

UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH AREA FOR QUARTER ENDED 30 SEPTEMBER 2012
(Updated to 31/10/12)

Report abbreviations

BCN	Breach of Condition Notice	PD	Permitted Development
DN	Discontinuance Notice	PP	Planning Permission
EN	Enforcement Notice	S215N	Section 215 Notice, (to remedy untidy land / buildings)
ESP	Enforced Sale Procedure	S330	Notice under Section 330 of the Act requiring details of interest in land
NFA	No Further Action	TPO	Tree Preservation Order
PCN	Planning Contravention Notice		

ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

(Strikethrough = closed cases awaiting the OK by committee to remove from report)

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
1.	Land between 12 & 14 Cooks Wood Road	Unauthorised Use of Land for storage of damaged vehicles	31/7/12 & 21/8/12	EN & STOP NOTICE served 13/6/12 & it came into effect 14/9/12 requiring unauthorised use for storing vehicles to cease by 12/10/12. EN not fully complied with so reminder letter sent to owners warning of prosecution unless quick compliance (deadline 18/11/12).

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2.	108 Darwin Lane	S215, Unkempt Garden affecting amenity of area	8/3/12 (delegated)	S215 notice served 8/2/12. Notice not complied with by owner. Council has taken direct action 15/5/12 and owner has agreed to pay costs. 26/6/12, writing to owner to request payment. Costs have been recovered / NFA required.
3.	Land adjacent to 2A Stanley Road, Burncross	Change of use to Residential Curtilage & storage & associated works, including fence & gates.	13/9/11	31/7/12 – earth bank part restored, work ongoing. Fence being erected to separate Land from house, container removed so that work can start of re-contouring. Officers have met with owner 6/3/12 & agreed a course of action for satisfying the EN with owner. EN served, took effect 14/11/11- requires use as house curtilage & storage to stop, removal of container & any stored plant & removal of metal fencing & gates by <u>5/3/12</u> .
4.	51 Thompson Hill	Unauthorised Erection of 1 st floor extension to rear of house – ref.11/01679/FUL	2/8/11	Appeal dismissed. Inspector extended compliance period to 4 months giving owner until 2nd January 2013 to comply with EN. PP refused 2/8/11. 6 months given, (from 2/2/12) to owner to alter extension to comply with PD limits. Work

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	Thompson Hill contd from p2			not done – EN served 2/4/12 requiring extension to be altered to PD limit by 17/7/12. Appeal lodged against EN, awaiting outcome. 12/09/12.
5.	183 Fox Street	Broken & boarded front ground floor window to terraced house.	10/5/11	Quotes for works being sought from 3 different sources to cost up the work. Direct action after 31/8/12 if S215N still not complied with by that date. Not complied with at 31/1/12, considering options of prosecution or direct action. S215N served 11/5/11 requiring new window by 1/8/11 following failed negotiations since 1/12/10. The street is otherwise well kept & tidy & although wouldn't usually use s215 for this type of low level problem, in this case it is justifiable.
6.	290-308 Pitsmoor Road	(i) Use of Ground floor for retail shop, 1 st & 2 nd floors as HIMO, (11/00050/FUL refused) (ii) Canopy to front of Shop refused PP	19/4/11	31/10/12. Officers talking with agent regarding discharge of conditions before application submitted for same. 31/7/12. Discharge of conditions application being prepared for this PP. (ii) 11/03370/FUL now granted 3/1/12, implementation will superseded the EN.

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	Pitsmoor Road contd from page 3			<p>EN not complied with at 30/12/12. Holding back from prosecution for time being due to new application 11/03370/FUL for alternative canopy to the one built. EN served 8/6/11, took effect 13/7/11 & requires removal of canopy by 31/8/11.</p> <p>(i) New application 11/01912/FUL to improve the scheme taking account of reasons for refusal of HMO/Shop, (amendment to refusal of broadly similar scheme ref.11/00050/FUL), was granted conditionally 11/8/11.</p>
7.	Youth Club Building, Burgoyne Road,	Non payment of planning obligation monies £10,897.40 in relation to 05/00551/FUL. Change of use taken place and flats now occupied	25/1/11	31/10/12 - Litigation still pursuing original owner who signed the s106. Legally the new owner cannot be sued. Solicitors are examining ownership to decide who to pursue for the money. 06/04/11 Developer Mr Dempsey still owns the site. Case with litigation and prosecution next step to be considered.
8.	7 Redwood Glen, Chapeltown	Unauthorised Boundary Wall & fence and level changes to land. 10/02717/FUL refused	8/3/11	30/10/12 – EN complied with, case can be closed. 19/7/12 - EN served, (no alternative left) as deadline passed with no

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	Redwood Glen continued from p4			action from owner. EN comes into effect 23/8/12 & requires removal of unauthorised wall & fence by 15/11/12 . 23/1/12- Application now submitted but is invalid for one piece of missing info, being chased-ref. 11/03843/FUL. Deadline passed & no application submitted for alternative scheme. 29/9/11 letter sent giving 14 days to submit application. Owner claims they didn't receive this so it was hand delivered 31/10/11. Officer negotiated submission of an alternative scheme within 6 months that would be acceptable, as per Cttee decision.
9.	1, 2, 3 and 4 Pheasant Lane, Ewden Village (also see case no.11)	Four unauthorised houses (not in compliance with PP 05/04528/FUL) New PP 11/03443/FUL for 4 bungalows dated 24/1/12	23/11/10 & 24/1/12	4/10/12 – Legal proceedings begun / prosecution Statement sent to Litigation in relation to no.3, which has not been removed from its incorrect footprint position as deadline set in the letter 30/5/12 passed without any progress on site. 20/6/12 – Owner has agreed to adhere to original 2m separation between <u>nos.3</u> & 4 & has submitted plans to show this. Also it appears that the letter sent

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	Ewden Village continued from page 5			<p>4/5/12 was not received by owner, so a new letter dated 30/5/12 sent given deadline of 31/8/12 for no.3 to be altered in accord with PP before legal proceedings begin. Applic 12/00769/FUL for <u>no.3</u> can now be considered with an amendment. It will involve taking down part of house and rebuilding it closer to no.4- because the external appearance will be different it requires new PP. New PP granted 24/1/12 ref11/03443/FUL for 4 bungalows instead of 4 houses. Letter 4/5/12 sent to owner requesting that implementation must begin without delay or in the alternative the EN must be complied with without delay. Following this letter, nos. <u>1, 2 & 4</u> were reduced in height during Feb & March in accord with this new PP & they are each in their correct footprint positions. No.3 has been reduced in height to one storey & then work has stopped mid March so that no.3 remains in wrong position 6.5m away from no.4 instead of the approved 2m separation. An application was submitted 12/3/12 for no.3 (ref 12/00769/FUL) to regularise this position but officers have</p>

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	Ewden Village continued from page 6			<p>written to the agent refusing to consider that application (this is allowed by the Planning Act in certain circumstances, which now apply here). The letter also insists that no.3 be demolished (it can be built in accord with plans under 11/03443/FUL - 2m from no.4). A couple of weeks to be allowed for a response There should be a clear direction identified by 10/4/12 if not – Legal Services will be instructed to prosecute for failing to comply with the EN as it applies to no.3. Appeals, dismissed 18/7/11 & EN's upheld but a longer compliance period of 6 months was given by the Inspector to demolish all 4 houses. Compliance is now required by 23/1/2012, (Appeal hearing 21/6/11).</p> <p><u>No.1-</u> EN's & STOP NOTICE's served 24/11/10. Requiring demolition of 4 houses as they are unacceptably larger than approved – take effect 29/12/10 & give 4 weeks to comply.</p> <p><u>Nos.2, 3 & 4</u> - EN & STOP NOTICE served 9/12/10, requires demolition of house – Takes effect 12/1/11, 16 wks to comply, (4 houses/4 wks per house), expires 4/5/11</p>

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10	Parker's Yard, Stannington Road	Unauthorised use as self storage & metals recycling facility. 09/02757/CHU refused PP.	10/6/10	<p>The business is overcoming problems with their bank & with the vendor for the site due to the general economic climate but progress is being pushed by the company, albeit slowly due to increasing demands being asked of them. The company is determined to resolve this asap. 18/7/12 – still delayed by solicitors, expecting contract sign for Pearson Forge very soon. 1/3/12, Land contamination survey completed awaiting results of analysis, (takes 4-6 weeks = approx 10/4/12). Owner reported on 28/3/12 that there should be no further obstacles if analysis shows the land is ok. Business owner continues to update officers with progress reports. Work on site now likely to be later, at March due to owners Bank requiring more info on structural stability of site buildings & land contamination. Relocation to new site - the legal process is well underway & discharge planning conditions also taking place now. Initial estimate is mid Dec'11 for work on site to begin at Pearson Forge. Alternative site that would be suitable for relocation of</p>

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	Parker's Yard continued from p8			business identified & applic 11/01953/CHU granted 13/9/11 for the former Pearson Forge at Penistone Rd/Livesey St. Appeal against EN was dismissed 14/3/11; new compliance period ends 2/7/11. EN served requiring uses to stop by 20/4/11. Appeal against refusal of 09/02757/CHU dismissed.
11	Land south of 4 Pheasant Lane, Ewden Village, off New Mill Bank (also see case no.9)	Siting of a Log Cabin Style Building for use as Living Accommodation	16/3/10	4/10/12 – Prosecution Statement sent to Litigation as deadline set in the letter 30/5/12 passed without any progress on site The building remains in position and occupied by a tenant. 25/6/12 - No progress since April on completing one of the houses in case 13, which has knock on implication for occupier of this unauthorised living accommodation. Deadline of 31/8/12 given to remove building or legal proceeding will begin. The owner stated 14/3/12 that either no.1 or no.2 (item 9 above) can be completed for the tenant currently living in this cabin, which can then be removed as per the EN. EN not complied with at March 2012 but

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	Pheasant La continued from page 9			not to be prosecuted until the cases above at item 9, 1-4 Pheasant La are resolved, which should result in at least one house being built in accord with the fall back position of one of the PP's. The cabin is occupied by the tenant of one of the demolished huts (that is now the appeal site of 4 Pheasant La, item 9 & therefore she would be homeless if the EN was successfully prosecuted. Other personal circumstances make it inappropriate to prosecute at this point. EN served 29/3/10 requiring removal of living accommodation, concrete base, gas storage tank & shed & to restore land, the living accommodation is currently occupied & compliance required in 56 weeks-by April 2011.
12	Dial House Club, Far Lane / Ben Lane	Non-compliance with conditions attached to PP04/04797/FUL, Cond 2-materials for external surfaces, C3-design details for new apartment building, C4-landscaping for grounds, C6-	15/12/09 (delegated authority)	Development ongoing at November 2012. Conditions discharged & PP being implemented at 26/9/11, so BCN now complied with. Work began March 2011. Meeting inc developer, officers & Members was held in Dec'10 & a promise to start work along agreed lines was made to start

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	Dial House Club continued from page 10	highway access & finishes to frontage, C8-pedestrian access to new bowling green, C9-new pavilion details, C10-bowling green maintenance.		Jan'11. Discharge of conditions agreed in principle with applicant at meeting 6/8/10 subject to submission & approval of application. BCN served 21/12/09. Details for each condition required by 29/3/10.
13	Dial House Club, Far Lane / Ben Lane	Dilapidated Condition of former club building & untidy condition of grounds due to stalled development under PP 04/04749/FUL	9/12/09 (delegated authority)	March '12 - Building safe & sound - NFA required regarding s215. Case can be closed. Work completed on the roof problem. S215(3) served 15/3/11, with steps taking into account the new structural report - took effect 15/3/11 & requires compliance in 16 wks.. S215N(1)-New structural report 14/9/10 confirms that building unsafe & it recommends how to retain it by partial take down of load bearing walls & chimney & floors & rebuild them so that building can be retained, made safe & completed with new roof-details being considered prosecution of S215N(1) not a practical solution in circumstances. S215N(1) - negotiations taking place with officers for re-roof of the old club it has structural problems. S215N(2) Construction not started on site

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	Dial House Club continued from page 11			<p>awaiting details of new start date. Enforcement of S215N(2) on hold while discussions continue. S215N(2) Work to begin July 2010. Negotiations took place with new owners to get improvements to building & land slow progress led to x2 S215N's being served. S215N(1) served to Repair / Re-instate roof took effect 7/1/10 requires compliance in 16 weeks 5/5/10). S215N(2) to require tidying of land by 7/1/10.</p>