



**REPORT TO WEST & NORTH PLANNING
AND HIGHWAYS AREA COMMITTEE**

DATE 21 AUGUST 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM 9

SUBJECT ENFORCEMENT REPORT

UNAUTHORISED USE OF LAND FOR THE PARKING AND STORAGE OF DAMAGED VEHICLES AND THE UNAUTHORISED ERECTION OF A FENCE AND GATE BETWEEN 12 AND 14 COOKS WOOD ROAD, SHEFFIELD, S3.

SUMMARY

THE PURPOSE OF THIS REPORT IS TO REQUEST AN AMMENDMENT TO THE RESOLUTION TO INCLUDE THE REMOVAL OF THE UNAUTHORISED FENCE AND GATE.

RECOMMENDATIONS

THAT AUTHORITY BE GIVEN TO THE DIRECTOR OF DEVELOPMENT SERVICES OR HEAD OF PLANNING TO TAKE ALL NECESSARY STEPS, INCLUDING ENFORCEMENT ACTION, SERVICE OF A STOP NOTICE AND THE INSTITUTION OF LEGAL PROCEEDINGS, IF NECESSARY, TO SECURE THE REMOVAL OF THE UNAUTHORISED VEHICLES, THE REMOVAL OF THE UNAUTHORISED FENCE AND GATE AND THE CESSATION OF THE UNAUTHORISED USE OF LAND FOR THE PARKING AND STORAGE OF VEHICLES.

FINANCIAL IMPLICATIONS

NO

PARAGRAPHS

CLEARED BY

CATHERINE RODGERS

BACKGROUND PAPERS

CONTACT POINT FOR ACCESS

KHALID MAHMOOD

TEL NO: 203 7758

AREA(S) AFFECTED

**CATEGORY OF
REPORT**

OPEN

CLOSED
Paragraphs(s)

DEVELOPMENT SERVICES

REPORT TO WEST & NORTH
PLANNING AND HIGHWAYS
AREA COMMITTEE
21 AUGUST 2012

ENFORCEMENT REPORT

UNAUTHORISED USE OF LAND FOR THE PARKING AND STORAGE OF DAMAGED VEHICLES AND THE UNAUTHORISED ERECTION OF A FENCE AND GATE BETWEEN 12 AND 14 COOKS WOOD ROAD, SHEFFIELD, S3.

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek Committee Members approval to revise the wording of the original authorisation.

2. BACKGROUND

- 2.1 On 31 July 2012 the Committee authorised enforcement action against land between 12 and 14 Cooks Wood Road, S3. The Committee considered and authorised all necessary steps, including enforcement action, service of a stop notice and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised vehicles and the cessation of the unauthorised use of the land for the parking and storage of vehicles.

- 2.2 The purpose of this report is to request an amendment to the resolution to include the removal of the unauthorised fence and gate.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 All issues relating to the assessment of the breach have been highlighted in the original report dated 31 July 2012.

4. REPRESENTATIONS

- 4.1 Four complaints have been received from local residents. The complainant have concerns about the land is being used for commercial purposes without planning consent and the nuisance that is caused by the use of this land in this manner.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 The service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue Enforcement Notices where there has been breach of planning control. In this case the notice would require the removal of the

unauthorised damaged vehicles, the removal of the unauthorised fence and gate and require the cessation of the use of the land for the parking and storage of damaged vehicles. There is a right of appeal to the Planning Inspectorate against the service of an Enforcement Notice. However it is considered that the Council would be able to defend any such appeal.

- 5.2 Section 183 of the Town and Country Planning Act 1990 provides for the service of a Stop Notice in conjunction with an Enforcement Notice, (S172). The Stop Notice would take effect within 3 days following the date of service, and an offence would be committed for any failure to comply with the Stop Notice. In this case the Stop Notice would require the cessation of the use of the land for the storage of damaged vehicles. A successful appeal against a stop notice can lead to a costs award against the Council for any losses incurred because work was stopped, but only if there was found to be no breach of control. In this case the risk is considered to be non-existent.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications arising from the recommendations of this report

7. EQUAL OPPORTUNITY IMPLICATIONS

- 7.1 There are no equal opportunities implications arising from the recommendations of this report

8. RECOMMENDATIONS

- 8.1 That authority be given to the Director of Development Services or Head of Planning to take all necessary steps, including enforcement action, service of a stop notice and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised vehicles, the removal of the unauthorised fence and gate and the cessation of the unauthorised use of the land for the parking and storage of vehicles.

D Caulfield
Head of Planning

8 August 2012



Development Services,
 Sheffield City Council,
 Howden House,
 1 Union Street,
 SHEFFIELD
 S1 2SH

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