

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: Middleton	Ward: South Middleton
Appeal reference: APP/P4225/C/19/3236457		
Site Address: Land at 673 Manchester Old Road, Middleton, Manchester M24 4GF		
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: Ms Nazia Hussain and Ms Sidra Akhtar	Agent: Mark Jones Planning Consultancy	
Planning Inspectorate Decision: Enforcement Appeal Dismissed 18 th February 2020		
<ul style="list-style-type: none"> - The Enforcement Notice was issued in August 2019. - The Notice required the following within three months: <ul style="list-style-type: none"> (a) Cease the unauthorised hot food takeaway use at the property; (b) Remove the two flues attached to the rear of the property from the Land; (c) Repair the rear wall and roof using matching materials following removal of the flues, and; (d) Remove all other items from the Land that have been brought onto it to facilitate the hot food takeaway use, including (i) Commercial hot hold food counters (ii) Griddles (iii) Kebab machine (iv) Deep Fat Fryers (including Henny Penny) (v) Commercial Pizza ovens (vi) Interior ducting and canopy. - The Notice was appealed on four grounds, namely: That planning permission should be granted, that the alleged breach has not occurred, that the steps that are required to be taken to remedy the breach are excessive, and that the time period for compliance is too short. - The appeal was dismissed, planning permission was refused, and the Notice was upheld without variation. - The Inspector concurred with the Council that the unauthorised use, the flue and the extraction equipment has a harmful effect on the character and appearance of the property and the area, and the amenities of neighbours. - The Inspector also considered that the Council's requirements and the timeframe for compliance with the requirements were not excessive. - Officers will be monitoring the property to ensure that the Notice is complied with. 		