



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of Regeneration & Development Services

Date: 9 December 2014

Subject: Enforcement Report

Author of Report: Lee Brook

Summary: Unauthorised Excavation of Land, off Middlewood Road North (at the rear of the former Middlewood Tavern, no.316)

Recommendations:

That the Director of Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to secure the back filling of the excavated land and restoration of the land to green field with re-instatement of a physical border.

The Head of Planning is designated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Background Papers:

Category of Report: OPEN

ENFORCEMENT REPORT

UNAUTHORISED EXCAVATION OF LAND, LAND OFF
MIDDLEWOOD ROAD NORTH
(AT THE REAR OF THE FORMER MIDDLEWOOD TAVERN, No.316)

1. PURPOSE OF THE REPORT

The purpose of this report is to inform Committee Members of a breach of planning control and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 The Planning Service received a complaint about a suspected new driveway being constructed between Middlewood Road North, off the back of the existing car park attached to Middlewood Tavern, and a large house to the west known as The Grange, accessed off Stockarth Lane and Middlewood Road North. The complaint was concerned with the digging out of land within the Green Belt, spoiling the countryside. It transpires, following investigation, that an engineering operation has taken place involving excavation of a significant amount of earth from a field at the rear of the now vacant / former Middlewood Tavern, (316 Middlewood Road North). However this does not appear to be connected to The Grange.
- 2.2 It seems, based on appearances, that the work is to form a new car park area in the field with an access roadway to it from the existing car park at the former pub. Contact with the owners has not been established and the actual purpose of the development is unknown.
- 2.3 A Planning Contravention Notice, (PCN), dated 5th November was sent to the registered landowners to establish facts about what had taken place and what the purpose of the work was. This notice did not reach the landowners because they have moved address. A second PCN has been sent to the former Middlewood Tavern as there is no other known address for the owners. Further research is being done.
- ### **3. ASSESSMENT OF THE BREACHES OF CONTROL**
- 3.1 This land is designated within the Green Belt in the adopted Sheffield Unitary Development Plan, (UDP). Policy GE1 states, amongst other things, that in the Green Belt, development will not be permitted, except

in very special circumstances, where, it would lead to unrestricted growth of the built up area or encroachment of urban development into the countryside. Policy GE2 and GE4 seek to maintain, conserve and enhance the landscape and natural environment.

- 3.2 This development is considered to constitute unrestricted urban growth and encroachment into the open countryside contrary to the above policies, which is endorsed by the adopted Core Strategy Policy CS71. The land, whether part of a separate open field or whether attached in the past, to either The Grange, (possible), or the Middlewood Tavern, (which seems unlikely looking at old photos and aerial maps), is considered to be part of the countryside, beyond the urban area. If the development was to be completed into a formal car park it would likely involve further urban features such as tarmac, walls, lighting etc, which would further harm the landscape and natural environment.
- 3.3 A significant amount of earth has been dug out of the land to cut what seems to be a new vehicle access and / or a car park into the hillside, which rises above the adjacent Middlewood Tavern and its existing car park. The development appears to be an extension to that existing car park. It is considered, in planning terms, to be an engineering operation that amounts to 'development'. The cut nearest to the tavern car park, that at face value seems to be the access road, is 8 metres wide and stretches into the land 25 metres, (southwest direction). The cut then turns 90 degrees continuing in a northwest direction and opens into a much wider and squarer area, possibly a proposed car park, (see attached plan). The total area covered by the development is approximately 25m by 30m, (750m²). The plan shows that the 'access' is the deepest cut at approximately 1.7m at the deepest point at the back edge of the Middlewood Tavern land, petering out to approx. 50-60cm at the 90 degree turn. A large part of the 750m² is a surface scraping of less than 50cm but the overall impact is extensive and is considered to be development requiring a planning application.
- 3.4 The attached plan shows the shallowest cut as wider spaced green cross hatch. The closer green hatch lines indicate deeper cuts on the land. The brown areas marked are where the cut earth is stored in piles. The land outlined blue is believed to be the old established Middlewood Tavern boundary. However, the red outlined land is registered together with the Tavern land under a single Land Registry title. All the land under that title is within the red and blue area and the remaining field / land is under a separate title attached to 'The Grange'. It is not clear what the previous use of the red land was but looking at aerial photographs it could have been either an open field or as is most likely, curtilage land belonging to The Grange.
- 3.5 The owners have moved away from their last known address so contact has not been made to establish facts. Council records have not helped to identify any new contact details.

3.6 Limited information is available at this stage to inform why the excavation has taken place as the development has stopped. Although the purpose is as yet unknown to officers, there is an assumption against development in the green belt in the absence of very special circumstances being demonstrated. Taking the development on appearances, it is considered to be unacceptable for the reasons stated above.

4. REPRESENTATIONS

4.1 One complaint has been received, which was concerned that a new driveway was being constructed for nearby by house further up the hillside.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

5.1 Section 171C of the Town & Country Planning Act 1990, ('the Act') provides for the service of a Planning Contravention Notice, (PCN). It requires information about the suspected breach control and property ownership. It also gives an opportunity to meet with officers to make representations. Such a meeting can be used to encourage regularisation and/or discussions about possible remedies where harm has occurred. In this case the notice was served to identify the purpose of the development and any person/s with an interest in the land should enforcement notices be needed. Regularisation of the excavation is not the course of action being recommended on the information available at the time of writing.

5.2 The notice was returned unopened as the intended recipients, (land owners), have since moved address and no other contact details are known.

5.3 Section 172 of the Act provides for the service of an enforcement notice, (EN). In this case such a notice would require the re-instatement of the land by filling in the cut away sections to re-form the previous levels, seeding it back to grass field or possibly allowing it to re-generate its own green cover. A physical border between the field and the Tavern at 316 Middlewood Road North could also be installed.

5.4 Section 183 of the Act provides for the service of a Stop Notice in conjunction with an enforcement notice, (s172). In this case the Stop Notice would prohibit further unauthorised development should it re-start. This isn't necessary at this time because the development is currently stopped and the situation is stable.

6. EQUAL OPPORTUNITIES

6.1 There are no equal opportunity implications arising from this report.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications arising from the recommendations in this report.

8. RECOMMENDATION

8.1 That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to secure the back filling of the excavated land and restoration of the land to green field with re-instatement of a physical border.

8.2 The Head of Planning is designated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Photographs / Site Plan, Land off Middlewood Road North





Green is the cut / excavation on the land. Closer lines indicate deeper excavation; lines further apart show where the cut is shallower.

Brown is where spoil has been stored.

Blue Line shows historic boundary of the Tavern

Solid Red line shows land under same Title as the Tavern. Red + Blue = the total land under one single Land Registry Title.



Drawing is an Impression (not a scaled survey)



Maria Duffy
Interim Head of Planning

19 November 2014