

Report to Planning and Licensing Committee



Date of Meeting	5 th March 2020
Portfolio	Councillor Carol Wardle Cabinet Member for Planning, Development & Housing
Report Author	Richard Elliott
Public/Private Document	Public

Application: N/A (Enforcement Appeal Decision)	Township: Heywood	Ward: West Heywood
Appeal reference: APP/P4225/C/19/3236457		
Site Address: Land Known as Land North of Bury New Road, Heywood		
Alleged Breach: Without the benefit of planning permission, a material change of use of the premises from a café (A3) to a hot food takeaway (A5) facilitated by operational development consisting of the installation of two externally attached flues, and the installation of food storage and cooking equipment.		
Appellant: Georgie Porgies Diner	Agent: MAZE Planning Solutions	
Planning Inspectorate Decision: Enforcement Appeal Dismissed 11 th February 2020		
<ul style="list-style-type: none"> – In August 2019 the Council served an amended enforcement notice against the unauthorised change of use of the Land within the Green Belt for the siting of a cabin/container unit together with associated decking and outdoor seating to provide a café/hot food takeaway. – The Notice required the following within four months: <ul style="list-style-type: none"> (a) Cease the use of the Land as a hot food takeaway and ancillary café; (b) Remove the cabin/container from the Land; (c) Remove the ancillary seating area from the Land; (d) Remove the decking from the Land; (e) Dig up the hardsurfaced areas and remove the materials from the Land; (f) Seed the Land to grass; and (g) Remove all other accessories, plant and apparatus associated with the use as a hot food takeaway with ancillary seating area from the Land; – The Notice was appealed on the ground that planning permission should be granted and that the period for compliance was too short. – The appeal was dismissed, planning permission was refused, and the Notice was upheld with the time for compliance extended to 9 months and an amended plan. – The Inspector concurred with the Council that the development constitutes inappropriate development within the Green Belt, causes harm to the openness of the Green Belt, has a harmful effect on the Green Belt purpose of safeguarding the land from encroachment, and that there are no very special circumstances to outweigh the identified harm – Officers will be monitoring the Land to ensure that the Notice is complied with. 		