



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

DATE 31 JULY 2012

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

ITEM

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 INFORM COMMITTEE MEMBERS OF A BREACH OF PLANNING CONTROL AND TO MAKE RECOMMENDATIONS ON ANY FURTHER ACTION REQUIRED.

RECOMMENDATIONS

THAT AUTHORITY BE GIVEN TO THE HEAD 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 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

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AREA(S) AFFECTED

**CATEGORY OF
REPORT**

OPEN

CLOSED
Paragraphs(s)

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 inform Committee Members of a breach of planning control and to make representations on any further action required.

2. BACKGROUND

- 2.1 The land is situated between 12 and 14 Cooks Wood Road. The land is surrounded by residential properties. The site lies within a Housing Area as designated in the Sheffield Unitary Development Plan. The land has previously not been developed.
- 2.2 A number of complaints have been received regarding the use of this land as a scrap yard/storage and dismantling of damaged cars and an erection of a fence. A site visit was carried out and it was noticed that the land is being used for the storage of damaged vehicles and a boundary fence and gates had been erected.
- 2.3 Several site visits have been carried out and there has been no evidence to show that work is being carried out on these vehicles on the land. It would appear that many of the vehicles are in an un-roadworthy condition. The vehicles are brought onto the land on the back of recovery trucks. An illegal crossing point has also been created to gain access into the site, which is currently being investigated by highways.
- 2.4 A letter was sent to the owners of the site asking them to stop this unauthorised use and remove all the vehicles and the unauthorised fence and gate. To date, no attempt has been made to resolve this issue.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The use of the land for the parking and storage of damaged vehicles would require a change of use of the land from previously undeveloped land to storage of vehicles which falls under Use Class B8 - Storage.
- 3.2 It is considered that the parking and storage of damaged vehicles is an inappropriate use of land within this Housing Area. The loading and unloading of vehicles from the back of recovery trucks could be a source of excessive noise and disturbance for the living conditions of the neighbouring residents and the storage could also harm the appearance and character of the area.
- 3.3 Unitary Development Plan Policy H10 states that the use of land for open storage purposes in housing areas is unacceptable because such uses harm living conditions for people living nearby. They also attract frequent use of heavy vehicles in housing areas and are liable to cause noise nuisance.
- 3.4 Fences or gates above one metre in height when adjacent to a highway used by vehicles or the footpath of such a highway require planning permission.
- 3.5 The Photographs below show the land in question and clearly demonstrates the use is unacceptable in this residential area.





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 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

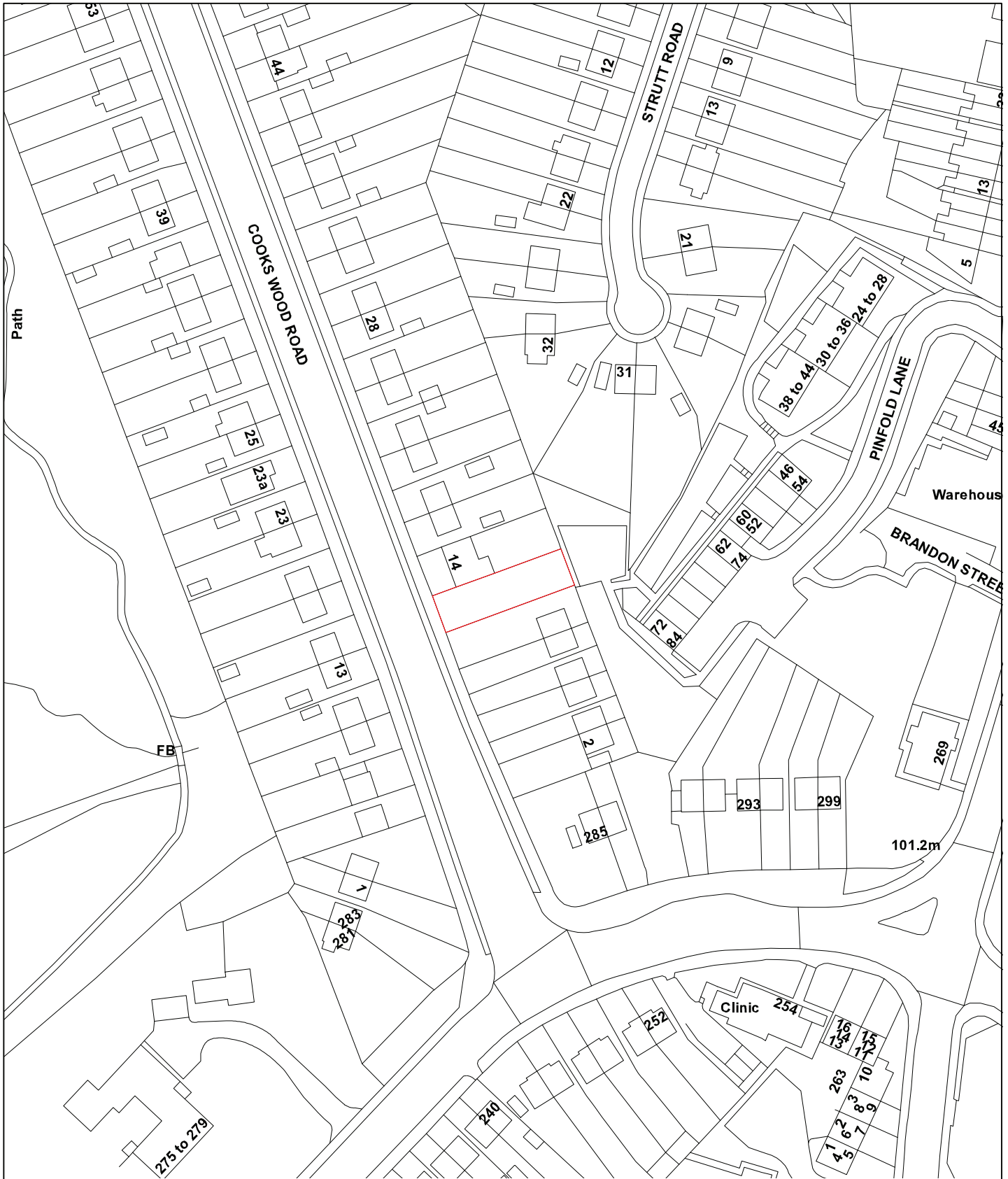
- 7.1 There are no equal opportunities implications arising from the recommendations of this report

8. RECOMMENDATIONS

- 8.1 That authority be given to the Head 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 and the cessation of the unauthorised use of the land for the parking and storage of vehicles.

D Caulfield
Head of Planning

18 July 2012



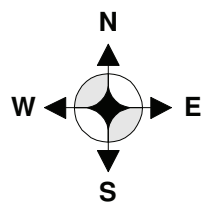
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