

**UPDATE ON LIVE ENFORCEMENT CASES IN SOUTH AREA FOR QUARTER ENDED 31<sup>st</sup> October 2013.**

**Report abbreviations**

BCN	Breach of Condition Notice	PD	Permitted Development
DN	Discontinuance Notice	PP	Planning Permission
EN	Enforcement Notice	S215N	Section 215 Notice, to remedy untidy land
ESP	Enforced Sale Procedure	S330	Notice under Section 330 of the Act requiring details of interest in land
NFA	No Further Action	TPO	Tree Preservation Order
PCN	Planning Contravention Notice	TSN	Temporary Stop Notice

**ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT**

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
1.	<b>8 Thornsett Gardens, S17 3PP</b>	<b>Unauthorised Fence</b>	<b>17/12/2012</b>	<b>06/11/2013 – A permitted development fence has been erected on adjacent land and in this context the fence at no 8 is no longer out of character. - NFA.</b>
2.	<b>24 Ashgate Road, S10 3BZ</b>	<b>Unauthorised UPVC windows</b>	<b>04/02/2013</b>	<b>11/09/2013 – Appeal dismissed, EN will now be served. 06/03/2013 Appeal lodged &amp; on-going, Inspectorate has written to the appellant requesting further information. 04/02/2013</b>

<b>NO</b>	<b>SITE</b>	<b>BREACH</b>	<b>DATE OF COMMITTEE RESOLUTION</b>	<b>CURRENT SITUATION</b>
				<b>Application refused with enforcement action authorised.</b>
3.	<b>315-319 Ecclesall Road, S11 8NX</b>	<b>Unauthorised Kiosk Erected.</b>	<b>04/02/2013</b>	<b>01/03/2013 – Kiosk removed, NFA. 04/02/2013 – Planning application refused with Enforcement action authorised.</b>
4.	<b>227-223 Abbeydale Road, S7</b>	<b>Unauthorised Signs</b>	04/02/2013	<b>1/10/2013 – Paperwork with litigation. 04/02/2013 – Authority given to serve notices.</b>
5.	<b>3 Long Line, S11 7TX</b>	<b>Unauthorised Shed</b>	<b>04/02/2013</b>	<b>04/03/2013 – Site visited and shed moved to rear garden therefore PD. NFA 04/02/2013 Authority obtained to serve an enforcement notice to secure removal of an unauthorised shed at front of property.</b>
6.	<b>Dore Masonic Hall</b>	<b>Relocation of Road name</b>	<b>04/02/21013</b>	<b>04/02/2013 – Case reported to Committee for no further action to be taken, Case closed NFA</b>
7.	<b>22 Barber Place, S10 1EG</b>	<b>Breach of Conditions and approved plan</b>	<b>12/03/2013</b>	<b>29/10/2013 – Appeal Allowed, but with 3 months condition. Site to be monitored for compliance.20/05/2013 – Appeal received.29/04/2013 – Enforcement Notice Served</b>
8.	<b>17-19 Wostenholm Road, S7 1LB</b>	<b>Unauthorised First Floor Extension</b>	<b>04/02/2013</b>	<b>Authority given for Enforcement Action to be taken, however extension</b>

<b>NO</b>	<b>SITE</b>	<b>BREACH</b>	<b>DATE OF COMMITTEE RESOLUTION</b>	<b>CURRENT SITUATION</b>
				removed before we could serve a notice - NFA
9.	153 Twentywell Lane, S17 4QA	Unauthorised Fencing erected	29/04/2013	1/10/2013 - Authority obtained to serve Enforcement Notice (29/04/2013) however, negotiations are taking place with the owner to agree an alternative scheme.
10.	23 Briar Road, Sheffield S7 1SA	Unauthorised UPVC windows in Article 4 area	19/07/2013	22/07/2013 – Enforcement Notice served, time for compliance 21/01/2014.
11.	79 Dore Road, S17 3ND	Unauthorised Hoarding	24/09/2013	1/10/2013 – Notice being prepared.
12.	759 – 761 Abbeydale Road S7 2BG	Unauthorised smoking shelter	11/09/13	06/11/13 - Planning application (13/03424/FUL) has been submitted for the Council's consideration.
13.	263 Cemetery Road, S11 8FS	Unauthorised replacement of windows to the front and side of 263 Cemetery Road, S11, facing Grange Crescent Road and Cemetery Road, the erection of a new soil pipe facing Cemetery Road, a new down pipe adjacent to the bay window facing Grange Crescent Road, the replacement of guttering and	05/11/13	06/11/13 – reminder letter to be sent before EN is served.

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		<b>the erection of roof felt on the ground floor bay windows.</b>		
14.	73 Sandford Grove Road, S7 1RR	Unauthorised excavation works to the front garden and the unauthorised erection of fences at the front of 73 Sandford Grove Road, Sheffield, S7	23/07/13	<b>14/11/13 – EN in relation to the unauthorised fence has been served came into effect 15/10/13 with a compliance period of 2 months. TSN has been served and has been complied with. The injunction relating to the excavation works is with Counsel for drafting of proceedings for issue. Further evidence is required before Counsel is ready to take injunction to Court. Evidence is being provided.</b>
15.	5 Cliffe Farm Drive, S11 7JW	Unauthorised Use of Residential Premises as the base of a Dog Boarding Business	21/05/2013	<b>31/10/2013 New business premises open. No further complaints at home address. NFA 25/6/2013 – Site visited and 3 dogs present. Continue to monitor site. 21/05/2013 – Authority given to serve an Enforcement Notice if it is witnessed that the owner is keeping more than 3 dogs at the premises.</b>
16.	Whirlow Elms Chase, S11 9RQ	Unauthorised retention of buildings and use of building and land as a builders	21/05/2013	<b>08/10/20113 – BCN served on Pullan Developments Ltd requesting the removal of the former care takers</b>

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		compound /gardeners store.		<b>dwelling and the compliance with condition 3 relating to Sustainable development.</b> 21/05/2013 – Authority given to serve an Enforcement Notice to secure the cessation of use of the former caretakers house as a builders compound/ gardener store.
17.	201 Chippinghouse Road,S7 1DQ	Breach of condition 2 – development not carried out as to the approved plans	03/05/13	<b>06/11/13 – Notice has not been complied with. The matter is being reported for prosecution.</b> 09/07/13 – BCN has been served on 5/06/13 – 56 days compliance period
18.	6 Rosamond Place	Breach of Condition 2 – Landscaping.  Breach of Condition 1 – Completion of Development	20/02/13	<b>31/10/2013 – A new conditions application received but not valid, to ensure compliance with breach of condition 2. Site visited and development not completed therefore prosecution papers being prepared for 2<sup>nd</sup> breach of control.</b> 16/10/2013 – <b>Case in Court, found guilty and fined £75 fine, £75 costs and £25 surcharge.</b> 10/07/2013 – A further breach of Condition Notice is being prepared to ensure compliance with the condition that requires the development to be completed within its entirety, 6

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				months from the date of approval. No landscaping details received therefore meeting with legal to discuss possible prosecution 15/04/2013 – No details received as yet however still within period for compliance. BCN served requiring details of a landscape scheme to be submitted and approved before being implemented on site.
19.	Swanky Franks 722A Chesterfield Road	Non-compliance with a planning condition to clad an extraction flue	13/02/2012	<b>31/10/13 No recent progress as waiting for legal advice with regard to ownership of property.</b> 10/07/2013 – Case meeting with legal to discuss further action. Site to be monitored. 16/04/2013 Letter sent to all parties with an interest in the property requesting for works to be carried out, failure to comply with this final letter will lead to the matter being passed on to litigation for a prosecution. 15/03/2012 – Dealing with agent and agreed to an extension of time for compliance, works should be carried out by 31/05/2012. 17/02/2012 BCN served requiring flue to be clad as per condition.
20.	4 Parkers Road	Unauthorised roller shutter	06/02/2012	<b>31/10/2013 – Paperwork with Litigation</b>

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				<b>for prosecution.</b> 10/7/2013 – Notice being prepared. 16/04/2013 – Roller shutter still in place therefore notice not being complied with. File to be prepared for prosecution. 10/09/2012 Appeal dismissed roller shutter to be removed by 18/03/2013. 31/05/2012 Appeal Received. 16/04/2012 EN served,
21.	8 Chandos Street, Broomhill, S10 2PP	Unauthorised removal of chimney stack	25/02/13	<b>05/11/13 – EN has not been complied with a reminder letter has been sent.</b> 09/07/13 – EN has been served 12 weeks compliance period. 15/04/13 – EN has been drafted and is with Legal and Admin.
22.	75 Machon Bank Road, S7 1PE	Unauthorised replacement of windows at the front of the property	25/02/13	<b>05/11/13 – EN has been served 6 Month compliance period. Expires on 03/12/13.</b> 15/04/13 – EN has been drafted and is with Legal and Admin. Planning application (12/03797/FUL has been refused with enforcement action.
23.	Meersbrook Garage 1-7 Meersbrook Road, Sheffield S8 9HU	Unauthorised Alterations to a car showroom and the erection of a 1.8 metre high wall	13/06/2011	<b>16/10/2013 – New Application received.</b> <b>23/07/2013 – Appeal Dismissed, new deadline of Nov,ber 2013 to comply with notice.</b> 10/7/2013 – Public Hearing took place. Outcome awaited. 15/4/2013 Public hearing date set for 10 <sup>th</sup> July 2013. 1/02/13

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				– Appeal Lodged 7/1/13- Enforcement Notice served after most recent application/appeal refused. 6 Months to comply.
24.	2 Albany Road, Sheffield, S7 1DP	Unauthorised replacement of windows	15/10/12	<b>02/09/2013 Appeal Allowed NFA.</b> 09/07/13 – Appeal being considered by Planning Inspectorate. 25/01/2013 Appeal lodged against Enforcement Notice. 4/12/12 – Enforcement Notice served.
25.	29 Ratcliffe Road	Unauthorised Rear Extension and Breach of condition of front dormer window	5/11/12	<b>29/08/2013 Appeal Allowed NFA.</b> 10/07/2013 – Appeal outcome awaited. 5/4/2013 Appeal Received. 18/02/2013 EN served 13/02/13 – Contact made with owner/agent who is seeking to amend to make acceptable. 5/11/12 – Authority obtained to secure the removal of the unauthorised extension and remedy the Breach of Control.
26.	204 Chippinghouse Road, Nether Edge, S7 1DR	Unauthorised replacement of windows and door within an Article 4 area	13/08/12	<b>06/11/13 – In discussions with owner and joiner for suitable replacement windows.</b> 12/07/13 – EN was served (21/09/12) and took effect on 26/10/12 – 9 month <b>compliance period (26/07/13)</b> . <b>No work commenced on site as yet.</b>
27.	1 Albany Road,	Unauthorised replacement of	03/09/12	<b>06/11/13 – Appeal has been allowed –</b>



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	Nether Edge, S7 1DN	roof tiles within an Article 4 area		<b>NFA.</b> 09/07/13- Appeal being considered by Planning Inspectorate. 25/01/13- EN has been served (12/12/12) and has been appealed against. 06/11/12 – EN being prepared
28	357 Glossop Road, Hanover Conservation Area	Illuminated 48 sheet advertisement site on flank wall of shop.	<b>27/2/12</b>	<b>23/07/2013 – Appeal Dismissed, site visited and sign removed. NFA1/07/2013</b> – Appeal still on-going. 15/04/2013 – Awaiting outcome of appeal. 1/11/12 – Appeal lodged against DN still running at 24/1/13. 17/7/12 DN served, comes into effect 17/9/12 & requires removal of the advert in 4 weeks, (by 15/10/12) 18/04/2012 – Discontinuance Notice served, date for compliance 11/07/2012. Letter & s330 notice sent to Primesight (advert company) & to owner of building advising that removal of the deemed consent to display adverts is being pursued, which includes the removal of the present display.
29	196 Whitham Road, Broomhill Conservation Area	Display of unauthorised advertisement	19/12/2011	<b>01/10/2013 – Premises closed and due to re-open, no longer any breach therefore NFA.</b> 12/07/2013 – 2 <sup>nd</sup>

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				<p>Prosecution file being prepared.. 6 Months conditional discharge ends 18/1/13. Speaking to litigation at 23/1/13 about getting the case back into court.18/07/2012 – Case in Court, Held unlawful sign, Conditional discharge 6 months No costs. 02/04/2012 – Paperwork being prepared for prosecution. 19/12/2011 – Authority granted to instigate legal proceedings to secure the removal of the unauthorised sign.</p>
30	7 Greenfield Drive	Unauthorised signage on display	26/09/11	<p><b>06/11/2013 – Paperwork for Notice nearly complete, final legal checks and service expected within next 2 weeks</b>  11/7/2013 – Notices expected to be served by mid-August.16/04/2013 Other work taken priority, so not progressed. 12/02/13 – Notices being prepared, aiming to be served by end of February. 14/11/12 – No action on this case as other work has had to take priority. 03/07/2012 Sign still erected on site. Paperwork with Legal to serve Notice. 02/04/2012 – Paperwork being prepared for prosecution. 19/01/2012</p>

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				<p>– Letter to the owners of the property giving 14 days to remove sign post decision, otherwise prosecution to follow. 27/09/11 – Authority granted to instigate legal proceedings to secure the removal of the unauthorised sign.</p>
31	Yummy Hut, 647 Ecclesall Road	Breach of Condition (Opening hours of hot food take away)	03/06/2010	<p><b>06/11/2013 – Case meetings arranged with litigation with regard to extending the joint strategy with licensing.</b> 12/07/2013 – New evidence gathering needed towards service of new BCN. 16/04/2013 – Site being monitored to gain new evidence of further breaches of planning control 31/10/12 – Revised strategy being developed for the approach to Hot food takeaways in this area. Litigation to advise on whether we need to withdraw BCN. 3/07/2012 – Meetings to be held with Litigation in light of the prosecutions and fines at the Broomhill takeaways, as to best course of action for us to take. 02/04/2012 – Paperwork being prepared for prosecution. 09/01/2012 – Visiting and gathering evidence for</p>

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				<p>prosecution. 13/10/11 – Night visit taken place and can confirm non-compliance with BCN. Land Ownership details on request. 05/07/11- Further evidence of breach to be gathered with a view to prosecution  19/03/11 - Site monitored and noted that still open at 11.45 pm. In Breach. Meeting to be arranged with Litigation seeking advice on possible next course of action  20/01/11 Further late night site visit to be undertaken to get current position.  20/09/10 Site visited on 30July at 00.30. All locked up, Lights off and closed. Seems to be in compliance. Officer to visit again for confirmation. 08/06/2010 – BCN served by Recorded Delivery.</p>
32	44 Grange Crescent, Nether Edge Conservation Area	Unauthorised replacement of windows, roof tiles, guttering, door and repainting of headers, sills and architectural feature	07/02/11	<p><b>14/11/13 – EN has not been complied with and a reminder letter to be sent in the next few days.</b> 09/07/13 – letter has been sent asking to comply with EN before 01/09/13. 25/01/13 – prosecuted 19/12/12 pleaded guilty and was fined £30 and £15 costs. Letter to be sent asking to comply with notice. 06/11/12 – File with litigation.</p>

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				<p>26/07/12 – 2<sup>nd</sup> part of EN not been complied with either a prosecution file has been prepared and is with litigation.</p> <p>02/04/12 – File with litigation. 13/01/12 – Prosecution file being prepared. 14/10/11 – 1<sup>st</sup> compliance period Nov 2011. 15/06/11 - Enforcement notice served on 4 April 2011, takes effect on 09/05/11 phased compliance period 6 months and 12 months from when notice takes effect.</p> <p>22/03/11 – An Enforcement Notice is being prepared.</p>
33	Land at 141 Denmark Road	Non payment of planning obligation monies £8,255.45 secured in relation to 08/02716/FUL. Development is complete with most of the units occupied	20/12/2010	<p><b>06/11/2013 – Ownership details updated, still awaiting court date.</b> 10/07/2013 – Still waiting for a court date. 16/04/2013 – Awaiting a court date. 12/02/13 – File with litigation, awaiting a court date. 14/11/12 – A new updated case file has been passed to litigation. 03/07/2012 – Awaiting Court date. 19/01/12 – Prosecution file now with litigation. 24/10/11 – Following a number of failed agreements with owners, final warning now given with a view to prosecution. 11/07/11 – Central Debt</p>

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				Recovery Team securing payment agreement 22/03/11 - Developers in process of agreeing payment plan. 26/01/11 Developer Midcity Estates Ltd. Central debt recovery team doing final chasing of money. Prosecution file otherwise ready.
34	Ball Inn, Mansfield Road	Unauthorised Hoarding	21/06/2010	<p><b>06/11/2013 – Paperwork for Notice nearly complete, final legal checks and service expected within next 2 weeks.</b> 11/07/2013 – No recent progress, expect to serve Notices by 01/09/2013. 15/04/2013 – No work on this case due to other cases taking priority. 12/02/13 – Notices being prepared, aiming to be served by end of February 25/07/2012 DN to be served within next 14 days. 18/04/2012 Some delay in preparation of Notice. Now anticipate service June 2012. 10/01/2012 – Background checks taking place anticipate notice to be served by Mid Feb 2012. 21/06/11 - Hoarding still in place. Discontinuance Notice to be served.</p>

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				<p>18/03/11 Company instructed in writing to remove Hoarding by 31/03/11 20/01/11 Planning Appeal dismissed. Instructions to be sent for Hoarding to be removed.</p> <p>20/09/10 Planning Appeal submitted by applicant. Statement sent by Planning Officer to Inspectorate on 27/8/10.</p> <p>Outcome of this will determine further enforcement position. 1/06/2010 – retrospective advertisement application refused at Area Board. Instructions being prepared for Notices to be served.</p>
35	776 Ecclesall Road	Breach of Condition (Opening hours of hot food take away)	03/06/2010	<p><b>06/11/2013 – Case meetings arranged with litigation with regard to extending the joint strategy with licensing.</b></p> <p>12/07/2013 – New evidence gathering needed towards service of new BCN.</p> <p>16/04/13 – Site being monitored to gain new evidence of further breaches of planning control. 14/11/12 – Revised strategy being developed for the approach to Hot food takeaways in this area.</p> <p>Litigation to advise on whether we need to withdraw BCN. 03/07/2012 – Meetings to</p>

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				<p>be held with Litigation in light of the prosecutions and fines at the Broomhill takeaways, as to best course of action for us to take 02/04/2012 – Paperwork being prepared for prosecution. 17/01/2012 – Visiting and Gathering Evidence for prosecution. 12/10/11 – A further night visit is required to confirm non-compliance with BCN. 05/07/11- Further evidence of breach to be gathered with a view to prosecution 19/03/11 - Site monitored and noted that still open at 11.45 pm. In Breach. Meeting to be arranged with Litigation seeking advice on possible next course of action 20/01/11 Further late night site visit to be undertaken to get current position. 20/09/10 Site visited on 30July at 00.30. All locked up, Lights off and closed. Seems to be in compliance. Officer to visit again for confirmation. 08/06/2010 – BCN hand delivered. Variation of condition (opening hours) planning application refused 25/01/2010.</p>
36	Pizza Padrino,	Non compliance with approved	02/06/2010	<b>6/11/2013 Joint strategy with licensing,</b>



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	267 Fulwood Road, Broomhill Conservation Area	hours (94/01539/FUL)		<p><b>awaiting a further prosecution.</b> 26/06/06 – Case in court, owner pleaded guilty and was fined £260.16/04/2013 – Awaiting court dates for licensing prosecution. 23/1/13 – Site being monitored, to gain evidence for further breaches of planning control. Licensing are currently prosecuting for failure to comply with license conditions, court date expected soon. 18/07/2012 – Case in Court. Owner pleaded guilty £50 fine, Costs £50 and £15 surcharge.20/03/2012 – Files with prosecution awaiting court date 17/2/12 – Evidence for prosecution obtained &amp; being prepared for Litigation. Letter sent 14/12/11 warning non-compliance with EN will lead to prosecution. 13/06/11 - Work still to be completed for new EN's. Expect to be served by end of August 22/3/11 – Decided that new enforcement notices to be served due to info from Licensing that person named as licensee has changed. Cannot prosecute former licensee, work towards this to begin asap. 04/01/11 - Case meeting towards prosecution to be arranged before the end of February.</p>

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				20/09/10 Premises in breach of TSN and BCN. Prosecution file being prepared in conjunction with Licensing. 03/06/2010 – Breach of Condition Notice and Temporary Stop Notice served. Regular monitoring taking place with a view to prosecution for any further breaches.
37	Oasis Pizza, 204 Whitham Road, Broomhill Conservation Area	Non-compliance with approved hours (98/00186/FUL)	02/06/2010	<b>6/11/2013 Joint strategy with licensing, awaiting a further prosecution.</b> 26/06/2013 – Case in Court, owner pleaded guilty and fined £260.16/04/2013 – Awaiting a court date for licensing prosecution.13/01/13 – Site being monitored, to gain evidence for further breaches of planning control. Licensing are currently prosecuting for failure to comply with license conditions, court date expected soon.. 19/07/2012 Case in court, pleaded guilty, £50 fine surcharge £15 costs £75. 20/03/2012 – Files with prosecution awaiting court date.17/2/12 – Evidence for prosecution obtained & being prepared for Litigation. Letter sent 14/12/11 warning non-compliance with EN will lead to prosecution.10/10/11 –

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				<p>Enforcement Notice issued. Takes effect 14<sup>th</sup> November and requires compliance with planning permission by 14<sup>th</sup> December or prosecution will follow. 13/06/11 - Work still to be completed for new EN's. Expect to be served by end of August. 22/3/11 – Decided that new enforcement notices to be served due to info from Licensing that person named as licensee has changed. Cannot prosecute former licensee, work towards this to begin asap. Appeal against refusal of planning permission to allow hours extension dismissed. 04/01/2011 Case meeting towards prosecution to be arranged before the end of February. 20/09/10 Premises in breach of TSN and BCN. Prosecution file being prepared in conjunction with Licensing</p>
38	Old Whitelow Farm, Old Whitelow Lane.	Re-construction of a demolished redundant farm building	30/07/08	<p><b>05/11/2013 – Discussions taking place with litigation, legal position being evaluated.</b> 11/07/2013 – No recent progress, however meeting arranged for mid-August with litigation. 16/04/2013 – In the process of setting up a case meeting</p>

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				<p>with legal department. 12/02/13 – No new applications have been received, advice being taken from legal services with regard to the number of possible uses at the property and the possible re-instigation of an historic enforcement notice. 4/07/2012 – Meeting held in office to go through all evidence collected with the owners' architects. 20/03/2012 – Application 08/04373/FUL refused with Enforcement Action authorised. Site meeting arranged with owner for 24/4/2012 to discuss other outstanding issues. - 13/01/2012 – Land Ownership issues delaying application process. Meeting to take place with litigation and other legal teams by mid- Feb 2012.</p> <p>05/08/08 – Planning application submitted going through process. 31/07/08 – TSN served. Owner informed that no further works are to take place.</p>

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39	Norfolk Arms Public House, Ringinglow Village	Unauthorised fume extraction and Lighting Columns.	19/05/08 & 21/09/09	<p><b>05/11/2013 – Witness statement with litigation for the non-compliance with the Enforcement Notice for the lighting columns. Another statement being prepared for the non-compliance with the Listed Building Enforcement Notice.</b> 11/07/2013 –Discussed with legal services, prosecution to proceed, paperwork being prepared. 16/04/2013 – Awaiting new applications, lighting columns still in place. 12/02/13 – Discussions taking place with owners regarding replacement lighting to car park and the installation of a new extraction system. Site to be monitored for compliance with notice Columns should be removed by 28/3/2013. 5/11/12 – Inspectors decision, appeal dismissed and the owner now has 16 weeks to remove the unauthorised lighting columns. 1/11/12 Appeal site visit arranged. 15/06/2012 – Appeal ongoing statement submitted. 8/6/2012 Appeal received in connection with the lighting columns. 18/04/2012 – Listed Building Notice and Enforcement Notice served on all parties with an interest.</p>

