

Report to Planning and Licensing Committee



Date of Meeting	18 March 2021
Portfolio	Councillor John Blundell, Cabinet Member for a Thriving Economy
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Application: 19/0336/ECU	Township: Rochdale	Ward: Kingsway
Appeal Reference APP/P4225/C/20/3259393		Decision level: Delegated
Site Address: Land known as Buersil Service Station, Oldham Road, OL11 2AT		
Alleged Breach: The breach of planning control is the material change of use of the Land from a garage and car sales facility to a hand car wash and valeting service		
Applicant: Mr Magdid Abubakr		Agent: Wiplow Planning Agents
Planning Inspectorate Decision: 16 February 2021 – Appeal dismissed and the Enforcement Notice upheld with variation		
<ul style="list-style-type: none"> - The Enforcement Notice was issued on 12 August 2020. A summary of the requirements are: <ul style="list-style-type: none"> a) Cease the use of the Land as a hand car wash and valeting service; b) Remove all signage and equipment relating to the use of the land as a hand car wash and valeting service which facilitates the unlawful use. - The appellant submitted an appeal on grounds (a), (e) & (g): <ul style="list-style-type: none"> (a) That planning permission should be granted for what is alleged in the notice; (e) The notice was not properly served on everyone with an interest in the land; (g) The time given to comply with the notice is too short. - Ground (a): The appellants submission was lacking in detail (e.g. no drainage details and no noise impact assessment had been submitted) leading the Inspector to conclude that the development would have a harmful effect on the living conditions of the occupants of neighbouring residential properties with particular reference to noise and disturbance. - Ground (e): The appellant claimed the notice had not been served on the legal leaseholder. However, the Inspector stated that the appellant who is the occupier of the appeal site, has clearly found out about the Enforcement Notice and has subsequently made a valid appeal. Therefore, it cannot be said that he has been substantially prejudiced. - Ground (g): The Inspector varied the notice from “three months” to “four months” (the appellant had requested six months) as the time for compliance with the requirements, due to the impacts of Covid-19. - Officers will be monitoring the property to ensure that the Notice is complied with. 		