



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 1 May 2018

Subject: Enforcement Report

Author of Report: Khalid Mahmood

Summary: Progress report on enforcement actions authorised by committee or under delegated powers within the City.

Reasons for Recommendations:

The purpose of this report is to inform Committee members of progress on current enforcement cases in City.

Recommendations:

That members note the current progress on actions

Background Papers:

Category of Report: OPEN

DEVELOPMENT SERVICES

REPORT TO PLANNING AND HIGHWAYS COMMITTEE

1 MAY 2018

OVERVIEW OF ENFORCEMENT ACTIVITY

1. PURPOSE OF THE REPORT

- 1.1 This is the six-monthly report to inform members of the work being undertaken by the Planning Enforcement Team. The period covered runs from 1st October 2017 to 31st March 2018.

2. ACTIVITY DURING THE PERIOD

- 2.1 The enforcement team has had two experienced members of staff leave the Service within the last six months. The loss of two full time staff has resulted in a significant increase in the individual officer workloads and has put a lot of pressure on remaining staff. One of the Enforcement Assistant post has been advertised and two new members of staff have been recruited on a job share and started in their role in February. They are currently in the early stages of their training.
- 2.2 A large proportion of cases are closed through negotiation to remedy breaches or to regularise developments. However, where necessary, strong action is also taken to try and ensure speedy compliance. Prosecution is an important part of enforcement work, without it there is no deterrent to people who have carried out work without consent and who then ignore formal Notices. Recently officers have had excellent results with some of their cases that have been to the Magistrates Courts. In one case the owner had previously been prosecuted for breaching a Notice in December 2012 and June 2015. After the hearing in June 2015, the owner was provided with a schedule setting out how he might go about completing the works in a cost effective and timely manner. He had chosen to ignore officer advice claiming that he simply couldn't afford to do the works. On the third prosecution in September 2017, the Magistrates fined him £5690 including costs. This has resulted in him appointing a company who will be carrying out the required works to comply with the Notice soon.
- 2.3 In another case a company was fined £2100 including costs for not complying with an Enforcement Notice relating to a Listed Building. The natural slate roof of the grade II Listed Building had been replaced

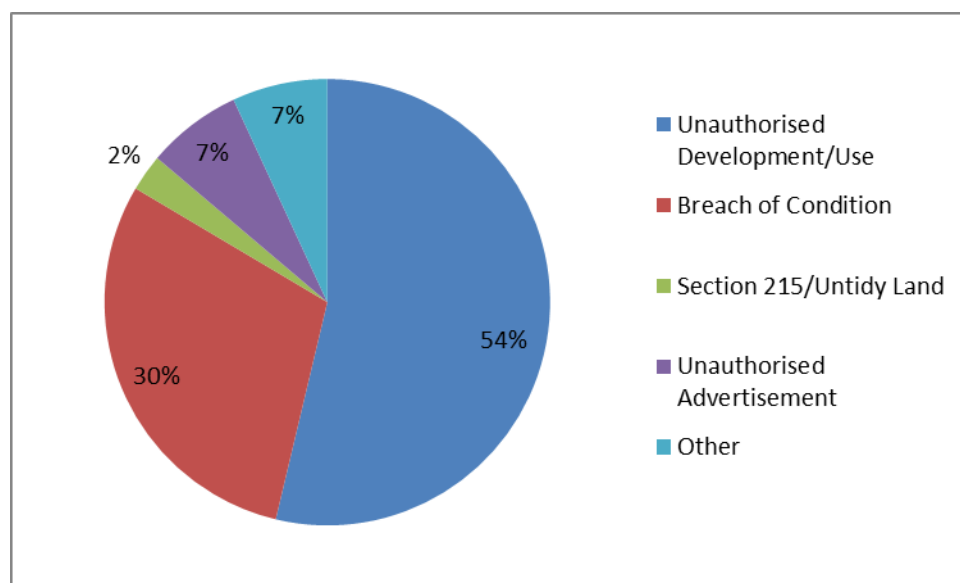
with steel cladding. The Architect has now sent a proposed timescale for getting the work done to comply with the Notice and reinstate a slate roof.

- 2.4 Enforcement action was taken by the Council following refusal of retrospective planning permission to make alterations to, and change the use of a barn into a house. An Enforcement Notice was served requiring the residential use to stop and the building to be changed back into a barn. The owner of the site appealed against refusal of two planning applications and against the Enforcement Notice. The appeals went to a Public Inquiry. Two of the three appeals were dismissed. The owner has until 3 October 2019 to stop using the barn as living accommodation and to physically change it back into a barn.

The Inquiry considered a range of information including officers own visit information over the relevant period, information from the applicant, and although not relied upon, google images. Piecing all things together, on the whole, the Inspector said the evidence that the 'dwelling' was incomplete 4 years before the EN was probably correct.

A third appeal against refusal of the planning permission to remove a planning condition from the horse livery use was upheld. The condition prohibited any living accommodation being formed at the site. This condition is now removed by the appeal decision. The reason being that planning permission is always needed to make living accommodation at a horse livery type use, so the condition was unnecessary and it was therefore invalid.

3 SCALE OF INVESTIGATIONS, INCLUDING MONITORING AND ENFORCEMENT



3.2 A total of 191 complaints were received and 231 cases have been closed in the last 6 months of which 38% have been remedied or made acceptable. There are currently 594 live cases. The number of cases resolved within the target of 6 months was 41% of all the cases closed in the period. Performance has fallen short of the Service target of 60% for cases closed within 6 months due in large part to the staff resourcing issues highlighted above.

3.3 The table below shows the number of complaints received in the last year 2017/18 and the previous year 2016/17:-

Year 1 st Apr 2016 – 31 st Mar 2017	Year 1 st Apr 2017 – 31 st Mar 2018
564	512

4 WILLINGNESS TO TAKE STRONG ACTION

4.1 The table below shows the number of formal Notices served and prosecutions carried out within the last year 2017/18 and the previous year 2016/17 to show trends: -

Notice type	Year 1 st Apr 2016 to 31 st Mar 2017	Year 1 st Apr 2017 to 31 st Mar 2018
Breach of Conditions	10	4
Discontinuance (adverts)	0	0
Enforcement	18	12
Stop	0	0
Temporary Stop	2	1
Section 215 (untidy land)	1	1
Section 225 (signs)	6	9
Total Notices Served	37	27
Prosecutions	10	8

4.2 The table below shows the number of formal Notices served and prosecutions carried out within this period and the previous three quarters to show trends: -

Notice type	Quarter 1 1 st Apr – 30 th Jun 2017	Quarter 2 1 st Jul – 30 th Sep 2017	Quarter 3 1 st Oct – 31 st Dec 2017	Quarter 4 1 st Jan – 31 st Mar 2018
Breach of Conditions	4	0	0	0
Discontinuance (adverts)	0	0	0	0
Enforcement	3	5	0	4
Stop	0	0	0	0
Temporary Stop	0	0	1	0

Section 215 (untidy land)	0	0	1	0
Section 225 (signs)	5	1	2	1
Total Notices Served	12	6	4	5
Prosecutions	0	0	2	6

4.3 The number of formal Notices that have been served in the last 12 months has decreased. The number of prosecutions and Enforcement Notices served in the last 6 months has remained consistent. However, the number of Breach of Condition Notices served has decreased in the last 6 months and also in the last 12 months.

5. CONCLUSION

5.1 Due to issues relating to staffing and resources the six month service target has not been met; the number of Notices served and prosecutions have also dropped slightly. The team's performance is well short of the Service Plan Target of resolving at least 60% of cases within 6 months. This is expected to be a temporary distortion of the statistics that will improve once the new members of the team settle into their job and the caseloads of the existing officers' drops.

6. RECOMMENDATION

6.1 This report is for noting

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