



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Regeneration & Development Services

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**Date:** 28 October 2014

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**Subject:** Quarterly overview of enforcement activity

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**Summary:** To inform members of the planning enforcement work being carried out in addition to the formal cases on the quarterly update report and to give an overview of the overall quality of the service provided by planning enforcement.

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### **Reasons for Recommendations:**

The purpose of this report is to give Committee Members an overview of planning enforcement work being carried out and the quality of service provided across the City.

### **Recommendations:**

That members note the report.

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### **Background Papers:**

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**Category of Report:** OPEN

## REGENERATION & DEVELOPMENT SERVICES

### REPORT TO PLANNING AND HIGHWAYS COMMITTEE

28 OCTOBER 2014

#### QUARTERLEY OVERVIEW OF ENFORCEMENT ACTIVITY

##### 1. PURPOSE OF THE REPORT

1.1 This is the quarterly report to inform members of the work being undertaken by the Planning Enforcement Team. The period covered runs from 1<sup>st</sup> July 2014 to 30<sup>th</sup> September 2014.

##### 2. ACTIVITY DURING THE QUARTER

2.1 A total of 165 enforcement complaints were received, out of these 40% were concerned with unauthorised development and use, and 24% were failure to comply with planning conditions or approved plans. The percentage of cases involving Section 215 untidy land/buildings was 11%, unauthorised advertisements including hoardings were 19% and all other complaints were 6%.

2.2 The number of cases resolved within the target of 6 months was almost 62% of all the cases closed in the period. This has exceeded the Service target of 60% of cases to be closed within 6 months. 181 cases have been closed in this quarter of which 47% have been remedied or made acceptable.

2.3 The table below shows the number of formal Notices served and prosecutions carried out within this period and the previous three quarters as well as the years 2012/13 and 2013/14 to show trends: -

Notice type	Oct 2012 to Sept 2013	Oct 2013 to Sept 2014	Quarter 3 Oct – Dec 2013	Quarter 4 Jan – Apr 2014	Quarter 1 Apr – Jun 2014	Quarter 2 Jul – Sept 2014
Breach of Conditions	7	13	5	4	2	2
Discontinuance (adverts)	0	0	0	0	0	0
Enforcement	24	15	4	6	3	2
Stop	2	0	0	0	0	0
Temporary Stop	3	2	0	1	0	1
Section 215 (untidy land)	4	7	1	2	4	0
Section 225 (signs)	12	42	4	0	34	4
Total Notices Served	52	79	14	13	43	9
Prosecutions	3	11	0	6	3	2

2.4 The number of formal notices that have been served in the last 12 months has increased, mainly due to the S225 notices served in relation to illegal signs. This was because of targeted action on student to let signs in the previous quarter. The number of Enforcement Notices served has decreased; however, the number of prosecutions and number of breach of condition notices has increased.

2.5 Many cases are resolved by negotiation, as in the case of someone replacing a door in an Article 4 Conservation Area. A complaint was received about a timber door being replaced with UPVC which led to officers writing to the owner and negotiating an alternative timber door within a few weeks. This is sometimes much quicker and less time consuming for all parties than using formal notices.

2.6 The table below shows the number of complaints received in the last year 2013/14 and the previous year 2012/13:-

Year October 2012 – September 2013	Year October 2013 – September-2014
719	631

2.7 There has been a drop in the number of cases received over the last 12 months compared to the previous 12 months. This has mainly been through some ongoing changes and filtering of enquiries on submission, changes such as, requesting that an enforcement enquiry from to be completed in full wherever possible before a complaint is investigated formally, not registering verbal or anonymous complaints, unless there appears to be a significant harm. Vehicle repairs at residential properties have not been accepted unless harm demonstrated with a 30 day log of activity, this log has also helped Officers deal with the case more efficiently. In some cases requested more information about the enquiry such as photographs or measurements and this has subsequently shown that the development was PD and did not require planning permission, and therefore not registered as a complaint.

2.8 Officers have successfully prosecuted a developer in the Magistrates Court for non-compliance with a Breach of Condition Notice. This was in connection with a development at Whirlow Elms Chase, the site of the former Broad Elms School located just off Broad Elms Road. The developer had to comply with a condition which related to a minimum standard of Code Level for Sustainable Homes. The Enforcement Officer and the Planning Officer were both called to the witness stand and had to give evidence and were cross examined over two court sessions. The developer was subsequently found guilty and was fined £750 with £1000 costs with a court surcharge of £75. The developer still has to comply with the original condition and if it's not complied with within a reasonable time period he can be prosecuted again. Officers are in contact with the developer and have offered advice as to

how to comply with the condition to try to resolve the situation without further prosecution.

3. CONCLUSION

3.1 Despite this quarter including the summer period the six month service target has been exceeded and the number of Notices served has remained consistent.

4. RECOMMENDATION

4.1 It is recommended that Members note the report.