevations of the building. No permission was obtained for this, but the applicant maintains that it was constructed as a hardstanding under agricultural permitted development and did not require the prior approval of the LPA. Any agricultural permitted development under Part 6 of the General Permitted Development Order must be reasonably necessary for the purposes of agriculture. It is not clear why this driveway is reasonably necessary. This track is located outside of the application site and is therefore does not form part of the current proposal. However, it is considered to be relevant given that it is being enclosed together with the buildings by the proposed landscaping to the south and west suggesting an association with the buildings. The driveway also provides direct access to the parking spaces to the rear of the site. If it was used for this purpose, it would create activity along the western boundary where no such activity takes place, and potentially impacting even further upon the openness of the Green Belt.

The proposal is not considered to conflict with the purposes of including land in the Green Belt, however for the reasons stated it does not preserve openness and is therefore considered to be inappropriate development in the Green Belt.

Rural Employment

Policy EG2 of the Local Plan states outside the Principal Towns, Key Service Centres and Local Service Centres, developments that:

1. Provide opportunities for local rural employment development that supports the vitality of rural settlements;
2. Create or extend rural based tourist attractions, visitor facilities and recreational uses;
3. Encourage the retention and expansion of existing businesses, particularly through the conversion of existing buildings and farm diversification;
4. Encourage the creation and expansion of sustainable farming and food production businesses and allow for the adaption of modern agricultural practises;
5. Are considered essential to the wider strategic interest of the economic development of Cheshire East, as determined by the council; or
6. Support the retention and delivery of community services such as shops and public houses, and village halls

Will be supported where the development:

- i. Meets sustainable development objectives as set out in policies MP 1, SD 1 and SD 2 of the Local Plan Strategy;
- ii. Supports the rural economy, and could not reasonably be expected to locate within a designated centre by reason of their products sold;
- iii. Would not undermine the delivery of strategic employment allocations;

- iv. Is supported by adequate infrastructure;
- v. Is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity;
- vi. Is well sited and designed in order to conserve and where possible enhance the character and quality of the landscape and built form; and
- vii. Does not conflict with Policies PG 3, PG 4, PG 6, PG 7, SE 3, SE 4, SE 5, SE 6 and SE 7 of the Local Plan Strategy.

Policy RUR10 of the SADPD states employment development may be appropriate to a rural area where:

- i. its scale is appropriate to the location and setting;
- ii. the nature of the business means that a countryside location is essential; and
- iii. the proposals provide local employment opportunities that support the vitality of rural settlements.

In relation to farm diversification, Policy RUR2 of the SADPD states proposals for the diversification of agricultural businesses will be supported where they accord with other policies in the development plan and:

- i. the development proposals are ancillary and related to the primary agricultural business;
- ii. the development is necessary to support the continued viability of the existing agricultural business;
- iii. the proposals make best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;
- iv. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the planned operation of the diversified business; are well-related to each other and existing buildings and do not form isolated or scattered development;
- v. do not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise, odour, design and appearance), either on its own or cumulatively with other developments; and
- vi. provide appropriate landscaping and screening.

The development would provide opportunities for local rural employment however it has not been demonstrated that the uses would support the vitality of rural settlements. The proposal is not in relation to a tourist attraction, and would create new business units, thus would not retain or expand existing businesses. As the use classes have been confirmed but not the exact businesses, it is unclear whether the proposal would create or expand sustainable farming/food production businesses. There is no evidence to suggest that it would. No information has been submitted to demonstrate that the development would be essential to the wider strategic interest in terms of economic development or that it would support the retention and delivery of community services. The proposal therefore fails to accord with Policy EG2 of the Local Plan.

No evidence has been submitted to demonstrate that the proposed uses could not be located within a designated centre by reason of their products sold. The proposal would also not be consistent in scale with its rural location and would detract from residential amenity, which is discussed within the amenity section of the report below. The information submitted in relation to the uses of the building is vague and thus the proposal is deemed contrary to Policy EG2 of the Local Plan.

By virtue of the scale of the proposed development, the proposal is not considered to be of an appropriate scale for the rural setting. The rural location of the site is not considered a sustainable location. The businesses are not currently identified but would 'principally' fall into a mixture of use classes E(g)(ii)(iii) and B2. However, there is no information to demonstrate that the nature of the businesses means a countryside location is essential. The use of the term 'principally' does not confirm that other uses would not occupy the building (although the uses could be secured by condition). It is not clear that a countryside location is essential, and the businesses could reasonably be located within a designated centre, specifically the uses within Class E as these can be carried out in a residential area without detriment to amenity. The creation of a B2 use could lead to any type of industrial uses on the site such as manufacturing, assembling, packaging and fabrication of materials and products, which may be entirely inappropriate in this rural location. This is also the case for the development of products with regards to designing, creating, and marketing. Due to the limited information, it has also not been demonstrated that the proposal would support the vitality of rural settlements. The works are therefore also considered contrary to Policy RUR10 of the SADPD.

No information has been provided to confirm whether the development would be ancillary to the primary agricultural business or support the existing agricultural business. The proposal would also harm the character of the surrounding area as the increase in activity would urbanise the character of the site beyond the existing agriculture use and detract from the rural appearance and setting. Appropriate screening has not been proposed to alleviate the visual impact of the development. The proposal is therefore considered contrary to RUR2.

Accessibility / Location

Policy CO1 of the CELPS relates to sustainable travel and transport. Amongst other things, this policy seeks to guide development to sustainable and accessible locations, and ensure development gives priority to walking, cycling and public transport. Policy EG2 of the CELPS also expects rural economic development to meet sustainable development objectives as set out in policies MP 1, SD 1 and SD 2 of the CELPS, some of which reiterate the need to ensure that development is accessible by public transport, walking and cycling. Policy SD1 also expects development, wherever possible, to:

- Prioritise investment and growth within the Principal Towns and Key Service Centres;
- Provide access to local jobs, services and facilities, reflecting the community's needs
- Provide safe access and sufficient car parking in accordance with adopted highway standards;
- Support the achievement of vibrant and prosperous town and village centres;
- Contribute to protecting and enhancing the natural, built, historic and cultural environment;
- Prioritise the most accessible and sustainable locations.

In respect of policy CO1 of CELP, the site is in a very remote location in terms of its relationship with the majority of services, facilities and populations of Lymm and Altrincham / Bowden. Little Bollington and Agden are very small with very limited populations, and services. Broomedge is larger but still has very limited services and facilities for employees to use. The bus service along Lymm Road is hourly, and footpaths do exist should anybody choose to walk. Given the location of the site it is considered to be likely that most journeys to the site will be made by car. It is noted that no cycle parking or shower / changing facilities are proposed.

Given the absence of any information to demonstrate that the proposal would meet an identified need for local rural businesses that cannot be located in designated centres, it would compete against the strategic objectives of the Council by not guiding development to sustainable and accessible locations. By drawing businesses and employees, and associated activity away from more accessible locations, the proposed development promotes a very unsustainable pattern of development, contrary to the sustainable development objectives of policies SD1 and SD2 of the CELPS and the Framework.

Conclusions of Principle of Development

It is acknowledged that the supporting information for Policy RUR10, specifically paragraph 6.40 states *“Employment development that is not considered to be a use appropriate to a rural area under this policy may also be allowed in the open countryside, where it meets one or more of the exceptions to the restrictive approach set out in LPS Policy PG 6”*. However, whilst the building is located within the open countryside, it is also located within the Green Belt and is considered to be inappropriate development. There is therefore considered to be conflict with policies SD1, SD2, RUR2, RUR10 and EG2 of the Local Plan. Very special circumstances would be required to comply with policy PG3.

Visual Impact

CELPS Policy SE1 states that “development proposals should ensure a retained sense of place and management of design quality”. CELPS Policy SD2 further details the design matters that should be considered, including height, scale, form and grouping of development, choice of materials, external design features, massing of development and impact upon the street scene. Policy GEN1 of the SADPD sets out that development proposals should create high quality, beautiful and sustainable buildings and places and should reflect local character.

The proposed development would not result in external changes to the building and no extensions to the existing hardstanding are proposed, albeit the demolition of the existing building to the east.

However, due to the scale of the proposed development and associated activity, there would be an urbanising effect upon the character and appearance of the site compared to the existing agricultural use. The proposal would alter the character of the existing farmyard and would have a significant impact on the rural character and setting of the site. The proposal formalises an intensive car parking layout in a traditional regimented form. The hedgerows and occasional trees on the site boundaries although beneficial within the countryside scene, are considered

to do little to screen the site from the surrounding area. The views towards the site from the main road are not considered to be partially screened by means of the existing hedge.

The proposed site plan has been revised to show hedgerows proposed to the south and west of the buildings, as well as 4 heavy native broadleaf trees at 20m intervals to the west of the immediate hedgerow, 5 nature broadleaf trees at 20m intervals along the site's western boundary and 2 along the northern boundary. The proposed landscaping would help to soften the development to a limited degree, it would have a limited mitigating effect.

The proposed development would therefore result in a detrimental impact upon the character of the surrounding area contrary with policies SE1 and SD2 of the Cheshire East Local Plan, Policy GEN1 of the SADPD and the NPPF.

Living Conditions

CELPS Policy SE1 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive users or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

A residential dwelling is situated to the immediate northeast of the site. The dwelling is currently within the applicant's ownership. While this is currently the case, the development must also not harm residential amenity for future occupiers, which may result in land ownership changes.

The proximity of the dwelling to the proposed development would have a significant impact on amenity in relation to noise disturbance through the operation of the site and vehicular movement, particularly given the proposed uses. The development is therefore considered to result in an adverse and unacceptable impact upon the living conditions of existing and future occupiers.

Residential properties outside of the applicant's ownership are situated 130m to the north, 193m to the south west and 125m to the north east. The B2 uses could result in some noise disturbance. However, given the distances involved any disturbance is unlikely to be significantly harmful to their living conditions.

The proposals will result in unacceptable harm to the residential amenity of adjacent neighbours in terms of noise disturbance and as such fail to comply with the principles of policies SE1 and SE12 of the Cheshire East Local Plan, Policy HOU12 of the SADPD and the NPPF.

Parking and Highways

Appendix C of the Cheshire East Local Plan identifies minimum Parking Standards for residential development in Principal Towns and Key Service Centres and for the remainder of the borough. The LPA will vary from the prescribed standards where there is clear and compelling justification to do so.

The site is not considered to be locationally sustainable and thus travel to the site would be car dominated.

In connection with this change of use from agricultural building to a mix of use classes and B2 general industrial use, the existing ground floor area is approx. 6,667sqm and the proposal is to reduce this to 5,705sqm. A total of 96 spaces would be provided which would be the approximate requirement for a B2 use. The other proposed uses (E(g)ii and iii) are former B1 uses, which have a higher parking requirement than a B2 use. The Transport Note does not address the impact of the E(g) uses. The parking standards in the local plan require 1 space per 30sqm for a B1 (now E(g)) use, which would equate to 191 spaces. In the event of approval, members may wish to consider whether it is necessary to restrict the use to a B2 use given the absence of any parking data to justify a reduced amount of parking for the E(g) uses.

The Transport Note also only looks at the traffic generations for a B2 use and demonstrates the level of hourly traffic generation for a B2 use will not cause any capacity issues on the A56 Lymm Road.

The application form states that no alterations to the vehicular access are proposed. However, the plans show that changes are proposed and are required to accommodate the swept paths of larger vehicles. The proposed access alterations are also now shown to be within the site edged red. The Head of Strategic Transport does not raise any objection to the access proposals.

Other matters

No significant ecological or tree issues are raised. Whilst no flood risk concerns are raised, if the site area is over 10,000sqm a Flood Risk Assessment would be required. However, the applicant has stated that the site area is 9958sqm, but this does exclude the proposed access alterations.

PLANNING BALANCE & CONCLUSIONS

The proposed change of use is inappropriate development in the Green Belt, which is harmful by definition. Substantial weight is attached to this harm. The development also conflicts with policies relating to rural employment, particularly given the very limited amount of information provided in the application submission, and the site is not considered to be in a sustainable location given the nature of the proposed use. The proposal also results in moderate harm to the character of the area and potentially substantial harm to the living conditions of the nearest neighbouring property. Collectively these matters carry substantial weight against the proposal.

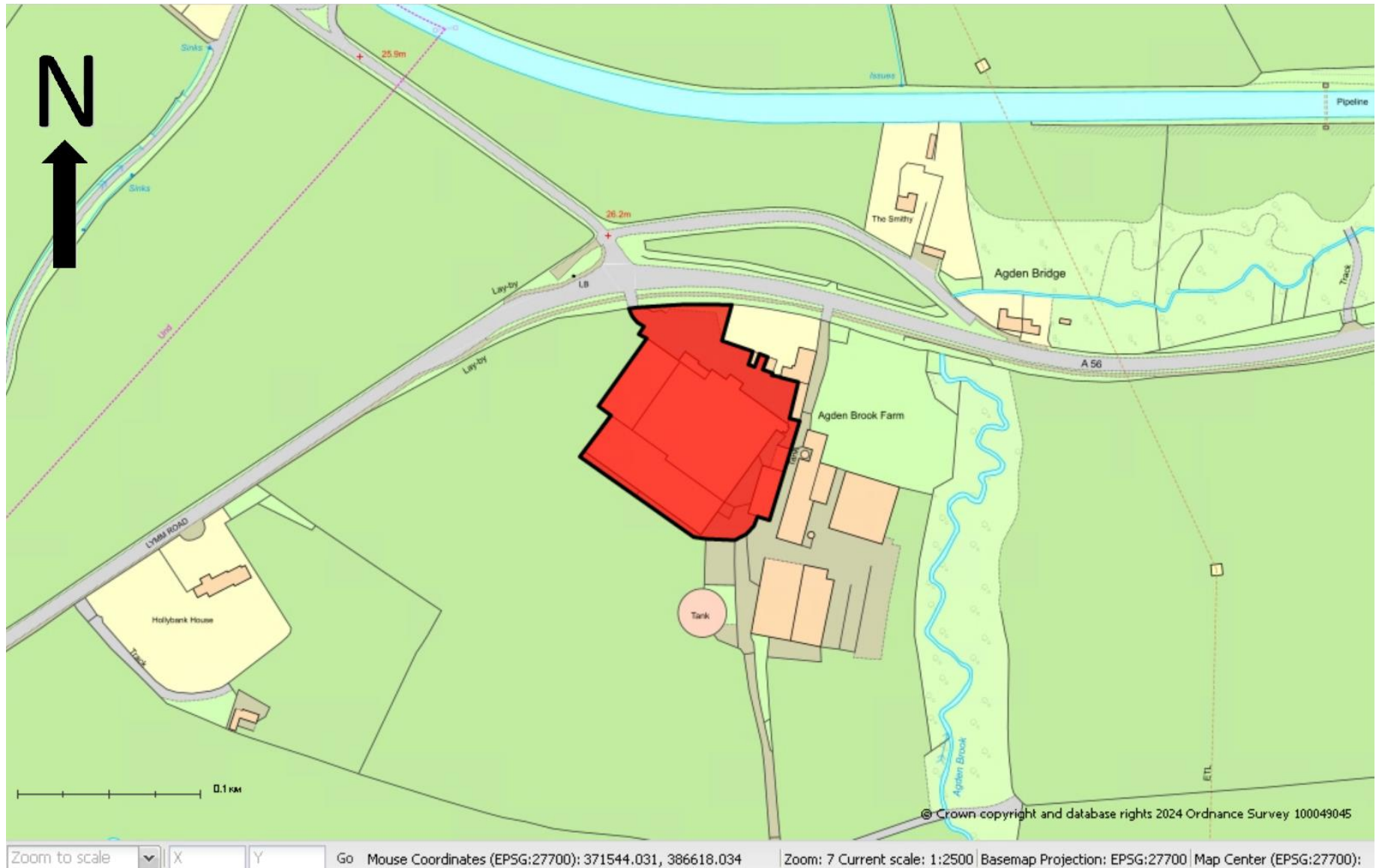
The benefits of the application are the re-use of agricultural buildings and the creation of jobs (stated to be 15 jobs on the application form, but which require 96 parking spaces) in the local area. However, given the very limited scale of the nearest settlements, it is likely most employees would travel from larger settlements further afield creating an unsustainable pattern of development by drawing people away from the more accessible locations. This reduces the weight to be afforded to the benefits of job creation. Taken together with the re-use of the buildings limited to moderate weight is afforded to the identified benefits.

It is therefore considered that the benefits of the proposal do not clearly outweigh the harm to the Green Belt and the other harm identified. As such very special circumstances therefore do not exist. The proposal is therefore contrary to policy PG3 of the CELPS.

The proposal is not a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for refusal.

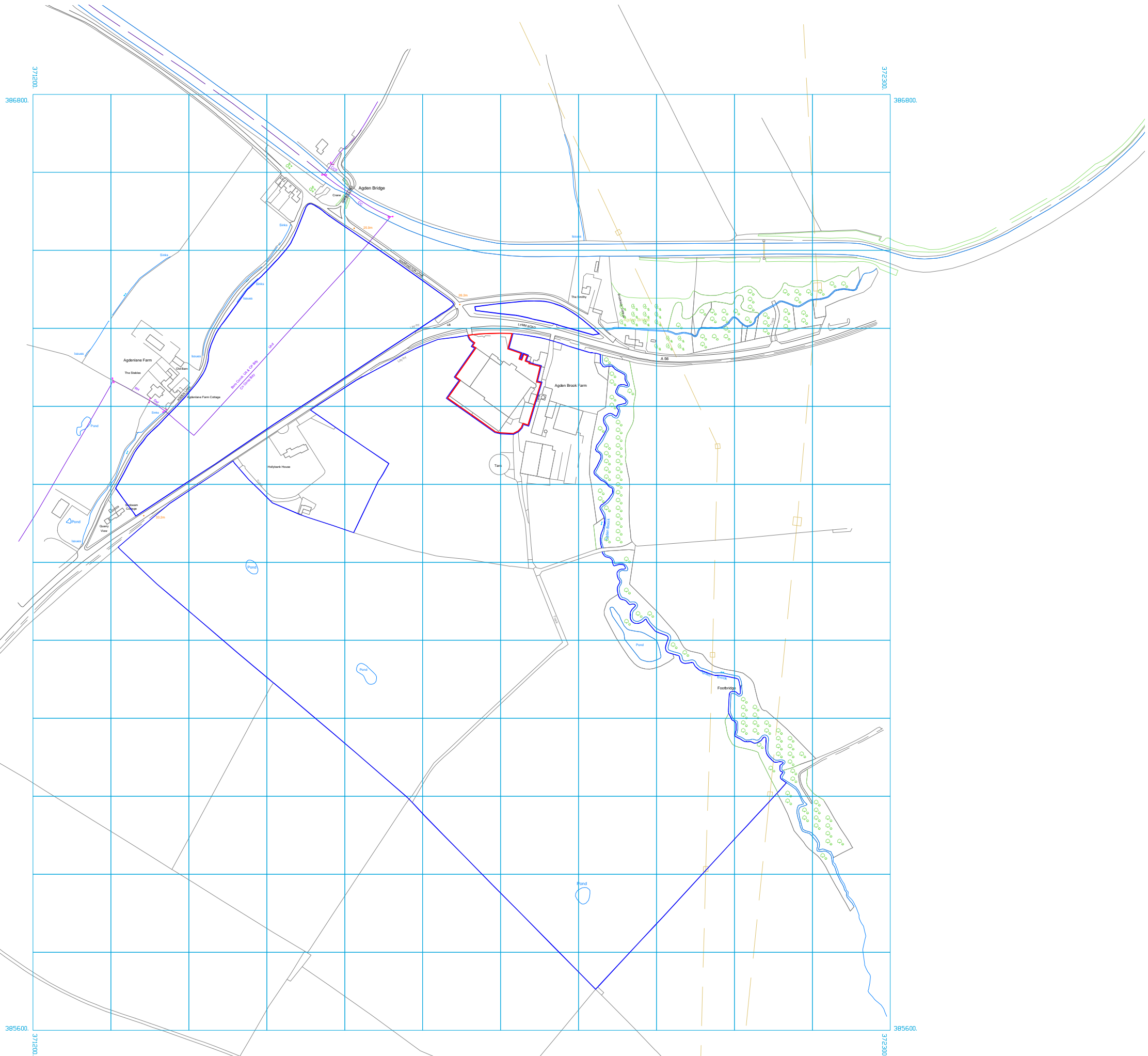
RECOMMENDATION

1. The proposal is an inappropriate form of development in the Green Belt. Very special circumstances have not been demonstrated to outweigh the identified harm to the Green Belt. There is also conflict with the objectives of rural employment related policies and the site is not sustainably located. The proposal is therefore contrary to policies PG3, SD1, SD2, and EG2 of the Cheshire East Local Plan and policies RUR2 and RUR 10 of the Site Allocations and Development Policies Document.
2. By virtue of scale, the proposed development would dilute the rural character of the site and result in urbanisation of the site, through intensification of use and increased activity. The proposal would remove the existing farmyard appearance and detract from the rural character and setting of the site through a car and HGV dominated use. The proposal would therefore fail to accord with Policies SE1 (Design) and SD2 (Sustainable Development Principles) of the Cheshire East Local Plan, Policy GEN1 (Design Principles) of the Site Allocations and Development Policies Document and the National Planning Policy Framework.
3. The proximity of the development in relation to the residential dwelling to the northeast would have a significant impact on the living conditions of this neighbour due to noise disturbance arising from the operation of the site and vehicular movement. The development is therefore contrary to Policy SE1 (Design) of the Cheshire East Local Plan, Policy HOU12 (Amenity) of the Site Allocations and Development Policies Document and the National Planning Policy Framework.



23/4111M

AGDEN BROOK FARM, LYMM
ROAD, AGDEN





26.2m

Plant 2 no. heavy
standard native
broadleaf trees

Site Boundary

LYMM ROAD

Lay-by

LB

Plant 4 no. heavy
standard native
broadleaf trees at
20m intervals

Plant 5 no. heavy
standard native
broadleaf trees at
20m intervals

Lay-by

Tank

Tank

KEY:

- Site Boundary
- Other Owned Land
- Existing Trees
- Proposed Treses
- Existing Hedges
- Proposed Hedges

Client:
Mr F Cookson

Application:
Agden Brook Farm CoU

Drawing title:
Landscaping Plan

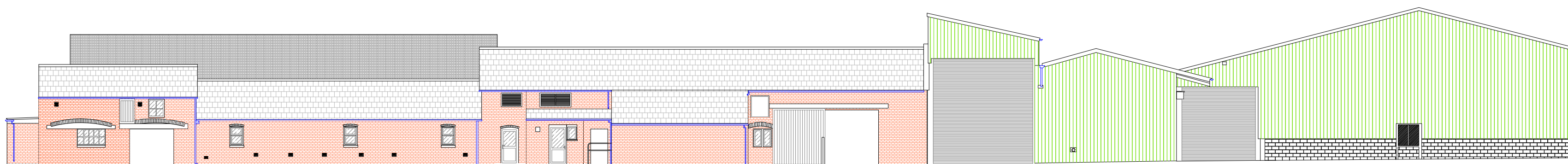
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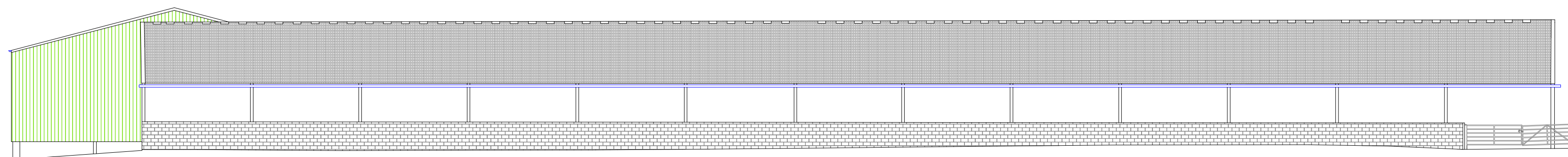
Date:
17 April 2024

Drawn by:
SK

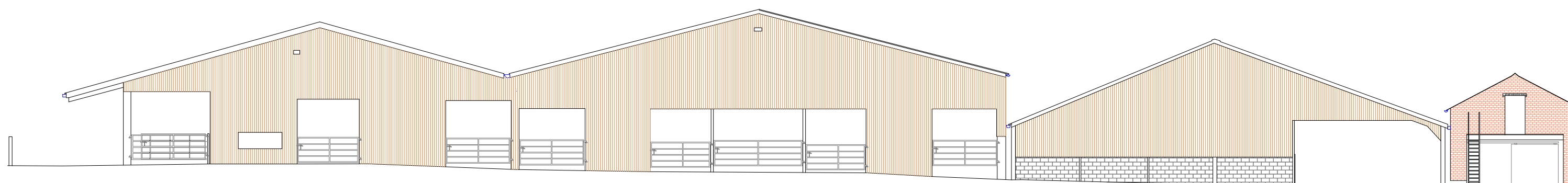




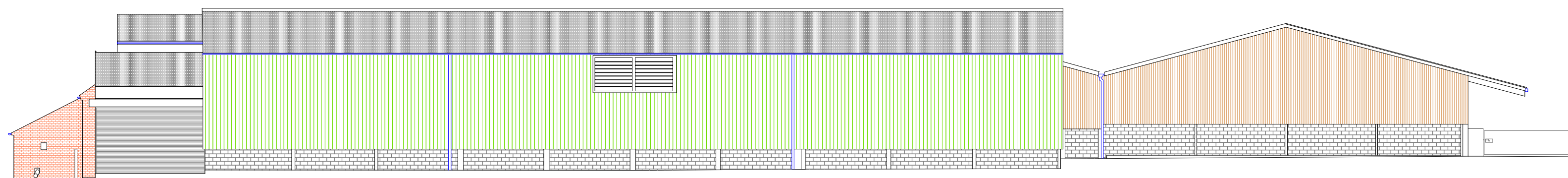
Front Elevation



Rear Elevation



Side Elevation



Side Elevation

Client:

Mr F Cookson

Application:

Agden Brook Farm CoU

Drawing title:

Building 1 Existing Elevations

Scale:

1:200 @ A2

Drawing number:

1476/J230046/009.1

Date:

10 January 2024

Drawn by:

SK



WHARFE
RURAL PLANNING

Sapling Home Farm, Ullard Hall Lane, Lower
Peover, Knutsford, Cheshire WA16 9PJ

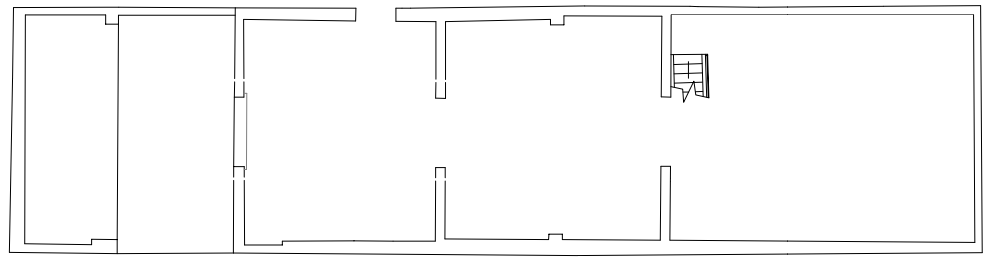
T : 0 1 5 6 5 7 4 6 9 1 0

E: info@wharferuralplanning.co.uk

W: www.wharferuralplanning.co.uk



Ground Floor Plan



First Floor Plan

Client:
Mr F Cookson

Application:
Agden Brook Farm CoU

Drawing title:
Building 1 Existing Plans

Scale:
1:200 @ A1

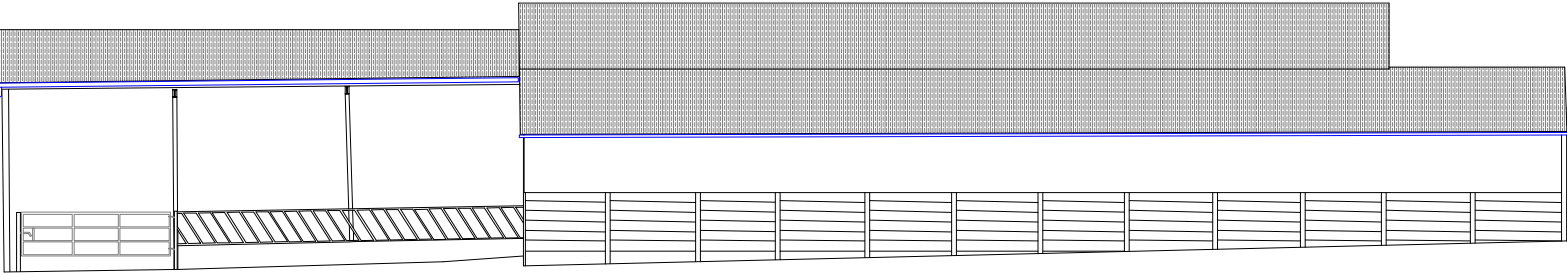
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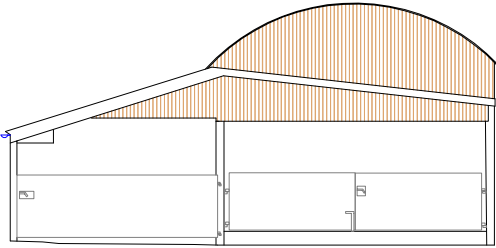
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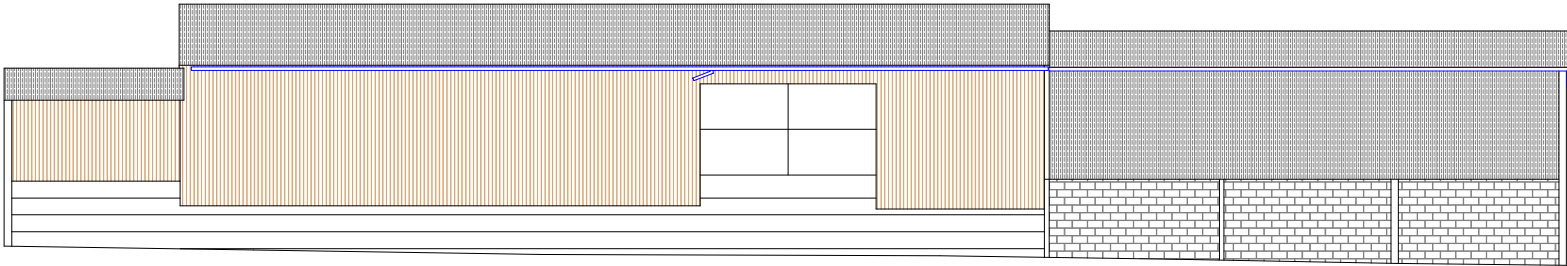
WHARFE
RURAL PLANNING
Sapling Home Farm, Ullard Hall Lane, Lower
Peover, Knutsford, Cheshire WA16 9PJ
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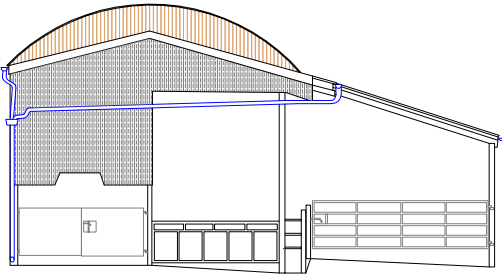
Front Elevation



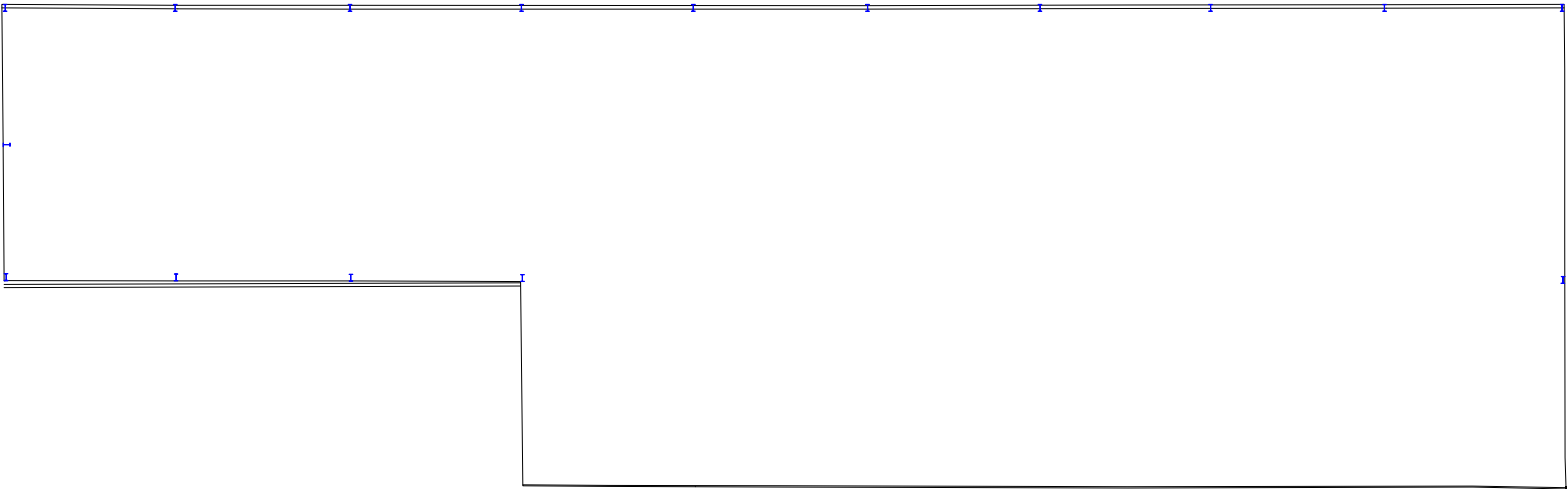
Side Elevation



Rear Elevation



Side Elevation



Ground Floor Plan



Client:
Mr F Cookson

Application:
Agden Brook Farm CoU

Drawing title:
Building 2 Existing Plans and Elevations

Scale:
1:200 @ A3

Drawing number:
1476/J230046/010.1

Date:
10 January 2024

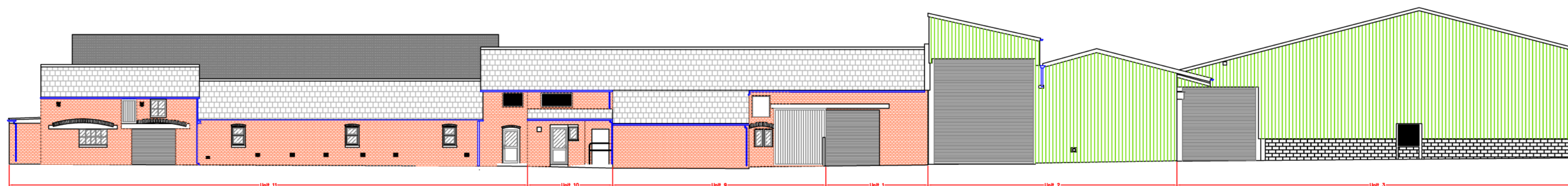
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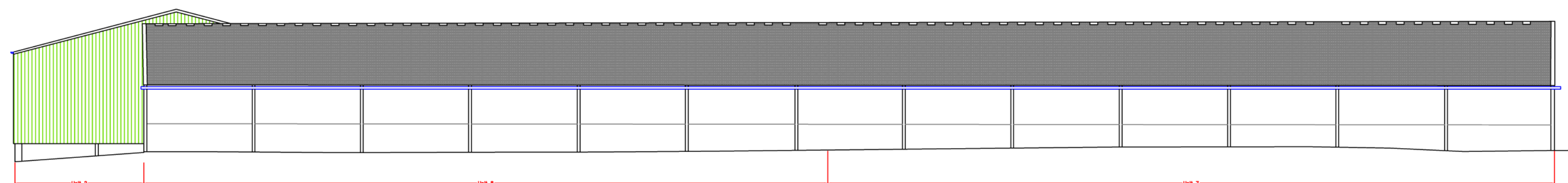
WHARFE
RURAL PLANNING

Sapling Home Farm, Ullard Hall Lane, Lower Peover, Knutsford, Cheshire WA16 9PJ

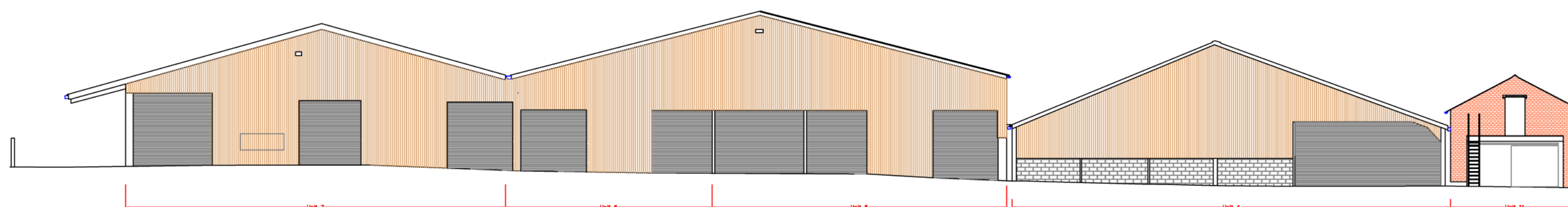
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E: info@wharferuralplanning.co.uk
W: www.wharferuralplanning.co.uk



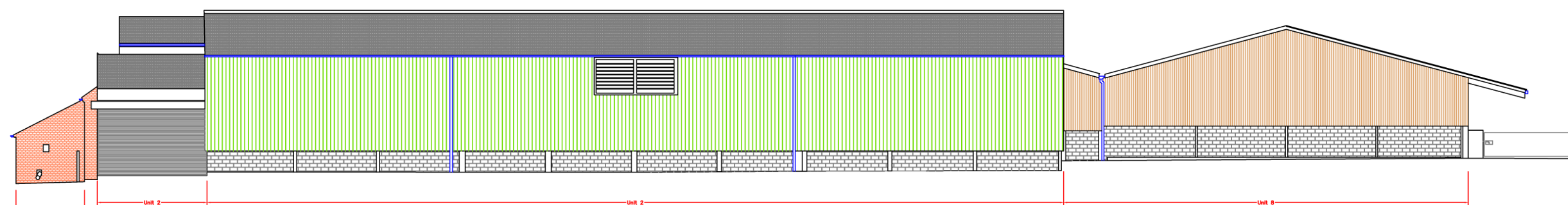
Front Elevation



Rear Elevation



Side Elevation



Side Elevation

Client:
Mr F Cookson

Application:
Agden Brook Farm CoU

Drawing title:
**Building 1 Proposed
Elevations_Revision A**

Scale:
1:200 @ A2

Drawing number:
1476/J230046/012.2

Date:
20 May 2024

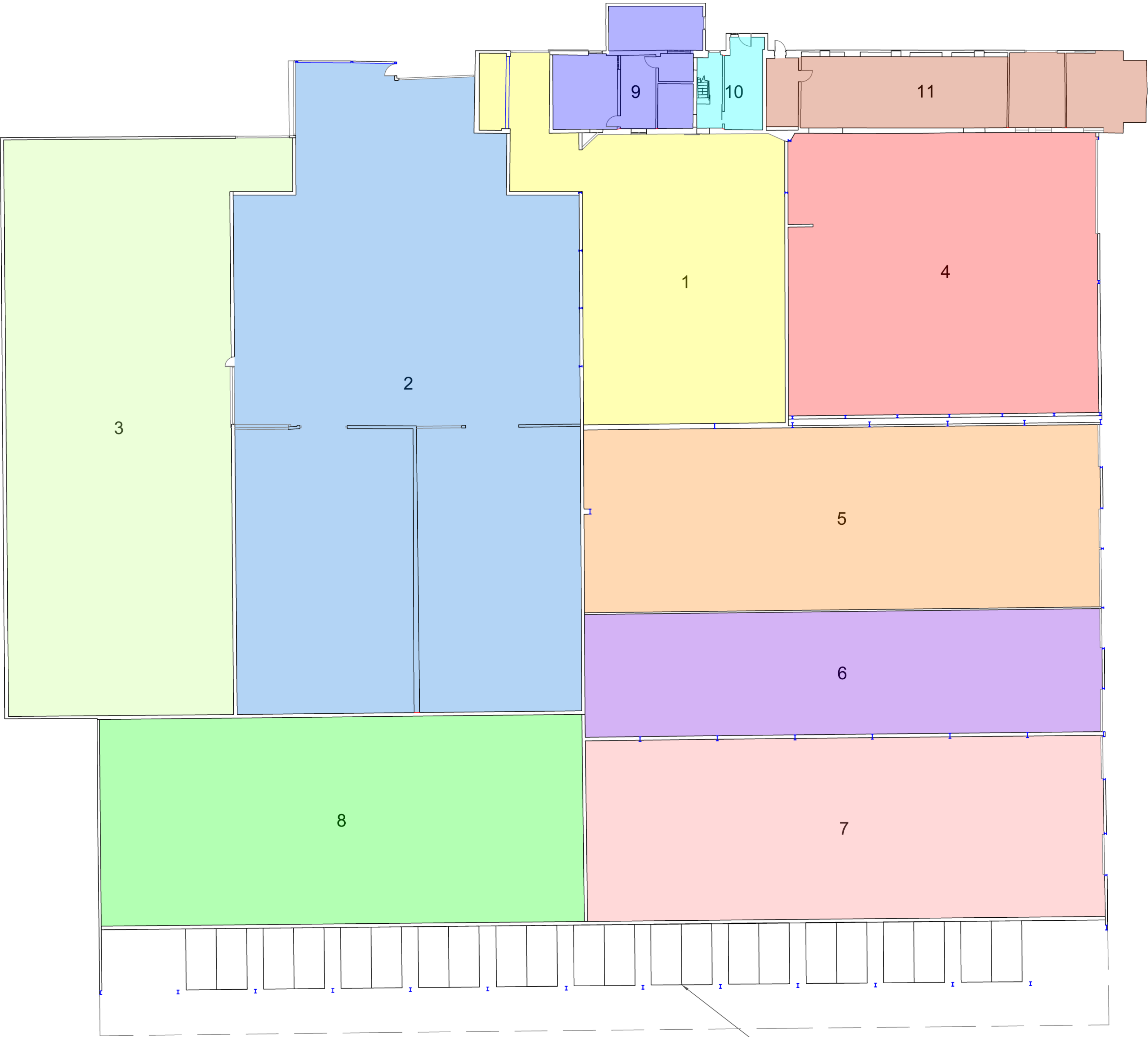
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WHARFE
RURAL PLANNING

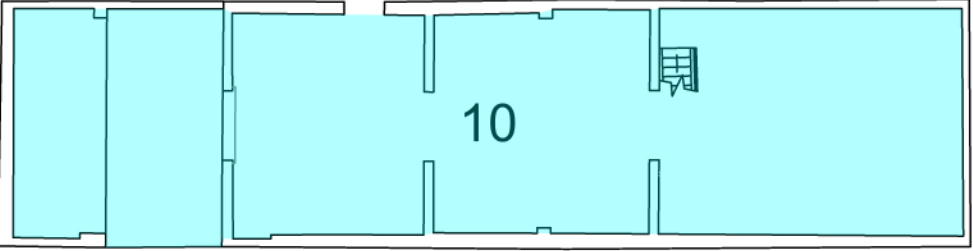
Sapling Home Farm, Ullard Hall Lane, Lower
Peover, Knutsford, Cheshire WA16 9PJ

T : 0 1 5 6 5 7 4 6 9 1 0
E: info@wharferuralplanning.co.uk
W: www.wharferuralplanning.co.uk



Ground Floor Plan

- KEY**
- Unit 1 (422m²)
 - Unit 2 (1259m²)
 - Unit 3 (826m²)
 - Unit 4 (538m²)
 - Unit 5 (583m²)
 - Unit 6 (393m²)
 - Unit 7 (580m²)
 - Unit 8 (619m²)
 - Unit 9 (93m²)
 - Unit 10 (184m²)
 - Unit 11 (170m²)



First Floor Plan

Client:
Mr F Cookson

Application:
Agden Brook Farm CoU

Drawing title:
Building 1 Proposed Plans_Revision A

Scale:
1:200 @ A1

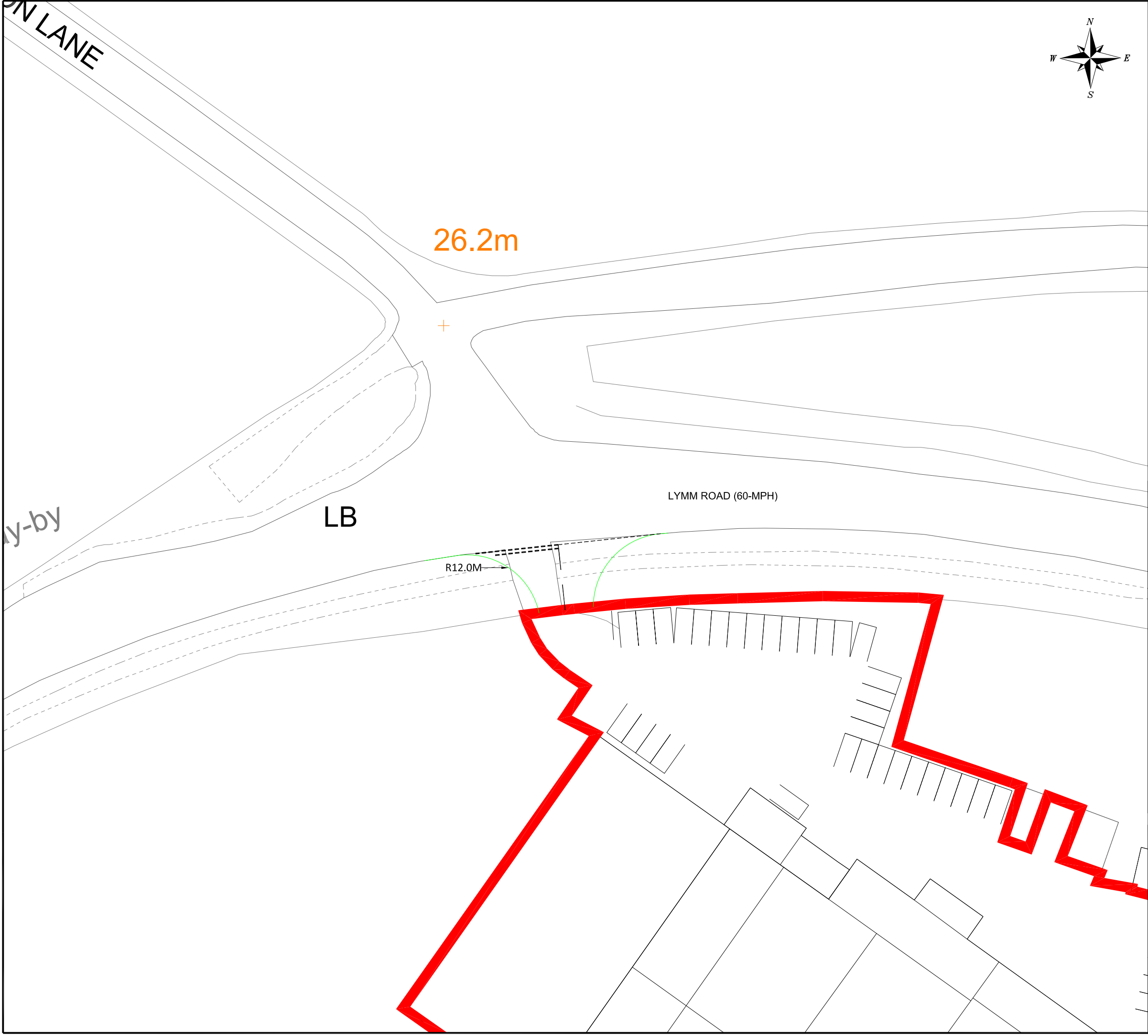
Drawing number:
1476/J230046/011.3

Date:
20 May 2024

Drawn by:
SK



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NOTES
THIS IS NOT A CONSTRUCTION DRAWING AND IS FOR INDICATIVE PURPOSES ONLY.
THE DRAWING WILL BE SUBJECT TO CHANGE FOLLOWING LOCAL AUTHORITY REVIEW AND CONFIRMATION OF PUBLIC HIGHWAY AND THIRD PARTY LAND BOUNDARIES.

| | | | |
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| - | - | - | - |
| REV | DETAILS | DRAWN | CHECKED |
| | | | DATE |

CLIENT:
AGDEN BROOK PARTNERSHIP

PROJECT:
AGDEN BROOK FARM, LYMM ROAD, LITTLE BOLLINGTON

DRAWING TITLE:
PROPOSED SITE ACCESS ARRANGEMENT

SCALES:
1:500 @ A3

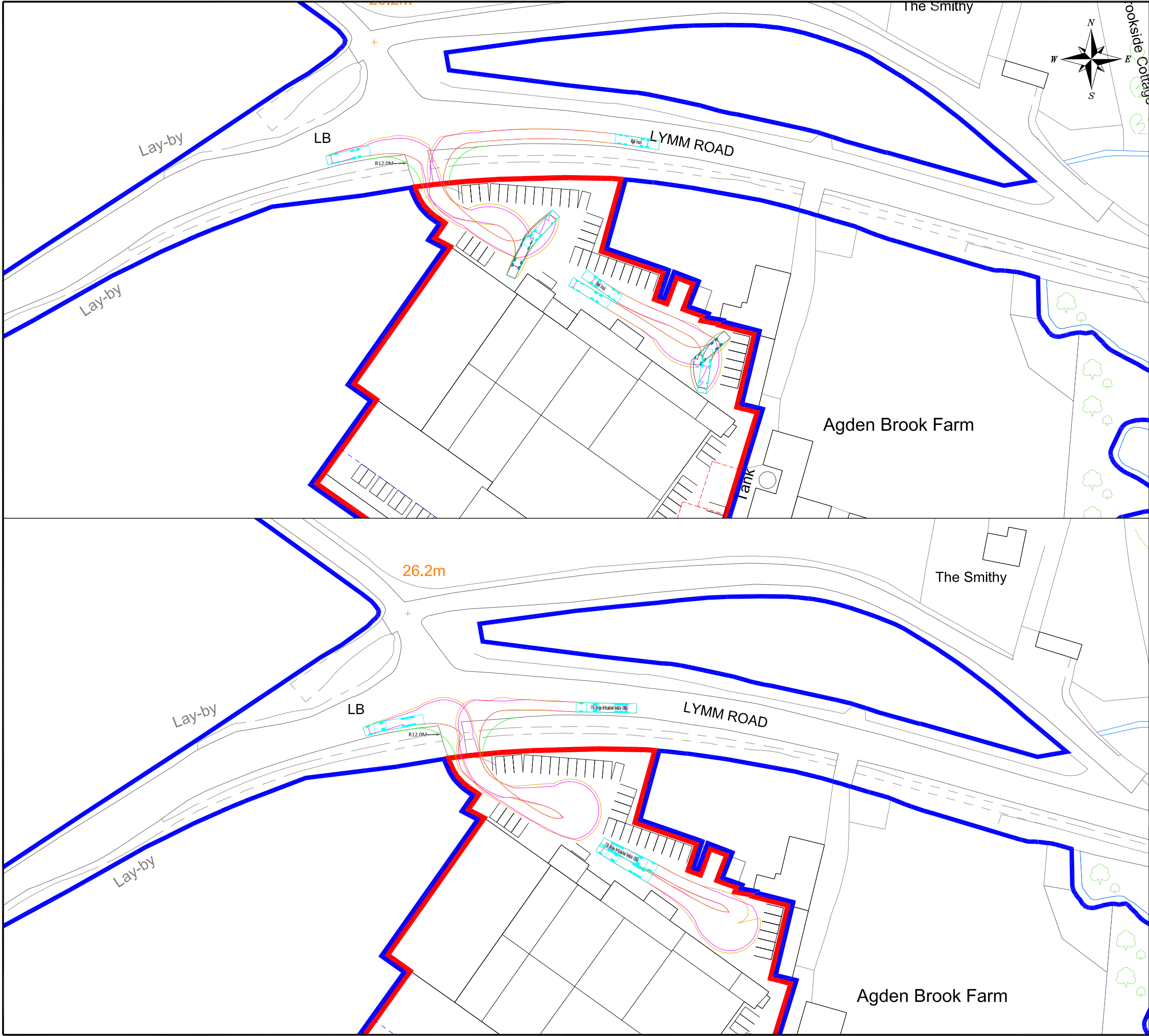
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| DRAWN: GM | CHECKED: TSB | DATE: MAR 24 |
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Eddisons
340 Deansgate
Manchester
M3 4LY
Email: info@crofts.co.uk
Tel: 0161 837 7380
Web: www.eddisons.com/services/transport-planning

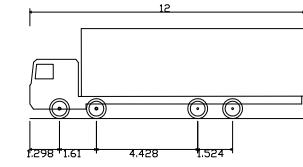
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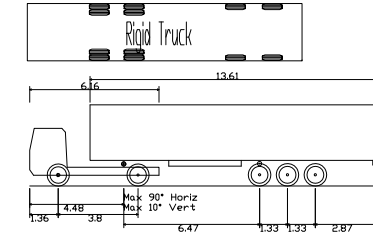
NOTES



12
12.98 1.61 4.428 1.524

Rigid Truck

Overall Length 12.000m
Overall Width 2.500m
Overall Body Height 3.928m
Min Body Ground Clearance 0.412m
Track Width 2.471m
Lock to lock time 6.00s
Kerb to Kerb Turning Radius 11.900m




6.16 13.61
4.48 3.8 6.47 1.33 1.33 2.87

Max 90° Horiz
Max 10° Vert

FTA Design Articulated Vehicle (2016)

Overall Length 16.480m
Overall Width 2.550m
Overall Body Height 3.870m
Min Body Ground Clearance 0.515m
Max Track Width 2.470m
Lock to lock time 3.00s
Kerb to Kerb Turning Radius 6.600m



| REV | DETAILS | DRAWN | CHECKED | DATE |
|-----|---------|-------|---------|------|
| - | - | - | - | - |

CLIENT: **AGDEN BROOK PARTNERSHIP**

PROJECT: **AGDEN BROOK FARM, LYMM ROAD, LITTLE BOLLINGTON**

DRAWING TITLE: **SWEPT PATH ANALYSIS**

SCALES: **1:1000 @ A3**

| | | |
|------------------|---------------------|---------------------|
| DRAWN: GM | CHECKED: TSB | DATE: MAR 24 |
|------------------|---------------------|---------------------|

Eddisons
340 Deansgate
Manchester
M3 4LY

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Tel: 0161 837 7380
Web: www.eddisons.com/services/transport-planning

| | |
|----------------------------------|--------------------|
| DRAWING NUMBER: 4071-SP01 | REVISION: - |
|----------------------------------|--------------------|



Application No: 24/1796C

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

Proposal: Conversion of existing building to one residential dwelling

Applicant: J & E Wray

Expiry Date: 23-Aug-2024

SUMMARY

The application site lies within the designated Open Countryside outside of any settlement boundary. The application proposal would result in the creation of 1no. dwelling as a conversion of an existing building. In addition, the proposals are not considered to result in any undue harm to the rural character of the countryside by virtue of the appropriate scale, siting, size and design of the converted building and the extent of land to be taken in as residential curtilage to accommodate the dwelling. No concerns are raised with regard to amenity, highway safety, trees, flood risk or drainage, contamination or nature conservation subject to conditions where appropriate. The application is subsequently recommended for approval.

SUMMARY RECOMMENDATION

APPROVE with conditions

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 a building with a footprint of approximately 18.5m by 9m 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 in mixed use, currently serving both a domestic storage use in the first two thirds of the building and an approved private equestrian use at the rear third storage barn for roughly two thirds of the floor area with three stable bays at the rear in an approved equestrian use. There is an internal mezzanine towards the south eastern portion of the building. The building at the time of the case officer's visits was used for domestic storage purposes. 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 is an application for full planning permission for the conversion of the existing building on the site to 1no. 4 bedroom two storey dwellinghouse with associated residential curtilage to be determined subject to a submitted plan before the committee update as per the requirements of policy RUR14 of the SADPD. The first floor would be within the roofspace at roughly the same finished floor level as the existing mezzanine proposed to be removed, so the overall envelope of the building would not be altered. Operational development in the form of a first floor window opening to serve a Juliet balcony at the south east facing gable would occur, as well as internal alterations falling outside of the scope of development per s.55 of the Town and Country Planning Act to serve the first floor accommodation.

RELEVANT HISTORY

24/0086C Prior Approval to convert existing barn into dwelling. *Withdrawn 08/MAY/2024*

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*

POLICIES

Cheshire East Local Plan Strategy

MP1 Presumption in Favour of Sustainable Development

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

SE 3 Biodiversity

SE 4 The Landscape
SE 5 Arboriculture
SE 12 Pollution/Land Contamination
SE 13 Flood Risk and Water Management
PG 2 Settlement Hierarchy
PG 6 Open Countryside
CO 1 Travel
Appendix C Parking Standards

Cheshire East Site Allocations and Development Policies Document (SADPD)

GEN1 – Design Principles
HOU8 - Housing Accessibility
HOU12 – Amenity
HOU13 - Residential Standards
PG9 - Settlement Boundaries
INF3 - Highways
ENV1 - Ecological Networks
ENV5 - Landscaping
ENV6 - Trees, Woodlands and Hedgerows
ENV16 - Flood Risk and Water Management
RUR14 - Re-Use of Rural Buildings for Residential Use

Neighbourhood Plan

There is no Neighbourhood Plan for Smallwood

Other Material Considerations

National Planning Policy Framework
National Planning Practice Guidance (NPPG)

CONSULTATIONS

Smallwood Parish Council - support the proposal.

Highways - no objection

Environmental Protection - no objection; requests conditions and informative

CEC Housing - no objection

Public Rights of Way (PROW) - no objection subject to informative

Jodrell Bank Observatory (JBO) - no consultation response

REPRESENTATIONS

None received.

OFFICER APPRAISAL

Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF) and Policies MP1 and SD1 of the Cheshire East Local Plan Strategy (CELPS) outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout the proposal.

The context to this application is that a prior approval under Class Q, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order for the same proposal was submitted and the proposal was found not to comply with condition Q1a because the application history and a site assessment indicated 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 have been satisfied; the proposal is not currently in working use as agricultural so the test overall would still be failed. Therefore, the proposal has been submitted as a full planning application. All relevant material considerations underpinned by local and national planning policy should therefore now be considered.

The site is within the designated Open Countryside. The Open Countryside is defined as the area outside of any settlement with a defined settlement boundary, as per policy PG6 of the CELPS.

Criterion 2 of policy PG6 states that within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Criterion 3 of this policy sets out exceptions to this that may be made. The relevant exception is for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension.

Policy RUR 14 of the Site Allocations and Development Policies document (SADPD), at criterion 1, states that the residential re-use of existing rural buildings will be permitted where the building is: i. of permanent and substantial construction so as not to require extensive alteration or rebuilding; and ii. of a size that is able to accommodate a satisfactory living environment in the new dwelling and any extension required must be in accordance with the requirements of Policy RUR 11 'Extensions and alterations to buildings outside of settlement boundaries' (case officer's emphasis).

The building would require the insertion of a number of new openings and the construction of new wall materials and a roof. The existing 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 previous application on site, the prior approval, was accompanied by a Structural Report. The supporting statement was brief but stated that the proposed roof construction will lead to a small increase in loads on the frames and purlins. The author of the report stated 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. However, the works proposed were 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. No new extensions to the physical building envelope would occur and the building would provide for a satisfactory living environment for occupiers as elaborated on in the amenity section of this report.

Turning to criterion 2 of this policy, which states that, The curtilage of the new dwelling must be limited to the original curtilage of the building unless an extension can be justified under Policy RUR 12 'Residential curtilages outside of settlement boundaries' and must not have a harmful effect on the character of the surrounding countryside, the proposed curtilage would be appropriately drawn about the existing area of hardstanding and would be taken to be the existing curtilage of the building. A plan is awaited from the applicant to show the extent of the proposed curtilage, to ensure that it would not introduce further encroachment into the Open Countryside.

Criterion 3 of policy RUR14 states that the proposals must be sympathetic to the building's architectural character and/or historic interest, as well as the character of its rural surroundings. Particular attention will be given to the impact of domestication and urbanisation of the proposals on the surrounding rural area including through: i. the supply of utility and infrastructure services, including electricity, water and waste disposal to support residential use; ii. the provision of safe vehicular access; iii. the provision of adequate amenity space and parking; iv. the introduction of a domestic curtilage; v. the alteration of agricultural land and field walls; and vi. any other engineering operation associated with the development.

The proposal would retain the essential form and characteristics of this fairly standard former storage barn and would not introduce further domestication to the open countryside by way of an inappropriately extended curtilage. The building is in close proximity to an existing residential unit at Farriers Cottage and would utilise the same infrastructure. Adequate amenity space in close proximity to the building, given the relatively spacious nature of the wider site, would be provided. The land to be converted to residential is currently in mixed agricultural and equestrian use. In relation to the field walls policy requirements, no field walls are proposed to be altered and no walls or fences are proposed in this application and would be conditioned as part of landscaping scheme for scrutiny to ensure that this policy is complied with. It is also recommended that Permitted Development (PD) rights for walls and fences are withdrawn by condition. So, each criterion of this policy is complied with.

Design & Character

Cheshire East Local Plan Strategy Policy SD2 states that all development will be expected to contribute positively an area's character and identity, creating or reinforcing local distinctiveness in terms of;

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

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

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and, wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

Policy GEN1 (Design Principles) sets a number of design principles that development proposals should meet. This includes the following; 1. create high quality, beautiful and sustainable buildings and places, avoiding the imposition of standardised and/or generic design solutions where they do not establish and/or maintain a strong sense of quality and place; 2. create a sense of identity and legibility by using landmarks and incorporating key views into, within and out of new development; 3. reflect the local character and design preferences set out in the Cheshire East Borough Design Guide supplementary planning document unless otherwise justified by appropriate innovative design or change that fits in with the overall form and layout of their surroundings.

As stated above the proposed building would retain the essential form and characteristics of this fairly standard former storage barn and would not introduce further domestication to the open countryside by way of an inappropriately extended curtilage. It would be read against the wider site as a congruent feature in this former farmstead where an existing residential use is in close proximity with an associated domestication already in situ in visual amenity terms. The landscaping scheme proposed to be conditioned would ensure the proposal site comfortably in the area with an appropriately drawn residential curtilage. There are no listed buildings within or about the site that would be impacted. A condition regarding the withdrawal of householder PD rights for extensions and outbuildings is considered reasonable and necessary given the principle of this development as re-use and conversion of an existing rural building and its justification on that basis.

Overall the above referenced policies on design and visual amenity would be adhered to.

Impact on Residential Amenity

Policy HOU12 of the SADPD states, inter alia, that development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development.

Policy HOU13 of the SADPD states, inter alia, that proposals for housing development should generally: i. meet the standards for space between buildings as set out in Table 8.2 'Standards for space between buildings', unless the design and layout of the scheme and its relationship to the site and its characteristics provides an adequate degree of light and privacy between buildings; and ii. include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development.

The site is that of an isolated one and no neighbour would be overlooked or impacted in terms of light levels by the proposed dwellinghouse, likewise for occupants of the proposed replacement dwelling.

Policy HOU8 of the SADPD states, inter alia, that proposals for new residential development in the borough should meet the Nationally Described Space Standard (NDSS).

The proposal offers 4 bedrooms across 2 floors. The NDSS for such dwellings is a gross internal floor area of 97m²-124m² depending on how many of each bedroom would be occupied by a couple. The proposed dwellinghouse has a gross internal floor area of some 217m²; so would comply with policy HOU8.

Overall then the proposed dwellinghouse would provide for an acceptable level of residential amenity to neighbours and occupiers.

Environmental Protection

Policy SE12 of the CELPS states that the council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. Developers will be expected to minimise, and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (including additional traffic) during both the construction and the life of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.

Approved document S of the new building regulations stipulates provision of electric vehicle charging infrastructure, removing the need or relevance to planning of the requested electric vehicle charging point condition.

Standard land quality / contaminated land conditions have been requested and are recommended in the event of a grant of planning permission.

As Environmental Protection has no objection to the proposal subject to these conditions it is considered that policy SE12 of the Development Plan would be complied with.

Impact on Highway Network and Highways Safety

Policy INF3 of the SADPD states that development proposals should: i. comply with the relevant Highway Authority's and other highway design guidance; ii. provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles; iii. make sure that development traffic can be satisfactorily assimilated into the operation of the existing highway network so that it would not have an unacceptable impact on highway safety, or result in severe residual cumulative impacts on the road network; iv. incorporate measures to assist access to, from and within the site by pedestrians, cyclists and public transport users and meets the needs of people with disabilities; and v. not generate movements of heavy goods vehicles on unsuitable roads, or on roads without suitable access to the classified highway network.

The proposal will have a negligible net highways impact and will utilise an existing access onto the highway. There will be adequate room within the site for parking and no objection is raised.

The proposal would therefore comply with policy INF3 of the SADPD and policy CO1 of the CELPS.

Drainage

It is noted that the site is in floodzone 1, and the proposal meets the tests of standing advice to negate the need for consultation of the Lead Local Flood Authority. As the proposal is not in an area of high flood risk this satisfies the requirements of policy SE13 of the CELPS and ENV16 of the SADPD which state the need for a flood risk assessment (FRA) where there is an identified risk of flooding.

Jodrell Bank

Jodrell Bank Observatory (JBO) have not commented on the application suggesting they have no objection to the proposal. As a single dwellinghouse in the Jodrell Bank outer zone there is not considered to be any significant impact in terms of impairing the efficiency of the telescope in accordance with policy SE14 of the CELPS.

Trees/Ecology

There are no protected trees on or nearby to the site, and no significant ecological issues are anticipated. The building was in continuing use at the time of the case officer's visits and no significant loss of trees would occur. A soft landscaping condition approved as part of the design rationale for approval would help to introduce further ecology benefits as per policies ENV2 or ENV5 of the SADPD. The proposal is exempt from the requirement to provide biodiversity net gain due to the proposal impacting less than 25m² of on-site habitat, with the operational development mainly relating to the modification of the existing structure.

CONCLUSION

The proposed development would be acceptable in principle in this location. There would be no harm to the character of the area in visual amenity terms, nor would there would be an adverse highway safety impact, and there are no residential amenity impacts. It is therefore considered that planning permission should be granted.

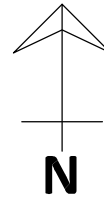
RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Removal of Permitted Development Rights for extensions, outbuildings and walls/fences
5. Landscaping Scheme to be submitted
6. Landscaping Scheme to be implemented
7. Actions in event of any unidentified contamination being identified



24/1796C

FARRIERS COTTAGE, MOSS END
LANE, SMALLWOOD,
MACCLESFIELD

[illegible]

NOTES

All building work is to conform with full planning approval, application drawings and stipulated planning conditions approved by the Local Planning Authority.

All building work is to conform with 1991 Building Regulations and all Subsequent revised documents and to the satisfaction of the building control officer or equally approved.

The contractor is to check all dimensions and conditions on site before commencing. Figured dimensions shall be preferred to scaled dimension. All adjoining properties are indicative layouts and are not to be scaled.

Drawing to be read in conjunction with the Employers Requirements and relevant specification documents.

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Farriers Cottage
Moss End, Smallwood, CW11 2XQ
for John Wray

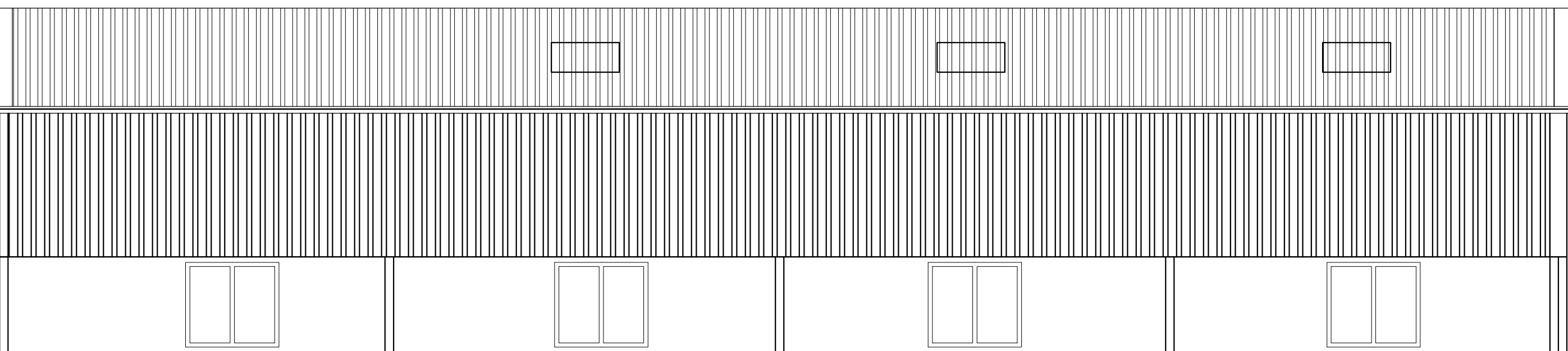
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SCALE: 1:1250 @ A4 DATE: Nov 2023

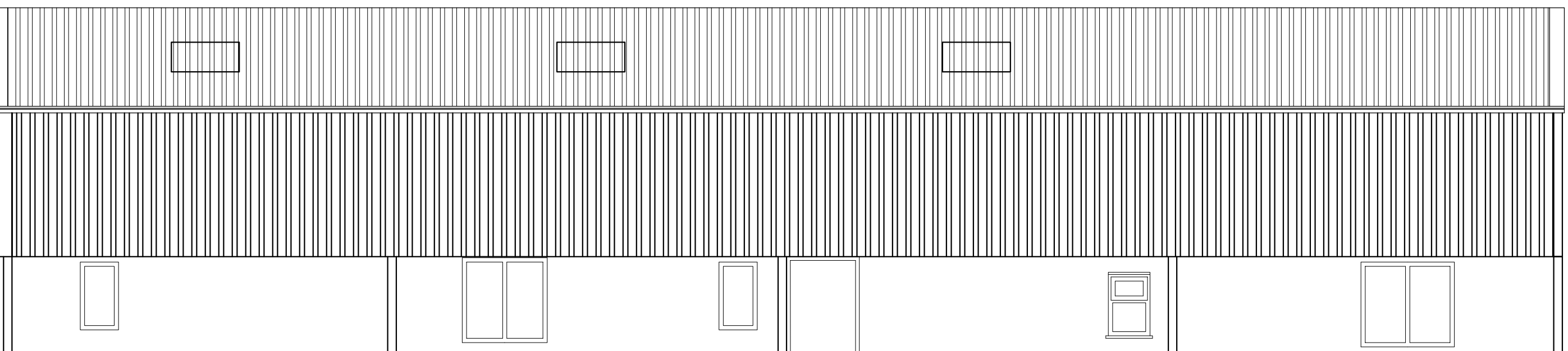


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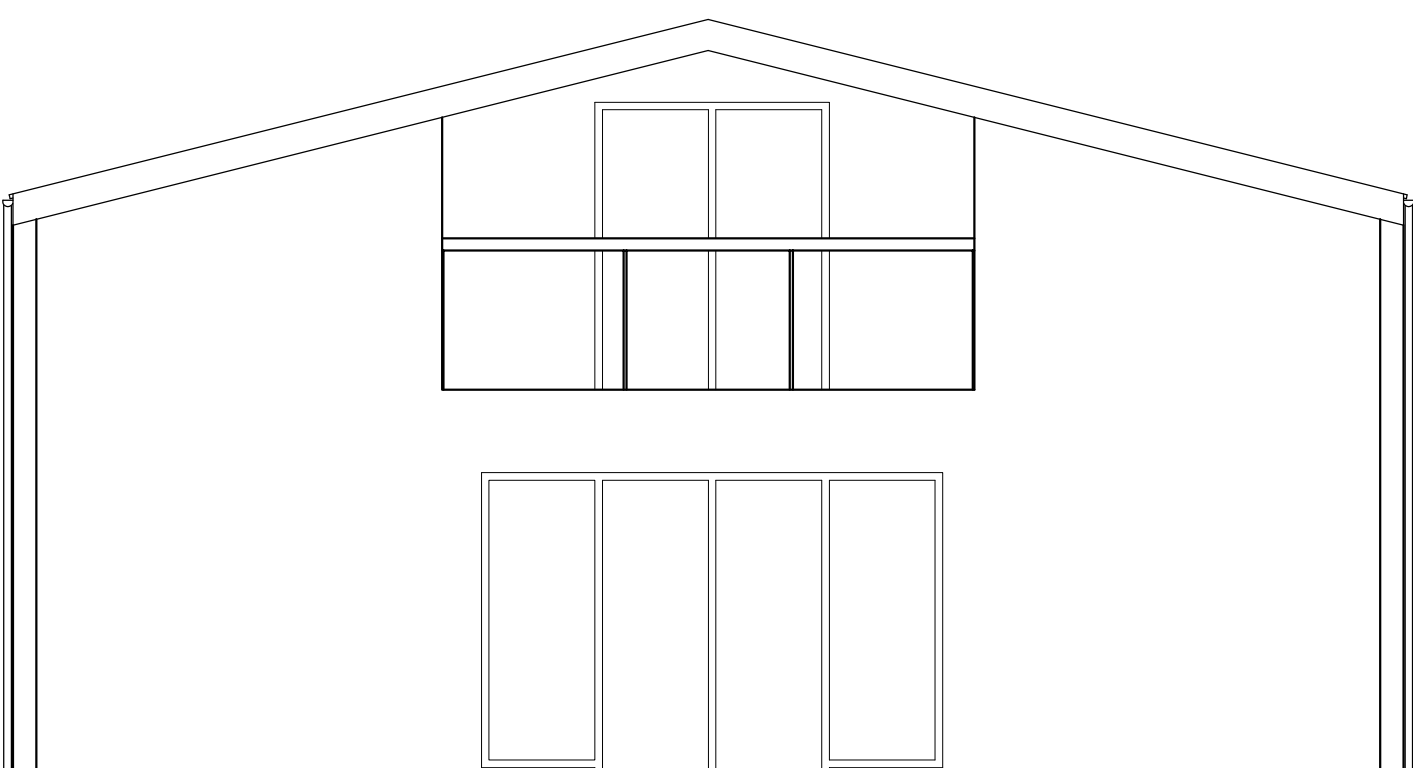


North East Site Plan

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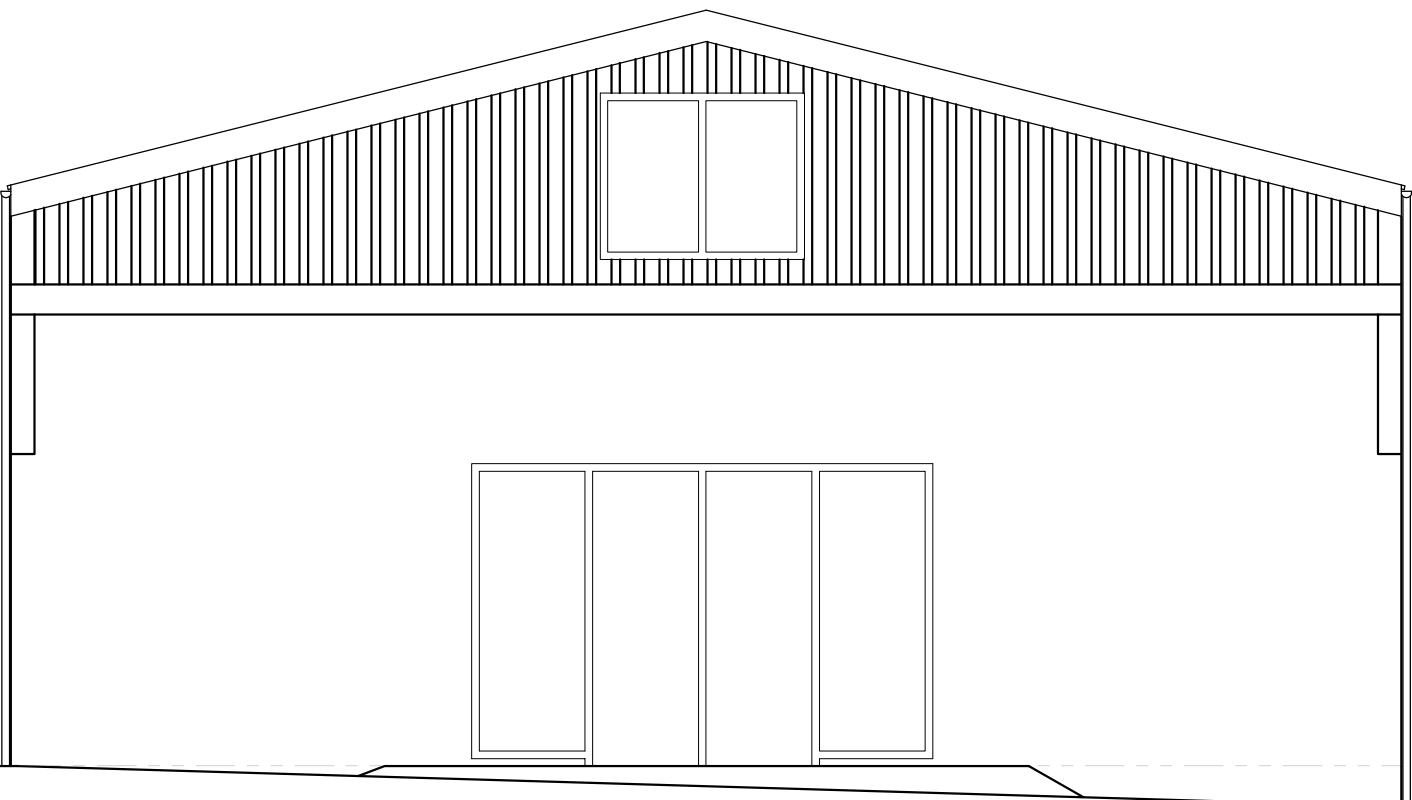


South West Site Plan



South East Site Plan

1:50



North West Site Plan

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for John Wray

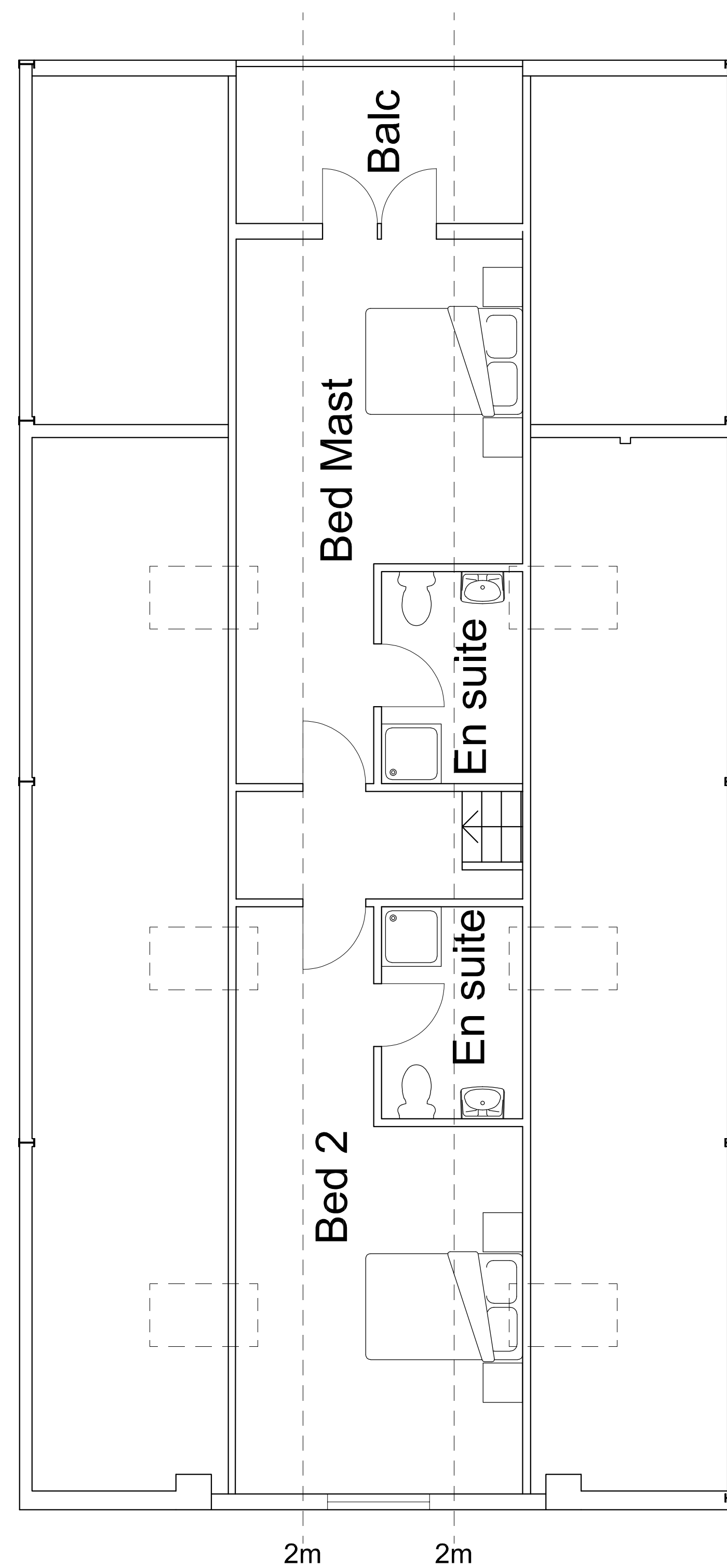
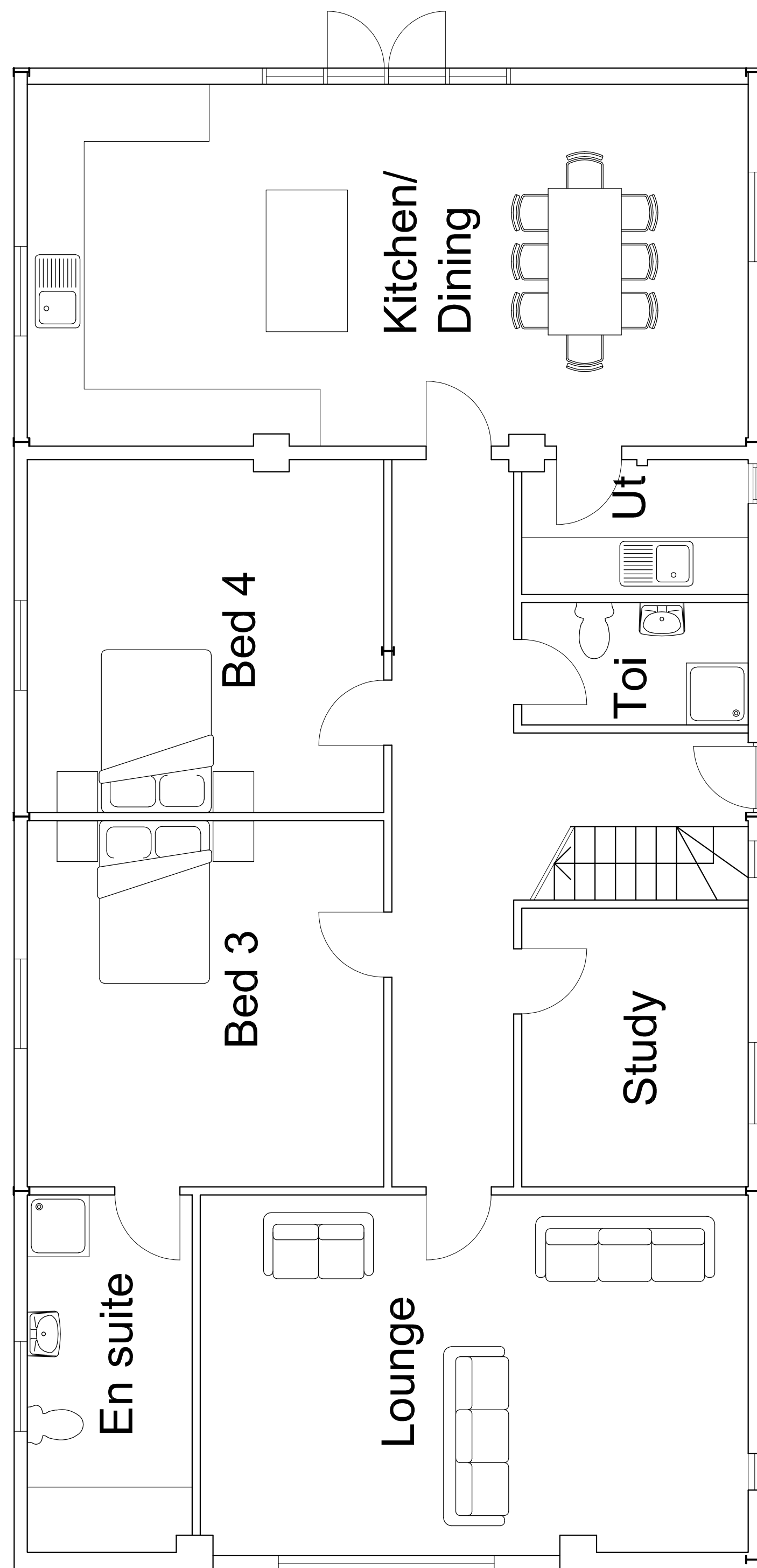
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Proposed Elevations

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| DRAWING:- 1620 - 202 Planning | Rev |
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SCALE: 1:50 @ A1 **DATE:** Nov 2023



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Moss End, Smallwood, CW11 2XQ
for John Wray

DRAWING NAME:
Proposed Floor Plan

DRAWING:-

1620 - 201
Planning

SCALE: 1:50 @ A1 **DATE:** Nov 2023

JAP

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Application No: 24/2021M

Location: 1, ARBOUR CRESCENT, MACCLESFIELD, SK10 2JB

Proposal: 2 Storey side extension with single storey rear extension to provide additional living accommodation.

Applicant: Mr Matthew Guttmann

Expiry Date: 29-Jul-2024

SUMMARY

The application site lies within the settlement boundary of Macclesfield. Macclesfield is identified as a Principal Town in the CELPS, where residential development is deemed acceptable subject to compliance with other policies within the development plan.

The development accords with Policies PG 2 and SD 2 of the CELPS. The development is considered to be acceptable in terms of its impact upon the residential amenities of the neighbouring residential properties surrounding the site. There is no significant conflict with Policy HOU 11, 12 or 13 of the SADPD in this regard.

The design of the proposed development is considered to be acceptable and would not result in significant harm to the character or appearance of the area. There is no significant conflict with policies SE1, SD2 of the Cheshire East Local Plan Strategy and policy GEN1 of the SADPD and the Cheshire East Design Guide.

The development is considered to be acceptable in terms of its impact upon the highway safety and parking provision. The development complies with SADPD policy INF 3 and Appendix C of the CELPS. The proposal is also acceptable in arboricultural and ecological terms.

The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the Site Allocations and Development Plan Document and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions.

SUMMARY RECOMMENDATION:

Approve Subject to Conditions

REASON FOR REFERRAL

Due to the agent for the application being an immediate family member of a Cheshire East Councillor, and due to a representation having been received objecting to the application, under the terms of the Constitution the application requires a committee decision.

DESCRIPTION OF SITE AND CONTEXT

1 Arbour Crescent is a detached dwellinghouse in a settlement boundary, ecological network core area, ecological network restoration area, a groundwater source protection zone, and an aerodrome safeguarding area.

Along the northern boundary of the site is a group tree preservation order.

The dwellinghouse is a 3-bed dwelling over three floors (including a basement). The dwelling is in an elevated position in comparison to the pavement on Arbour Crescent and the front elevation is accessed via a ramp and steps.

Along the south boundary is a detached garage also in an elevation position in comparison to the road. To the north of the site is a neighbouring detached flat roof garage. The rear of the site contains an established hedgerow and affords a level of existing screening to existing and the proposed dwelling on Arbour Close.

Dwellings along Arbour Crescent are relatively uniform in design and have front facing dormer style windows, however 1 Arbour Crescent is an anomaly with its front facing gable, and elevated position.

DETAILS OF PROPOSAL

This application seeks householder planning permission for a two-storey side extension with single storey rear extension to provide additional living accommodation. The proposal will result in a 4-bed dwelling. The on-site garage, to the south of the dwelling is to remain.

RELEVANT PLANNING HISTORY

No relevant history on the application site.

To the rear of the site is a recently approved application for a new dwelling (app 24/0399M).

CONSULTATIONS (External to Planning)

Macclesfield Town Council – No comments received.

REPRESENTATIONS

1 letter of representation has been received objecting to the proposal on the following grounds:

- increase in height and size of the proposal would have a significant impact on 20, 22 & 24 Brocklehurst Way in terms of reduced loss of light and the occupant's outlook.
- overshadowing especially during winter
- non-compliance with the 45-degree and 25-degree rules on the rear windows at 20, 22 & 24 Brocklehurst Way.
- overlooking
- does not contribute to preserving the character and appearance of the area.
- proposed extension is 8-metre high from the street level as well as the rear gardens of the adjoining properties, making it extremely visible.

3 letters of representation have been received from residents on Arbour Close making the following comments in support of the proposal:

- sympathetic and in keeping with other houses locally.
- sufficient off-road parking / no additional traffic.
- allows a growing family to remain in the local area.
- applicant proactive and decent in his notification of near neighbours.
- no adverse effect on other residents or properties.
- add to the value of the local properties in a positive way.
- style of the property is not being changed.
- conservatory will now be a brick-built room. This will reduce Co2 compared to a conservatory and will also improve the privacy for his neighbours.

POLICIES

Cheshire East Local Plan Strategy

| | |
|------|--|
| MP1 | Presumption in Favour of Sustainable Development |
| SD1 | Sustainable development in Cheshire East |
| SD2 | Sustainable development principles |
| SE1 | Design |
| SE3 | Biodiversity and Geodiversity |
| SE4 | Landscape |
| SE5 | Trees, Hedgerows and Woodland |
| SE9 | Energy Efficient Development |
| SE12 | Pollution, Land Contamination and Land Instability |
| SE13 | Flood Risk and Water Management |
| IN1 | Infrastructure |
| PG1 | Overall Development Strategy |
| PG2 | Settlement Hierarchy |

Appendix C Parking Standards

Site Allocations and Development Policies Document (SADPD)

PG 9 Settlement Boundary
GEN 1 Design Principles
GEN 5 Aerodrome Safeguarding
ENV 1 Ecological network core area
ENV 3 Landscape Character
ENV 6 Trees, hedgerows and woodland implementation
ENV 7 Climate Change
ENV 16 Surface water management and flood risk
ENV 17 Groundwater Source protection zone
HOU 11 Extensions and alterations
HOU 12 Amenity
HOU13 Residential standards
INF 3 Highway safety and access

Neighbourhood Plan

There is no Neighbourhood Plan covering this site.

Other Material Considerations

- National Planning Policy Framework
- National Planning Practice Guidance
- Cheshire East Borough Design Guide SPD

OFFICER APPRAISAL

Design and impact on the character and appearance of the area

Policy SE1 and SD2 of the CELPS and GEN1 of the SADPD require proposals to achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. All development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, choice of materials, and external design features. In addition, in terms of its relationship to neighbouring properties, the street scene and wider neighbourhood.

The objection regarding the proposed development not contributing to preserving the character and appearance of the area is acknowledged. The comments in support are also noted with regard to the proposal being sympathetic and in keeping with other houses locally and the style of the property is not being changed.

Dwellings along Arbour Crescent are relatively uniform in design and have front facing dormer style windows, however 1 Arbour Crescent is an anomaly with its front facing gable, and elevated position. The existing materials include brick, white render, timber cladding and pebble dash render. The proposed materials of brick to match the existing and new white render

to replace the existing render are therefore considered to be in keeping with the existing and the wider character of the area. The roof tiles and windows are also proposed to match existing.

1 Arbour crescent has a relatively narrow front facing elevation (approx. 6.2m wide) in comparison to other dwellings on Arbour Crescent (2 and 4 Arbour Crescent measure approx. 12m wide). The proposed hipped roof extension will result in the front elevation measuring approx. 10 m wide. The additional mass and bulk will not look out of character and will bring the width of its frontage more in line with other properties along Arbour Crescent.

The proposed flat roof rear extension replaces an existing conservatory, will not be particularly visible from public vantage points and is an appropriately designed addition to the existing dwelling.

Bearing the above points in mind, the proposed development would not detract from the established character and appearance of the area. The design and scale respect the design of the existing dwelling and the character of the area. Accordingly, the proposal would be in accordance with policies SE1, SD2 of the Cheshire East Local Plan Strategy and policies GEN1 or HOU 11 of the Site Allocations and Development Policies Document.

Amenity

As detailed above, one objection has been received which raised amenity concerns. The concerns are specifically with regard to the impact of the extension on the living conditions of the nearest properties on Brocklehurst Way, to the north of the site.

SADPD Policy HOU11 states that extensions or alterations should not cause unacceptable harm to the amenity of nearby occupiers or future occupiers of the dwelling in line with Policy HOU12 of the SADPD.

SADPD Policy HOU12 sets out that proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to: loss of privacy, sunlight and daylight, the overbearing and dominating effect of new buildings, environmental disturbance or pollution or traffic generation, access and parking.

Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

The rear elevations of dwellings on Brocklehurst Way will face a hipped roof extension, the proposed elevation facing Brocklehurst Way is to contain a door leading into a utility and there is also to be a roof light. No habitable room windows are to be located on the proposed north elevation.

The rear elevations of Brocklehurst Way will therefore face an elevation with no habitable room windows and therefore according to Policy HOU 13 of the SADPD a 14m separation distance is required for a two-storey dwelling, and 16.5m for a three-storey dwelling. The policy explains that proposals for housing development should generally meet the above-mentioned standards for space between buildings, unless the design and layout of the scheme and its relationship to

the site and its characteristics provides an adequate degree of light and privacy between buildings.

The application property appears from the street to be a two-storey property elevated above the road level of Arbour Crescent. A basement level occupies the space below the ground floor. The level of Arbour Crescent rises up to the north where it meets Brocklehurst Way. This results in the ground floor level of the properties on Brocklehurst Way being approximately the same as the application site (as shown on the submitted site section). Consequently, it is considered that the relationship is one between two-storey properties, and that a 14m separation distance is required. The actual distance between the north elevation of the extension and the nearest property on Brocklehurst Way is 15.28m, which is well in excess of the required 14m. The plans also show a 25-degree line from the neighbour's ground floor windows facing the proposed extension, which is a well-established rule of thumb to demonstrate that there will be no significant loss of light or outlook from these neighbouring properties. For these reasons the impact upon the living conditions of the properties on Brocklehurst Way is considered to be acceptable.

A dwelling to the rear, on Arbour Close, has recently been approved (24/0399M). Taking into account the rear boundary screening, the angle of the dwellings on Arbour Close and the existing relationship between the application site and these neighbours, the proposal does not bring any closer to the rear boundary line, and consequently no substantial amenity issues are anticipated to the existing or proposed dwellings on Arbour Close.

Similarly, due to the proposed development not protruding any closer to Arbour Crescent and given the existing conservatory to the rear and the garage to the south of the site, no substantial amenity issues are anticipated to dwellings to the south or west. However, if the application is approved, a condition to prevent the rear flat roof of the extension from being used as a balcony is recommended to protect the residential amenities of the occupants of neighbouring properties.

Bearing the above points in mind, the proposed development will not result in unacceptable harm to the residential amenity of adjacent neighbours in terms of overlooking, loss of privacy or overshadowing and as such complies with the objectives of policy HOU 11, HOU 12 and HOU 13 of the SADPD and the NPPF.

Highway Safety

The existing dwelling contains 3 bedrooms, the proposed dwelling will contain 4 bedrooms. According to appendix C of the SADPD a 3-bedroom dwelling requires 2 parking spaces per dwelling, a 4-bedroom dwelling requires 3 spaces per dwelling. A standard parking bay should be a size of 4.8m x 2.5m.

The proposed site can accommodate 3 parking spaces at the size required and as the access and egress to the site is remaining the same, the proposal is considered to be acceptable in highway safety terms and in accordance with both policy INF 3 and appendix C of the SADPD.

Trees

A Tree Preservation Order exists along the northern boundary of the site, however, the actual trees listed as being formally protected (X6 Sycamore) by the Borough of Macclesfield Tree Preservation Order No.2 1956 are no longer present. Semi mature and young trees and established hedgerows and shrubberies are now located within and to the boundaries of the plot and afford a level of existing screening to adjacent properties.

The Arboricultural Officer has assessed the proposal and notes that whilst there are no objections to the proposal in terms of impacts to trees, there is some boundary screening present. During the course of the application the applicant has submitted existing and proposed landscape plans to demonstrate the intention to retain the existing vegetation. The proposed development is acceptable in arboricultural terms and is in accordance with policy SE5 of the Cheshire East Local Plan, ENV 6 of the Site Allocations and Development Policies Document, and the NPPF.

Nature Conservation

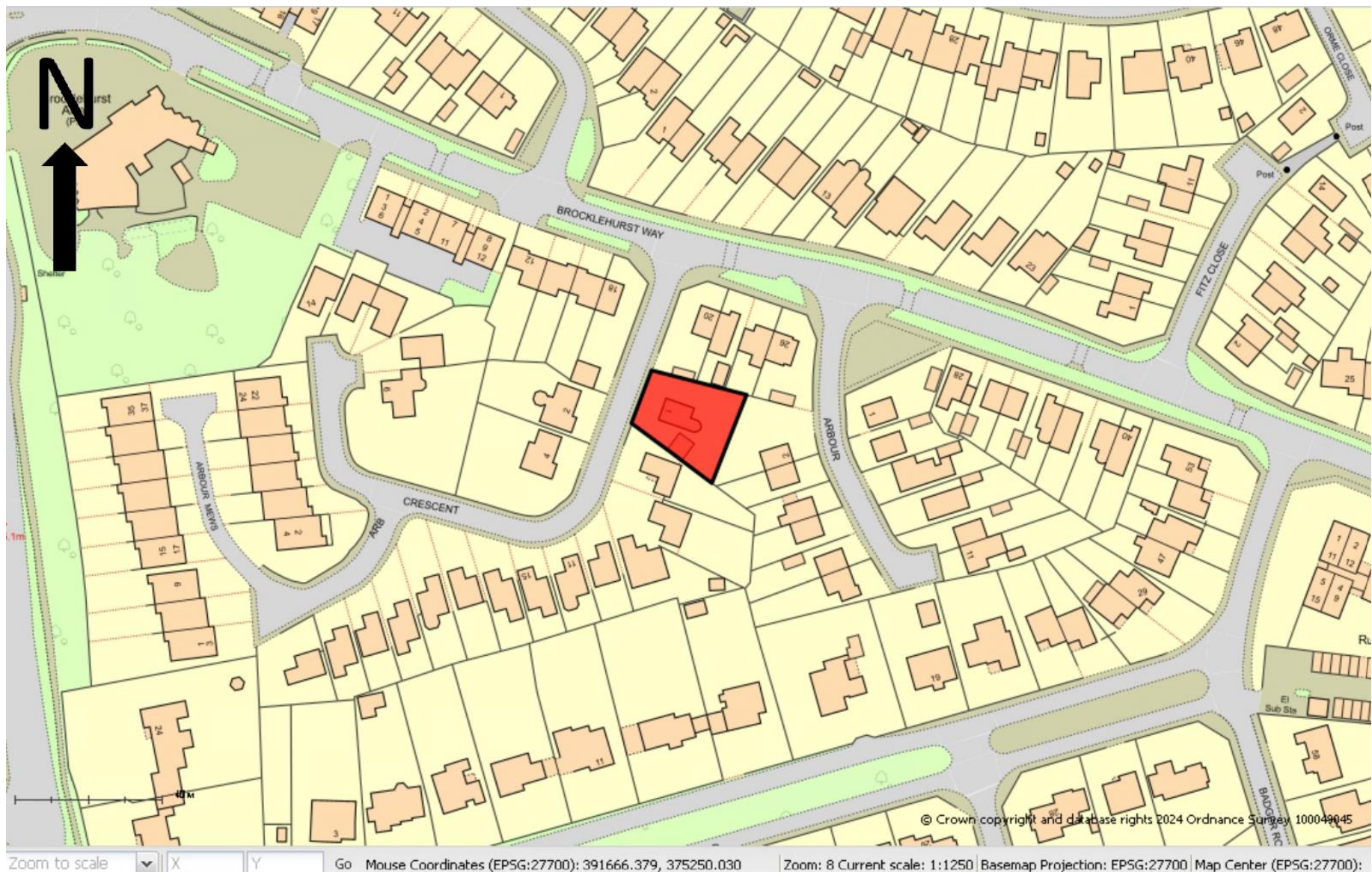
The site is within an ecological network core area and ecological network restoration area. Given the relatively limited scale of the proposal no significant ecological issues are anticipated.

CONCLUSION

The proposed development raises no significant issues in terms of the impact on neighbouring properties, the character of the area, highway safety, trees and ecology. The proposal complies with the relevant policies of the development plan and is considered to be a sustainable form of development. A recommendation of approval therefore made.

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Prevention of use of flat roof as balcony

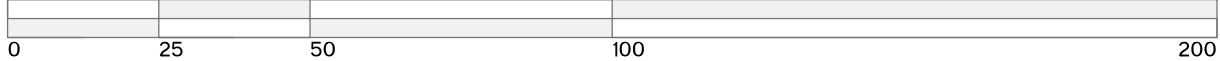


24/2021M

1 ARBOUR CRESCENT,
MACCLESFIELD



Scale 1:1250



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Project
1 Arbour Cresnet
Tytherington

Project No.
NA-2405

Revisions

| Rev | Description | By | Date |
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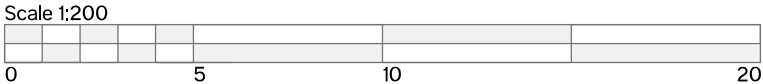
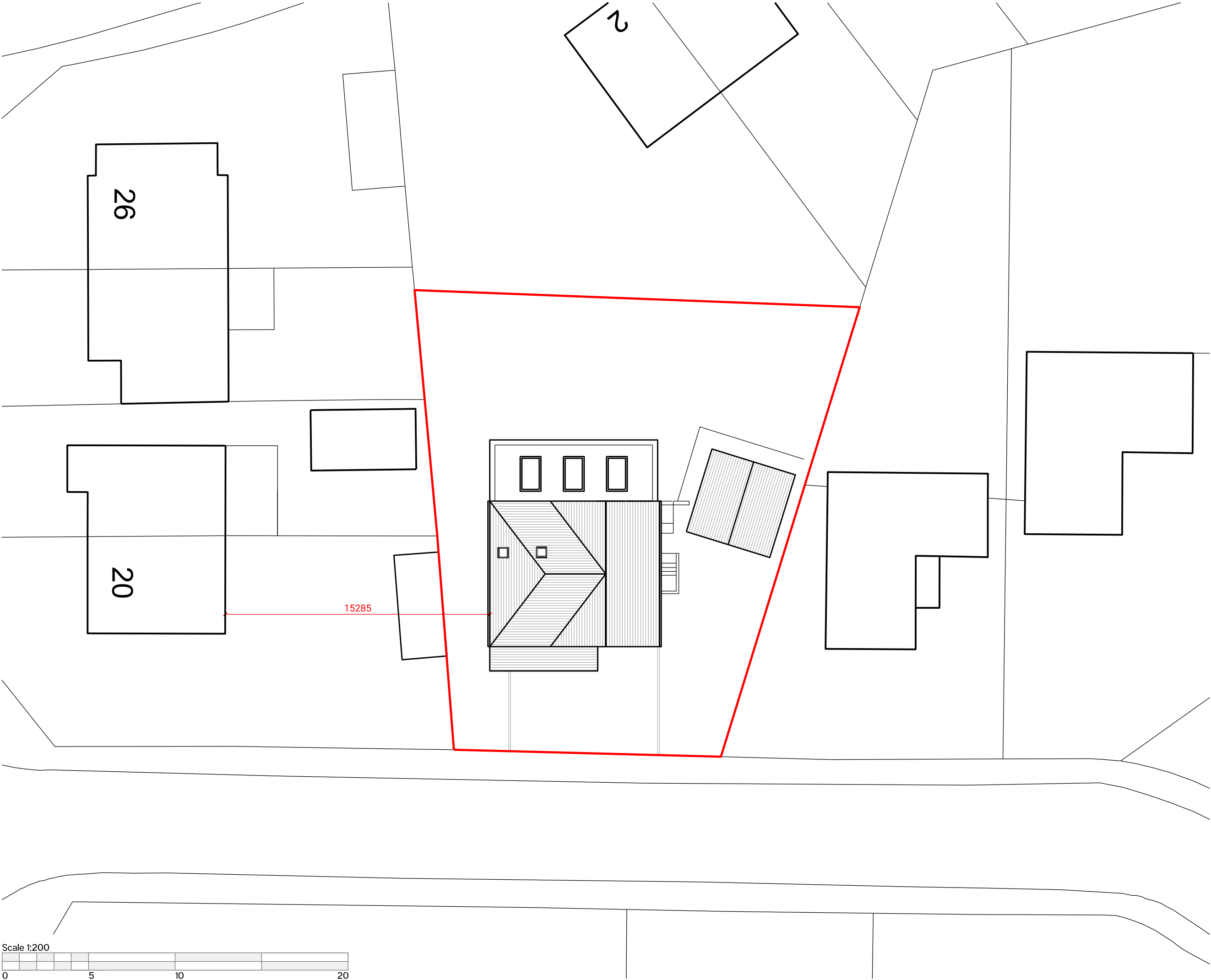


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Site Location Plan

Scale Date Status
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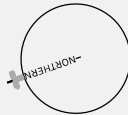
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Revisions

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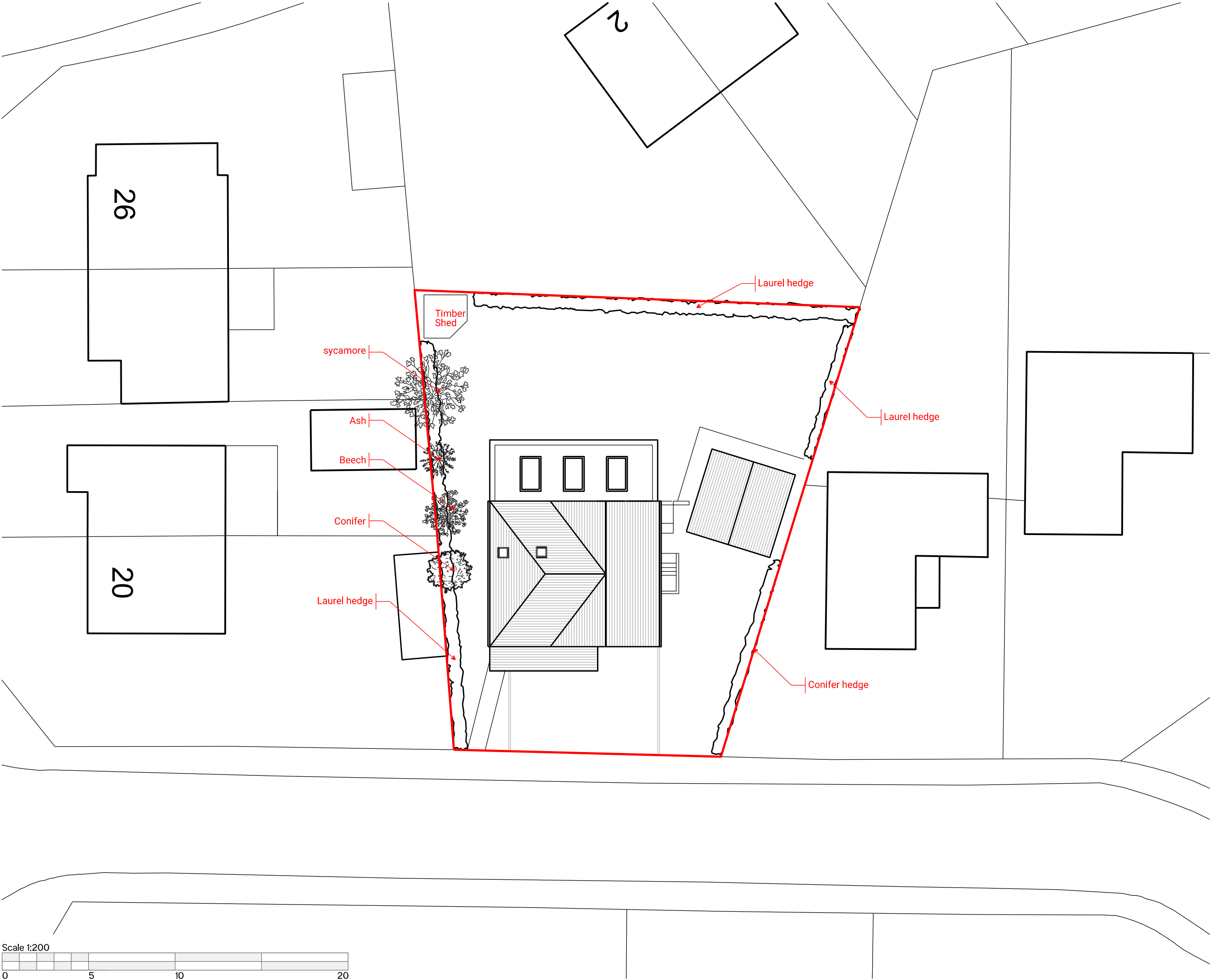


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Ground Floor Plan as
Proposed_REV01

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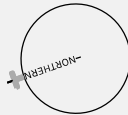
Project
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Tytherington

Project No.
NA-2405

Revisions

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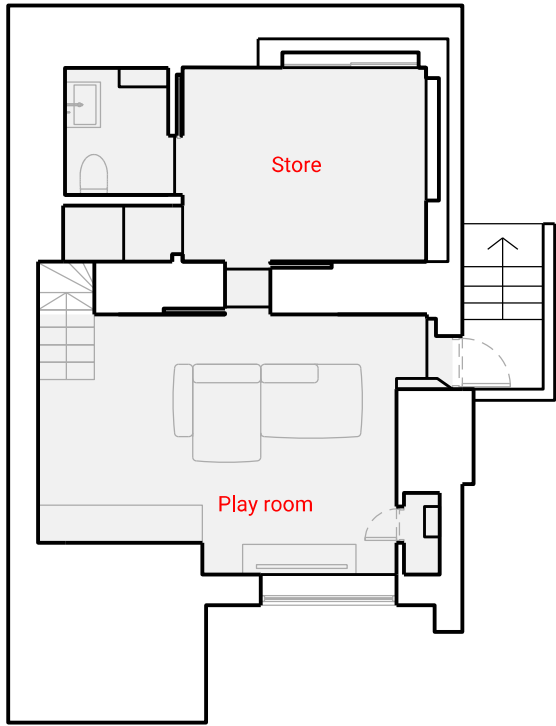


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Plan as Proposed**

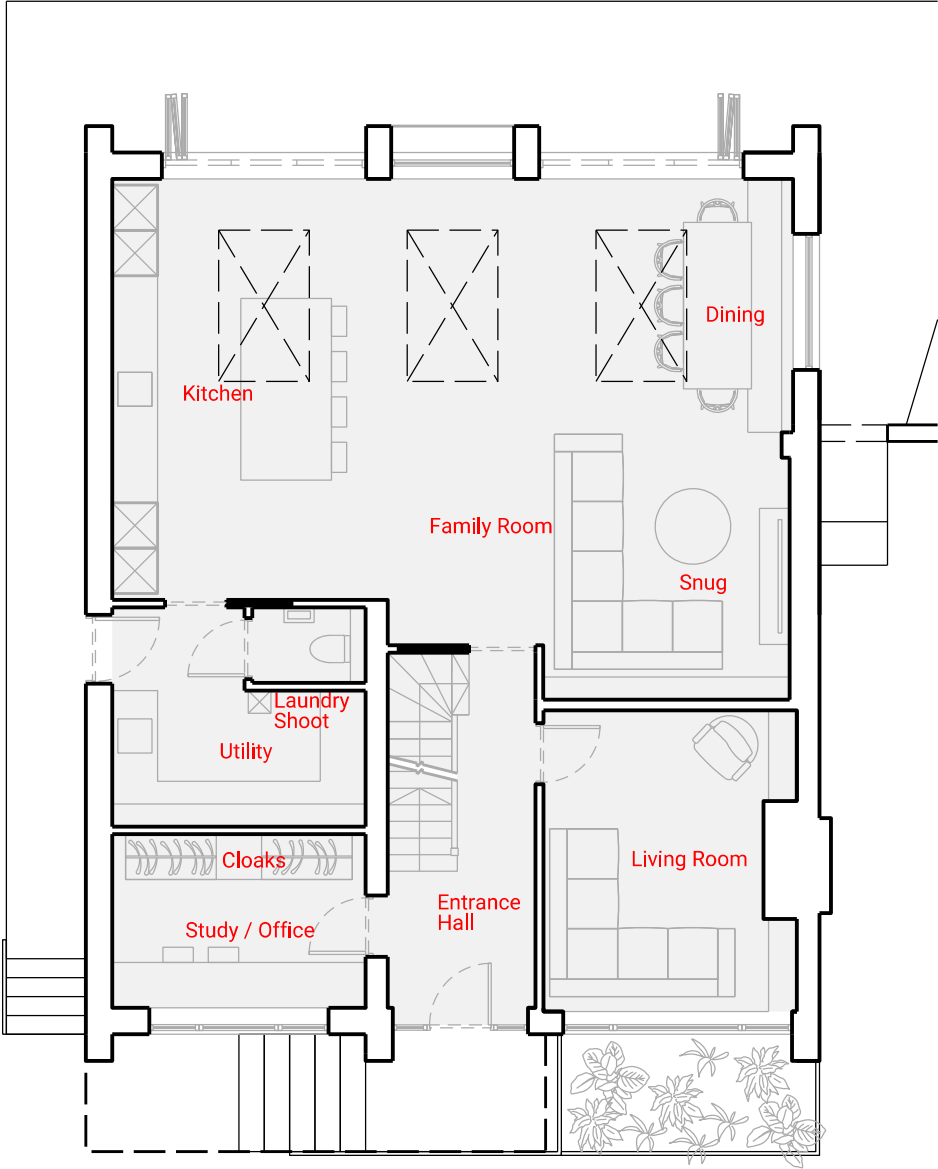
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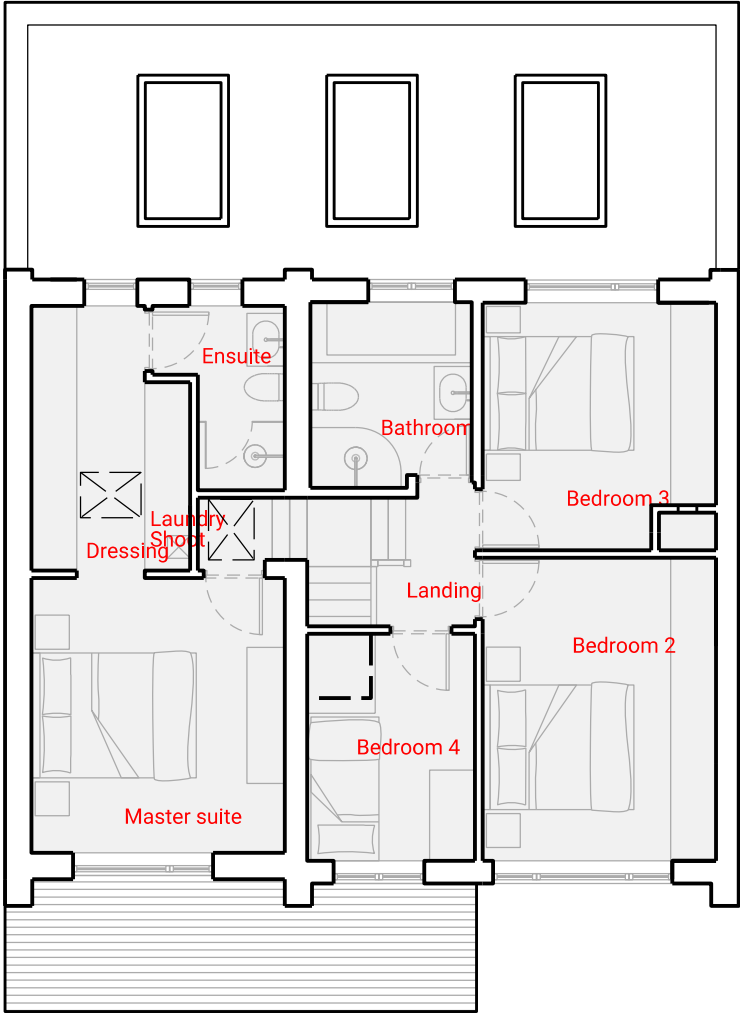
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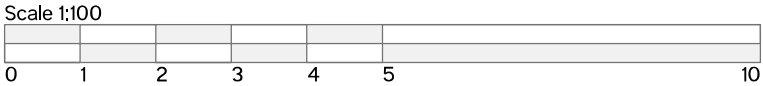
Basement Floor Plan



Ground Floor Plan



First Floor Plan



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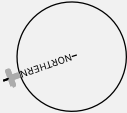
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Drawing Title
Floor Plans as Proposed

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| 1:100 @ A3 | June 24 | 03 |

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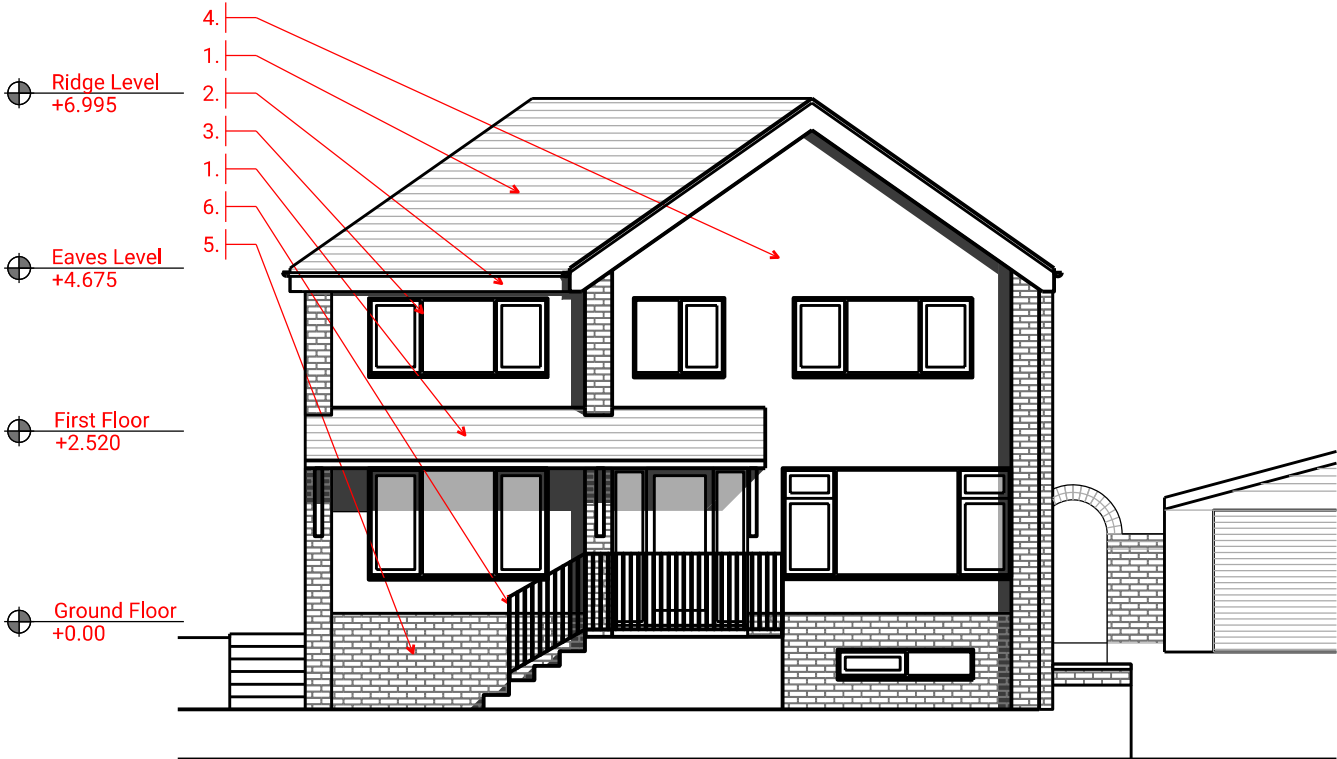
- Notes:
1. Roof tiles to match the existing
 2. New Facia Boards
 3. New windows to match the existing
 4. New White Render
 5. New brickwork to match the existing
 6. Black steel balustrade
 7. Roof light

Drawing Title
Front (W) & Side (S)
Elevations as Proposed

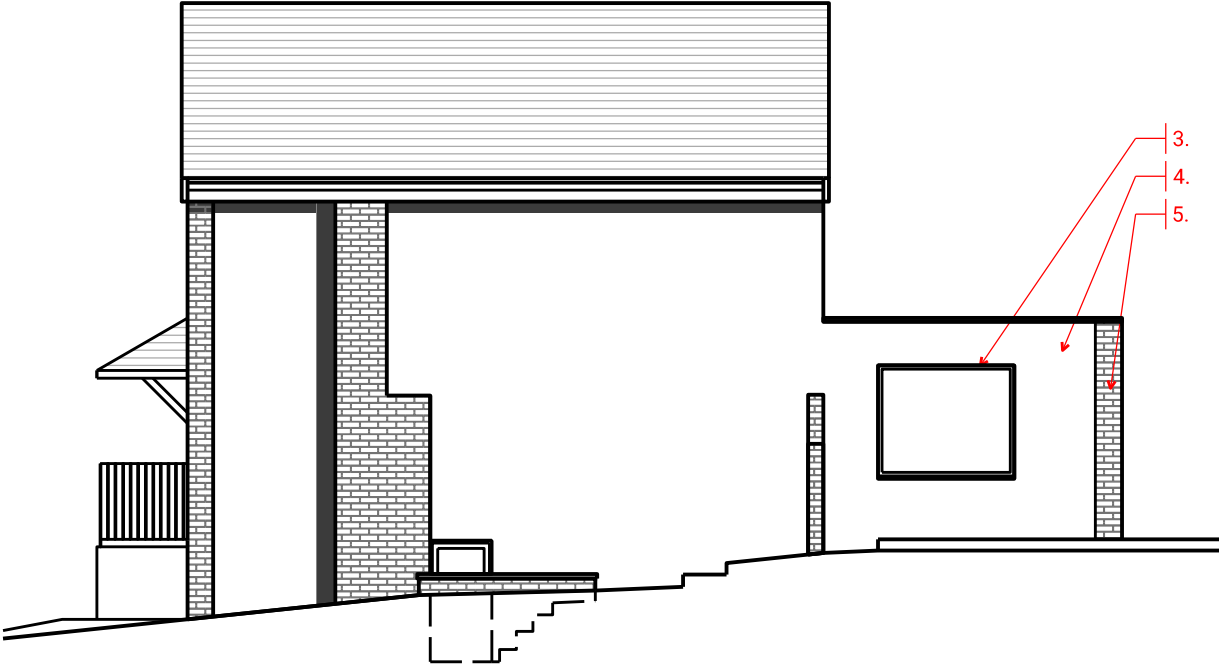
Scale Date Status
1:100 @ A3 June 24 03

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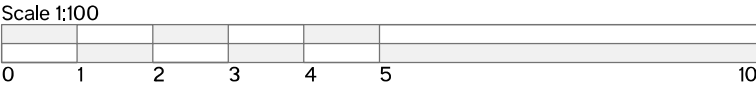
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Front (West) Elevation



Side (South) Elevation



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Project
1 Arbour Cresnet
Tytherington

Project No.
NA-2405

Revisions

| Rev | Description | By | Date |
|-----|-------------|----|------|
| | | | |
| | | | |
| | | | |
| | | | |

- Notes:
1. Roof tiles to match the existing
 2. New Facia Boards
 3. New windows to match the existing
 4. New White Render
 5. New brickwork to match the existing
 6. Black steel balustrade
 7. Roof light

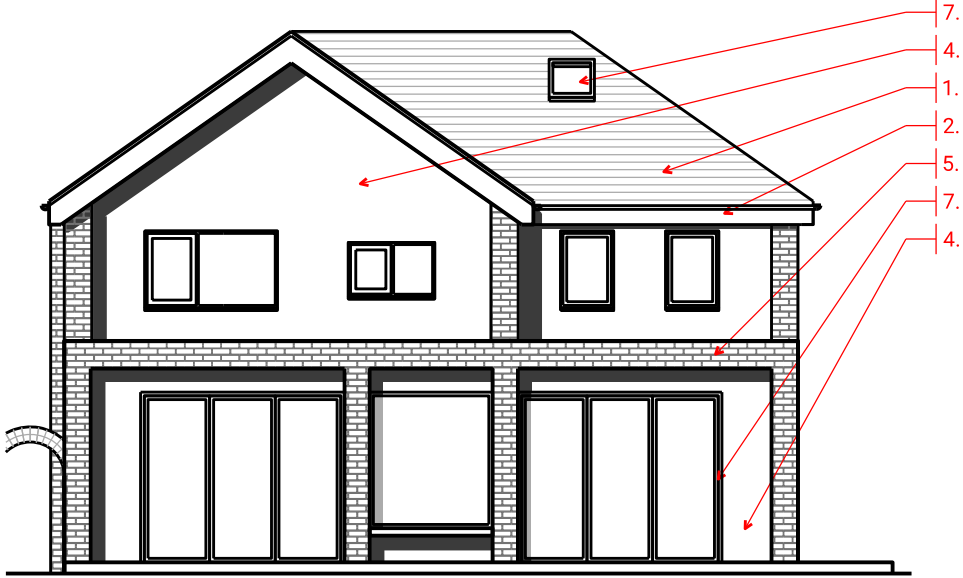
Drawing Title
Rear (E) & Side (N)
Elevations as Proposed

Scale Date Status
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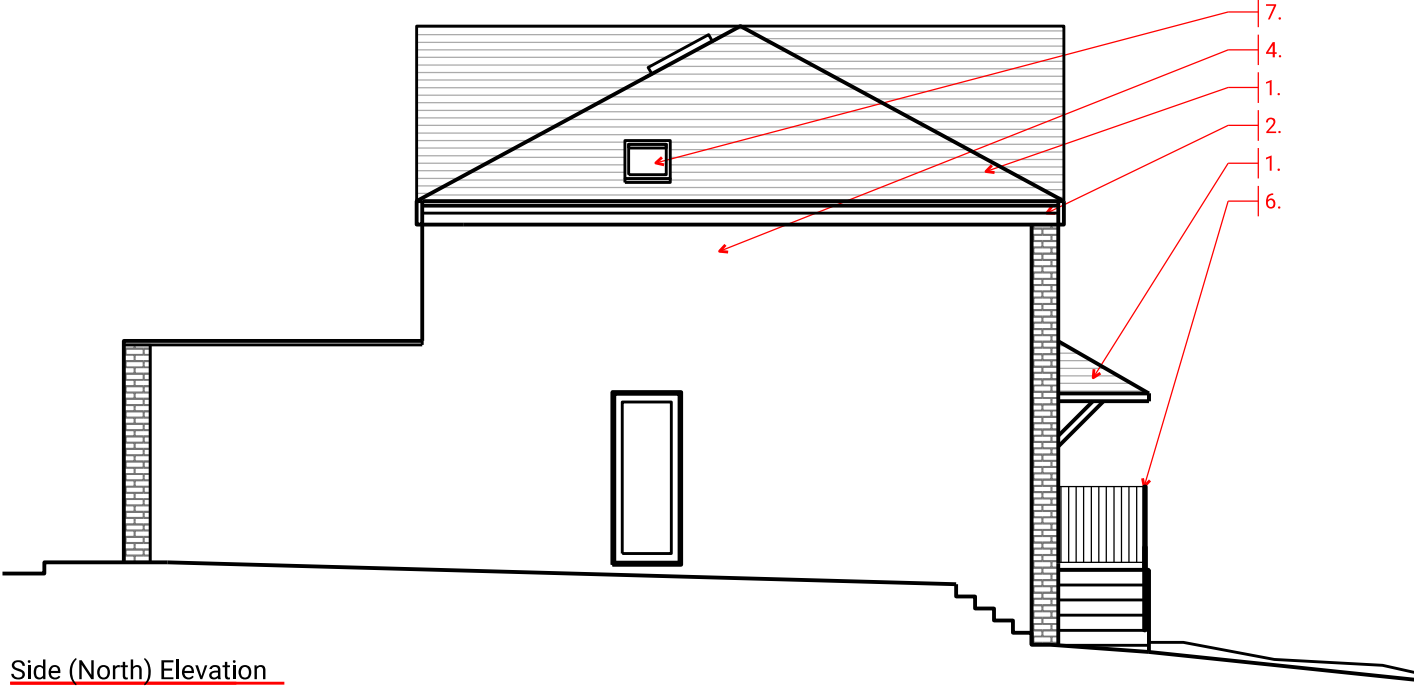
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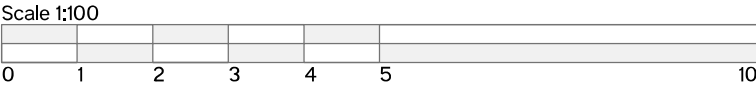
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+6.995
- Eaves Level
+4.675
- First Floor
+2.520
- Ground Floor
+0.00

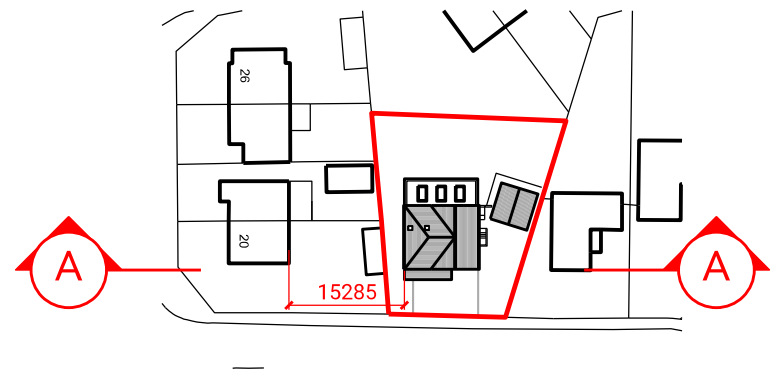
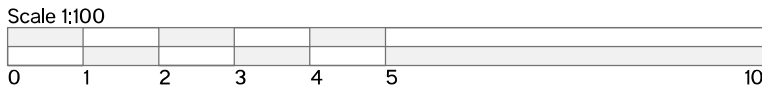
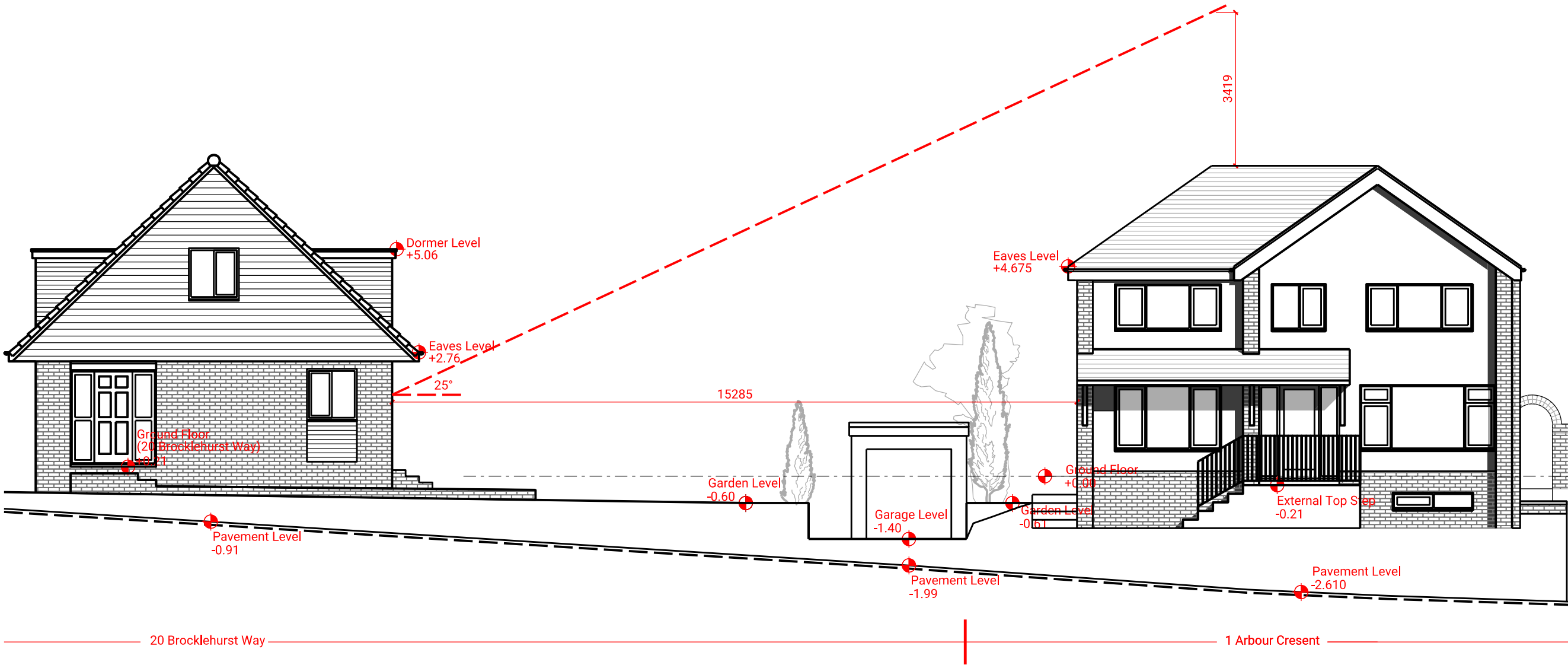


Rear (East) Elevation

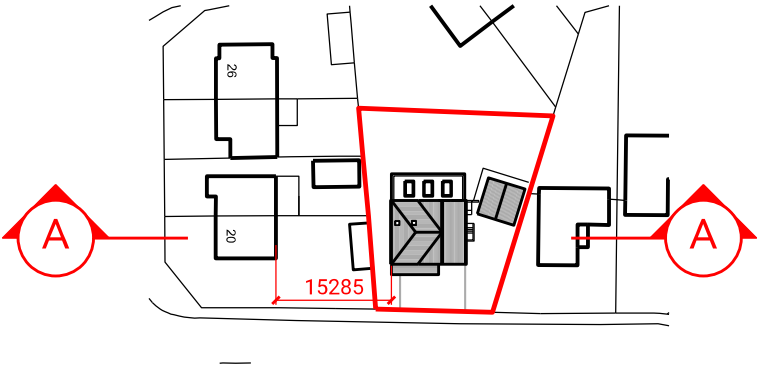
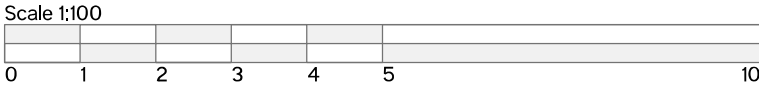
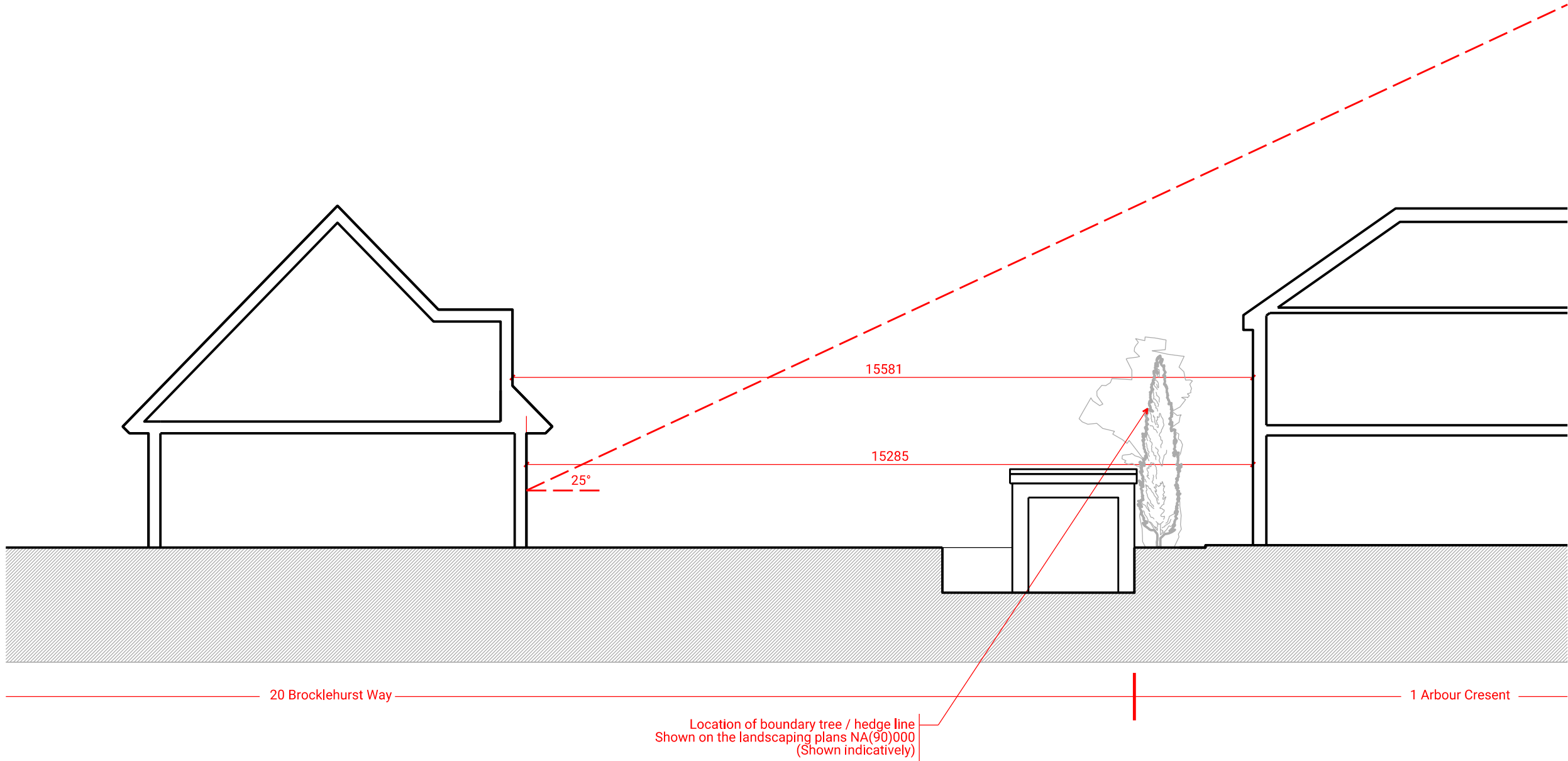


Side (North) Elevation





| Rev | Description | By | Date |
|-----|-------------|----|------|
| | | | |
| | | | |
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|-----|-------------|----|------|
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Notes:

Drawing Title
Site Section AA
as Proposed

Scale Date Status
1:100 @ A3 July 24 Planning

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OPEN

Northern Planning Committee

21 August 2024

Cheshire East Borough Council (Macclesfield - 1 Kershaw Grove) Tree Preservation Order 2024

Report of: David Malcolm - Head of Planning

Report Reference No: NP/01/24-25

Ward(s) Affected: Broken Cross and Upton

Purpose of Report

- 1 To inform the committee about the background and issues surrounding the making of a Tree Preservation Order on 27th March 2024 at 1 Kershaw Grove, Macclesfield; to consider representations made to the Council with regard to the contents of the TPO and to determine whether to confirm or not to confirm the Order.

RECOMMENDATIONS

The Head of Planning (Regeneration) recommend that the Northern Area Planning Committee confirm the Tree Preservation Order at 1 Kershaw Grove with no modifications.

Background

Introduction

- 2 The circumstances are that requests were made to the Council for confirmation that 2 trees, a Tulip tree and Swamp Cypress were not afforded formal protection as it was the intention of the owner to remove them.

- 3 A number of trees within the area which were formally protected by an existing TPO were conceded for removal in association with a planning application (73880P) for the Kershaw Grove development in the 1990s. The application was approved and was subject to the implementation of a Landscape Scheme which provided mitigation for the impact of the development on the character of Chester Road and made provision to replace trees lost to the development.
- 4 The two trees form part of a group of 7 trees located on a flat, wide verge to the south of properties on Kershaw Grove. The group of trees are currently fulfilling the objectives of the original landscape scheme to provide mitigation for the impact of the development on the street scene and for tree losses associated with the development in accordance with the duty under section 197 of the Town and Country Planning Act 1990 for planning permission to include appropriate provision for the preservation and planting of trees.
- 5 The loss of 2 trees from within the group would result in an erosion of existing tree cover established over time to mitigate for development and loss of trees associated with that development. A new Order will serve to ensure protection of the trees, emphasise their importance to the landscape character of the area, ensuring that they are retained in the longer term and that due consideration is given regarding their future management.
- 6 An assessment of the trees has been carried out in accordance with the Council's adopted amenity evaluation checklist which establishes that the trees contribute significantly to the amenity and landscape character of the surrounding area and are therefore considered to be of sufficient amenity value to justify protection by a Tree Preservation Order.
- 7 Under powers delegated to the Head of Planning (Regeneration), a Tree Preservation Order was made on 27th March 2024.

Objections/representations

- 8 The Council has received one objection to the Tree Preservation Order and the protection.

Objection 1

- 8.1 *Failure to confirm whether a TPO was in force and discuss reasons for removing trees.*
- 8.2 *The Tulip tree is subject to wind damage, branches are brittle, and some have snapped off over the past several years and the tree is a danger. The tree will potentially reach 60-100ft in height, 30ft wide with*

its roots extending up to 100ft deep and 40ft wide with potential to damage the main sewer from the estate leading to Chester Road.

- 8.3 *The Swamp cypress is unsuited to the location because of its current and potential size. The tree could grow to 60ft high with a spread of 25ft and is currently 40-50ft high and 25ft wide. The tree is sited 2ft from the edge of the sewer easement strip and could cause damage. It has been pruned to prevent overhang of the road and blocks light to the front of the house when in leaf. In autumn the leaf fall presents a skid hazard to cars leading Kershaw Grove.*
- 8.4 *Neither of the trees is a native species and the intention is to replace them with native specimens more suited to the location. The TPO evaluation makes no reference to the intentions regards replacement and notes that “emergency action” is required to protect “important and high amenity trees”.*

Appraisal and consideration of the objections

Objection 1

- 9 The Council is under no obligation to notify a tree owner that an application to make a TPO has been made as this can often result in pre-emptive felling of important trees. Paragraph 010 of Planning Practice Guidance advises that it may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned, or damaged in ways which would have a significant impact on the amenity of the area.

<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#making-applications-tpo>

- 10 In this instance, the request for confirmation as to whether the trees were protected due to the expressed written intention to fell them, prompted an assessment and consideration for formal protection.
- 11 The Tulip tree forms part of an agreed comprehensive landscape scheme associated with the residential development of Kershaw Grove in the 1990s to provide replacement and appropriate mitigation for the removal of protected trees across the former Glen Bank/Field Bank and Summerhill House lands, and to provide a landscaped buffer to development from Chester Road.
- 12 The Tulip tree is located in green space which is approximately 40 ft wide to the south of 1 Kershaw Grove and is a fast-growing tree of interest which makes a meaningful contribution to the landscape character of the area.

- 13 Due to the Tulip tree being sited in a relatively urban situation it is considered unlikely that it would reach the suggested proportions of a same species tree in an open grown parkland setting due to a restricted rooting area which would naturally influence the height and spread of the tree. Whilst the wood is known to have brittle characteristics, this is a feature of a number of tree species and shedding of branches is more often associated where trees are planted on more exposed sites. The tree is still relatively immature, and it's anticipated that it would respond positively to pruning operations to maintain acceptable clearance from the road and to shorten any over extended branches which could be at risk of failure.
- 14 Depending on soil characteristics, tree roots will not extend to a depth greater than two metres. Roots will not normally fracture pipe work directly, but where conditions allow, may take advantage of and grow into and towards moisture and colonise a damaged drain. Damage to drains and pipe work and in particular sewer drains which are in ground inhospitable to the growth of tree roots is therefore considered unlikely as a consequence of a nearby tree.
- 15 The Swamp Cypress tree was also included as part of the aforementioned landscape scheme to provide interest as part of a collection of trees on this area of greenspace and reflect the setting of the adjacent Locally Listed building and sylvan character of Chester Road.
- 16 Leaf loss from trees is a seasonal issue rarely, if ever, deemed a nuisance in the legal sense. Ownership and maintenance responsibilities aside, the TPO would not prevent the reduction of branch tips to clear the streetlamp and achieve necessary clearance from the road if an application were submitted to the Council. The likelihood of drains being damaged as a consequence of the position of the Swamp cypress is considered unlikely for the reasons stated above. No supporting information has been provided to support the claims that either tree is causing issues to the drainage infrastructure in the area.
- 17 Government Guidance does not dictate that a tree should be of a native species to be suitable for formal protection and both trees are clearly visible from a number of public vantage points including Chester Road, Kershaw Grove, Jutland Close and the junction of Chester Road, Haldene Road and Fieldbank Road.
- 18 The offer of replacement planting is not a consideration when making a Tree Preservation Order. Government guidance advises that authorities need to exercise judgement when deciding to make an Order which should be used where the authority considers that a trees removal would have a significant negative impact on the visual amenity of the area.

- 19 The TPO evaluation is required by Government advice and considers the importance of each individual tree or group of trees, the extent by which it can be seen publicly and other characteristics including, size, form and contribution to the landscape. The authority should only make a TPO where it is expedient to do so and current government advice states that it may be expedient to make a TPO if there is a risk of trees being felled that would have a significant impact on the amenity of the area.
- 20 The Order was raised as a risk was apparent and the TPO evaluation identified that the trees contributed to the visual amenity of the area. Moreover, removal of the trees and replacing them would impact on the amenity of the area and undo the landscaping principles agreed as part of the previous development.
- 21 This Tree Preservation Order is made (and confirmed) under Section 198(1) and 199(3) of the Town and Country Planning Act 1990 following the procedures set out in the Town & Country Planning (Tree Preservation) (England) Regulations 2012

Consultation and Engagement

- 22 A TPO must be served upon anyone who has an interest in land affected by the TPO including owners and adjacent occupiers of land directly affected by it. There is a 28 day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the interests of amenity to do so. Where objections or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.
- 23 The Order was served on the owner of the property and any property whose title deeds extended up to the boundary of the assessed area on 27th March 2024. Copies of the Order were also sent to Ward Members and Macclesfield Town Council.

Reasons for Recommendations

- 24 The trees stand to the north of Chester Road (A537), the main arterial route into Macclesfield and to the south of residential dwellings on Kershaw Grove. The trees are an integral part of the landscape design of the Kershaw Grove and Summerhill development to mitigate for tree losses incurred as part of the approved development and to maintain the landscape character of Chester Road. The trees present a significant contribution to the visual amenity of the area and
- 25 The confirmation of this Tree Preservation Order will ensure that the Council maintains adequate control over trees of high amenity value.

Implications and Comments

- 26 The service of the TPO and protection of Group G1 and the Tulip tree and the Swamp Cypress within it is therefore considered necessary as without the protection the Order affords there is a risk of the amenity of the trees being destroyed.

Monitoring Officer/Legal

- 27 The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is an offence to cut down, top, lop, uproot, willfully damage, or willfully destroy any tree to which the Order relates except with the written consent of the authority.

Section 151 Officer/Finance

- 28 The Decision to confirm the Order could be challenged by applying to the High Court under Sections 284 and 288 of the Town & County Planning Act 1990 if it can be demonstrated that;

(1) The order is not within the powers of the Town and Country Planning Act 1990

(2) The requirements of the Town & Country Planning (Tree Preservation) (England) Regulations 2012 have not been met

The costs associated with defending a challenge would be borne by the Council

Policy

- 29 Cheshire East Local Plan – SE5 - Trees, hedgerows and woodland.

Equality, Diversity and Inclusion

- 30 No direct implication.

Human Resources

- 31 No direct implication.

Risk Management

- 32 No direct implication.

Rural Communities

33 No direct implication.

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

34 No direct implication.

Public Health

35 No direct implication.

Climate Change

36 The Order contributes to the Council's Climate Change Action Plan and commitment to reduce the impact on our environment and become carbon neutral by 2025.

| Access to Information | |
|------------------------------|---|
| Contact Officer: | Emma Hood emma.hood@cheshireeast.gov.uk |
| Appendices: | Appendix 1 – Provisional TPO document Appendix 2 – Landscape Appraisal and AEC Appendix 3 – TPO location Plan |
| Background Papers: | Contact the report author. |

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Town and Country Planning Act 1990

**CHESHIRE EAST BOROUGH COUNCIL
(MACCLESFIELD – 1 KERSHAW GROVE)
TREE PRESERVATION ORDER 2024**

The Cheshire East Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

This Order may be cited as **CHESHIRE EAST BOROUGH COUNCIL (MACCLESFIELD – 1 KERSHAW GROVE) TREE PRESERVATION ORDER 2024**

1. Interpretation

2.— (1) In this Order “the authority” means the Cheshire East Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 27th day of March 2024

The Common Seal of **Cheshire East Borough Council**

was affixed to this Order in the presence of—


.....





CONFIRMATION OF ORDER

This Order was confirmed by **Cheshire East Borough Council** without modification on the day of

OR

This Order was confirmed by the **Cheshire East Borough Council** subject to the modifications indicated by on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by **Cheshire East Borough Council** on day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by the **Cheshire East Borough Council** on the day of by a variation order under reference number a copy of which is attached

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the **Cheshire East Borough Council** on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

SCHEDULE
Specification of trees

Trees specified individually

(encircled in black on the map)

| <i>Reference on Map</i> | <i>Description</i> | <i>Situation</i> |
|-----------------------------|--------------------|------------------|
| None | | |

Trees specified by reference to an area

(within a dotted black line on the map)

| <i>Reference on Map</i> | <i>Description</i> | <i>Situation</i> |
|-----------------------------|--------------------|------------------|
| None | | |

Groups of trees

(within a broken black line on the map)

| <i>Reference on Map</i> | <i>Description</i> | <i>Situation</i> |
|-----------------------------|--|---|
| G1 | 2 Lime, 1 Norway maple, 1 Tulip tree, 1 Swamp Cypress, 1 Silver birch & 1 Serbian spruce | Located on a linear verge to the south of 1 Kershaw Grove Grid Ref: 390,639 – 373,655 |

Woodlands

(within a continuous black line on the map)

| <i>Reference on Map</i> | <i>Description</i> | <i>Situation</i> |
|-----------------------------|--------------------|------------------|
| None | | |

CHESHIRE EAST BOROUGH COUNCIL
(MACCLESFIELD - 1 KERSHAW GROVE)
TREE PRESERVATION ORDER 2024



11

12

13

AMENITY EVALUATION CHECKLIST

COMPLETED BY E HOOD

DATE FORM COMPLETED 25/3/2024

Reference

CE-005

Address

1 KERSHAW GROVE

Town

MACCLESFIELD

Postcode

SK11 8TN

1. BACKGROUND FILE CHECK

Any existing TPOs on or adjacent to the site/land?

Yes

Is the site within a conservation area?

No

Is the conservation area designated partly because of the importance of trees?

N/A

Is the site adjacent to a Conservation Area?

No

Are there any Listed Buildings on or adjacent to the site?

No

Local Plan land-use designation

PG9 - SETTLEMENT BOUNDARIES

Are there currently and designated nature conservation interests on or adjacent to the site?

No

Relevant site planning history (incl. current applications)

APPROVED APPLICATIONS:

63184P - REPOSITIONING OF ACCESS

72996P - FULL PLANNING FOR 2 HOUSES APPROVED 17/2/1998

73880P - FULL PLANNING PERMISSION FOR 10 DWELLINGS (LANDSCAPE CONDITIONS ATTACHED TO SECURE TREE PLANTING REPLACEMENTS FOR LOSS OF HIGH AMENITY PROTECTED TREES)

13/1726T – FELL 1 X NORWAY MAPLE AND 1 X LIME – APPROVED 28/6/2013

16/3986T – FELL 1 X HORSE CHESTNUT AND REDUCE HEIGHT OF X 4 CYPRESS – APPROVED 9/8/2016

Are there any Scheduled Ancient Monuments on or adjacent to the site?

No

Is the land currently safeguarded under the Town & Country Planning (Aerodromes & Technical Sites) Direction 1992?

No

Does the Forestry Commission currently have an interest in the land?

No

Grant scheme

N/A

Forestry Dedication Covenant

N/A

Extant Felling Licence

N/A

Are any of the trees situated on Crown Land?

No

Are any of the trees situated on NHS land?

No

Is the land owned by this Local Authority

No

Is the land owned by another Local Authority

No

2. MOTIVATION

Development Control

N/A

2a(1) Application Ref

N/A

2a(2). Committee deadline

N/A

Development Control Office comments

N/A

Conservation Area Notification

N/A

Application ref

N/A

Date of registration

N/A

Expiry date

N/A

Emergency action

Yes - a request for confirmation has been received by the Council from the tree owner, that important and high amenity trees are not afforded formal protection, ahead of the expressed intention to remove some of them if no statutory protection applies.

Strategic inspection

No

Change to Local Plan land-use

No

Change in TPO legislation

No

Sale of Council owned land

No

Reviewing existing TPO

In part

Hedgerow Regulations 1997

No

3. SOURCE

Source

Tree officer

Site visit date

19/03/2024

Inspecting Officer

L SAUNDERS & E HOOD

Site description

The area in which the trees stand is a wide, linear grassed area located to the north of Chester Road (A537) and south of the access road to residential properties on Kershaw Grove. The site is within the settlement boundary of Macclesfield and comprises of predominantly residential properties to the north and south of one of the main arterial routes into Macclesfield.

Description of surrounding landscape character

The existing site and surrounding areas benefit from a significant amount of statutory protection to existing established tree cover in recognition of the contribution that the trees make, and have made, to the landscape character and sylvan setting of the area. An area of protected tree cover is located to the east of the area with residential dwellings on Kershaw Grove to the north. Chester Road and further residential development is located to the south of the area.

Statement of where the trees are visible from

Kershaw Grove, Chester Road, Jutland Close the roundabout which serves Haldene Road and Fieldbank Road and the Ambulance Station

Photograph the trees, the site, and surroundings.

As within the supporting Amenity Evaluation Assessment

Landscape function

Road frontage (principal), Screening/buffering, Backdrop, Filtered views, Glimpses between properties or through gateways

Visual prominence

Neighbourhood, estate, locale, Site and immediate surroundings, Conurbation

Species suitability for the site

Fairly suitable

Condition

Good

Past work consistent with prudent arboricultural management?

Yes

Are past works likely to have compromised long term retention?

No

Will past work necessitate any particular future management requirements

N/A

Tree size (at maturity)

Large (more than 15m)

Presence of other trees

Medium percentage tree cover

Define visual area/reference points

Nearby roads and footpaths

Are the benefits current?

Yes

4. BENEFITS

Assessment of future benefits

The trees represent both current and future growth potential

Assessment of importance as a wildlife habitat

The trees present nesting sites for birds

Additional factors

Part of deliberate composition (avenue/focal point) – landscape Scheme approved with development

5. EXCEPTIONS (TCPA 1990)

Are any of the trees obviously dead, dying or dangerous

No

Are there any statutory obligations which might apply?

Yes

Is there any obvious evidence that the trees are currently causing any actionable nuisance?

No

Based on the trees in their current locations, is the likelihood of future actionable nuisance reasonably foreseeable?

No

Is there any Forestry Commission interest in the land?

No

6. EXEMPTIONS (MODEL ORDER)

Are there any extant planning approvals on the site which might compromise retention of the trees?

No

Are there any lapsed planning approvals which might have compromised the trees?

No

Are any of the trees obviously cultivated for commercial fruit production?

No

Are any of the trees situated on or adjacent to a statutory undertaker's operational land?

YEs

Are any of the trees situated on or adjacent to land in which the Environment Agency has an interest?

No

7. COMPENSATION

Do any of trees currently show any obvious signs of causing damage?

If Yes provide details

Based on the trees in their current locations, is the risk of future damage reasonably foreseeable?

If yes provide details (future damage)

N/A

Are there any reasonable steps that could be taken to avert the possibility of future damage or to mitigate its extent?

N/A

If yes provide details (reasonable steps)

8. HEDGEROW TREES

Individual standard trees within a hedge

No

An old hedge which has become a line of trees of reasonable height

No

Are the "trees" subject to hedgerow management?

No

Assessment of past hedgerow management

N/A

Assessment of future management requirements

N/A

9. MANAGEMENT

Are the trees currently under good arboricultural or silvicultural management

Yes

Is an order justified?

Yes

Justification (if required)

To ensure the long term retention and management of trees of arboricultural significance in accordance with current best practice recommendations

10. DESIGNATIONS

Do the trees merit protection as individual specimens in their own right?

Yes - could do if a group wasn't appropriate

Does the overall impact and quality of the trees merit a group designation?

Yes

Would the trees reasonably be managed in the future as a group?

Yes

Area

N/A

Woodland

Does the 'woodland' form an area greater than 0.1 hectare?

N/A

Identify the parcel of land on which the trees are situated

As indicated on TPO plan

11. MAP INFORMATION

Identify all parcels of land which have a common boundary with the parcel concerned

Confirmed

Identify all parcels of land over which the physical presence of the trees is situated, or that they could reasonably be expected to cover during their lifetime

Confirmed

12. LAND OWNERSHIP

Land ownership details (if known)

See list of persons to be notified of service of TPO

Land Registry search required?

Yes

13. SUPPLEMENTARY INFORMATION

Has a detailed on-site inspection been carried out?

Yes

Does the risk of felling justify making an order prior to carrying out a detailed on-site inspection

Yes

Provide details of trees to be excluded

Most of the trees within the group are of sufficient quality to be included within the TPO

Additional publicity required?

No

Relevant Local Plan policies

Cheshire East Local Plan Policies:

SE5Trees, hedgerows and woodlands

Statement of reasons for promoting this Order

- a) It is in the interests of maintaining the amenity of the area in which the trees stand, in that they are considered to be a long-term amenity feature.
- b) Since amenities are enjoyed by the public at large and without the protection the Order affords; there is a risk of the amenity being destroyed and It is considered expedient in the interests of amenity to make provision for their long-term retention.
- c) In the interests of securing the retention and enhancement of established tree cover in accordance with the strategic goals and priorities of the Cheshire East Council Environmental Strategy and Green Infrastructure Plan.
- d) The trees form part of an approved Landscape Scheme associated with the original development which secured new tree planting as mitigation for tree losses in accordance with Section 197 of the Town and Country Planning Act 1990.

Would loss of the trees have a significant impact on the local environment?

Yes

Will a reasonable degree of public benefit accrue?

Yes

Is an Order in the interests of amenity?

Yes

Is an Order expedient in the circumstances?

Yes

Date form completed

25/03/2024

Form status

Completed

E HOOD

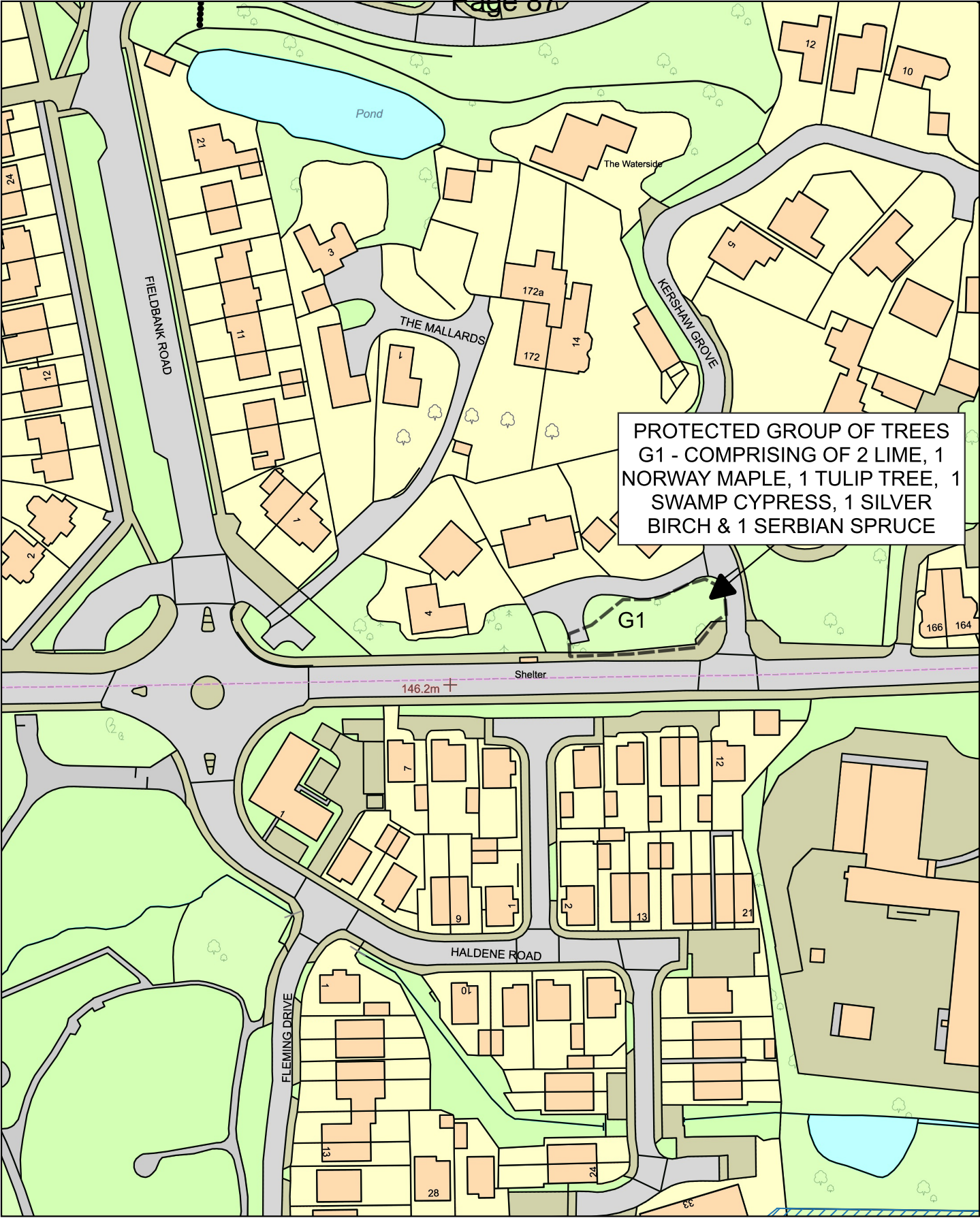
Parish

Macclesfield Town Council

Ward

Broken Cross and Upton

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Northern Planning Committee

21 August 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 |
|--|
| <p>The Northern Planning Committee is requested to:</p> <ol style="list-style-type: none">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 |

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| | 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. |

Appendix 1 – Enforcement Update April 2024

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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. |

Appendix 1 – Enforcement Update April 2024

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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 |

Appendix 1 – Enforcement Update April 2024

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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, Marshall | 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. |

Appendix 1 – Enforcement Update April 2024

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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 | <p>Enforcement Notice issued 23rd March 2022, currently under appeal.</p> <p>Appeal postponed due to be heard 11th July 2023. No show by Inspector appeal finally heard 11th January 2024 – Appeal dismissed.</p> |
| Hawthorn House, Free Green Lane, Over Peover | CHELFORD | Unauthorised Building | Enforcement Notice | Enforcement Notice issued 12 th January 2017. Appeal dismissed. Partial award of costs awarded to the Council. Compliance due July 2018. Notice not complied with. Pursuing compliance with the Notice. |
| Land North of Pedley Lane, Timbersbrook | CONGLETON EAST | Unauthorised change of use from and agricultural use to a recreational and education use. | Enforcement Notice | <p>Enforcement Notice issued and appealed. Appeal dismissed 30 July 2010. Compliance due 30 March 2011. Works in default carried out August 2011 and site cleared of all buildings/shelters/animals. Occupier repopulated the site. High Court action instigated to secure an Injunction. Voluntary undertaking secured which required site clearance. Failed to comply, Committal proceedings instigated in High Court. Further agreement reached which required submission of Certificate of Lawful Use (CLUED). CLUED submitted. Appeal against non-determination of CLUED lodged. Council's statement submitted. Appeal withdrawn November 2014. Further breaches on site currently under investigation. Prosecution proceedings instigated in relation to non-return of Planning Contravention Notice. Landowners convicted in their absence fined £220 each, £250 costs each and Victim</p> |

Appendix 1 – Enforcement Update April 2024

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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 |

Appendix 1 – Enforcement Update April 2024

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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. |

Appendix 1 – Enforcement Update April 2024

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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. |

Appendix 1 – Enforcement Update April 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. |

Appendix 1 – Enforcement Update April 2024

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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. |

Appendix 1 – Enforcement Update April 2024

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|---|---------------------------|---|--------------------|---|
| Land at Beggarman's 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 |

Appendix 1 – Enforcement Update April 2024

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|--|------------------|--|--------------------|---|
| Castle Hill Farm, Castle Mill Lane, Ashley | MOBBERLEY | Unauthorised material change of use to a mixed use for agriculture and storage of caravans, boats, trailers and motor vehicles | Enforcement Notice | Notice issued 11 th August 2017. Appeal dismissed. Compliance due January 2020. Compliance visit due – Under review. |
| Land at Broadoak Lane, Mobberley | MOBBERLEY | Unauthorised hardstanding and use of the land for the siting of residential caravans | Injunctions | <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> |
| Land at Broadoak Lane, Mobberley | MOBBERLEY | Unauthorised material change of use to a residential caravan site | Enforcement Notice | <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> |

Appendix 1 – Enforcement Update April 2024

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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. |

Appendix 1 – Enforcement Update April 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 |

Appendix 1 – Enforcement Update April 2024

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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 | <p>Enforcement Notice issued 28th September 2020. Notice comes into effect on 2nd November 2020.</p> <p>Appeal pending site visit due 21st September 2021, decision still awaited.</p> <p>Appeal dismissed December 2021 compliance due June 2022</p> <p>Application 22/1829Mm for a reduced garden area approved. Check implemented/notice complied with in respect of remaining area.</p> <p>Awaiting application for DISON (No. 4) Newt mitigation and fish removal from pond.</p> |
| Ash Cottage, London Road, Prestbury | PRESTBURY | Unauthorised operational development | Breach of Condition Notice | BCN served requiring demolition of original dwelling and removal of all resultant materials from the land. Compliance due February 2022. Under review. |

Appendix 1 – Enforcement Update April 2024

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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 |

Appendix 1 – Enforcement Update April 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 | Enforcement Notice issued 12 th December 2018. Compliance due 10 th May 2019. Appeal lodged 27 th March 2019. Appeal dismissed. Compliance due by 10 th January 2020. Notice not complied with. Pursuing compliance with the Notice. Land now being developed for housing. Need to check compliance with Notice. Notice complied with. CASE CLOSED |
| The Wharf, Bullocks Lane, Sutton | SUTTON | Unauthorised material change of use from storage of roofing materials to residential | Enforcement Notice | Enforcement Notice issued 26 th October 2016. Appeal dismissed. Compliance due by March 2018. Notice partially complied with. Unauthorised building used for residential purposes demolished. Existing buildings probably still being used for domestic storage |
| Land at 45 Robin Lane Lyme Green | SUTTON | Unauthorised fencing | Enforcement Notice | Application for boundary fence refused 22/1271N Enforcement notice issued 18 th October 2023 Appeal lodged out of time Compliance due 1 st June 2024. |
| Land North of Moorfields, Willaston, Nantwich | WILLASTON AND ROPE | Non-compliance with condition | Breach of Condition Notice | BCN issued 01/03/2023 – Developers in administration |
| Rush Cottage, Gore Lane, Chorley, | WILMSLOW WEST AND CHORLEY | Unauthorised extensions to residential property | Enforcement Notice | Enforcement Notice issued 29 th November 2016 in relation to unauthorised extensions to the property. Appeal dismissed. Compliance due 13 th January 2018. Notice not complied with. Pursuing compliance with Notice. |

Appendix 1 – Enforcement Update April 2024

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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 |

Appendix 1 – Enforcement Update April 2024

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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 |

Appendix 1 – Enforcement Update April 2024

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| | | | | unauthorised development to be removed by January 2025. Appeal against court order dismissed 12 th March 2024. |
| Six Acres, Wirswall Road, Wirswall | WRENBURY | Construction of a building and creation of a hard standing | Enforcement Notice Injunction | <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. 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. Appeal against court order dismissed 12th March 2024. Under review</p> |
| Bank House Farm, Audlem Road, Hatherton | WYBUNBURY | Unauthorised installation of plastic windows in a listed building. | Listed Building Enforcement Notice | <p>Enforcement Notice issued 27th September 2018. Notice not complied with.</p> <p>Conviction secured. Letter sent to Mr Harvery advising must comply review is no movement take back to court</p> |

Appendix 1 – Enforcement Update April 2024

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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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