



SHEFFIELD CITY COUNCIL City Centre, South & East Planning & Highways Committee

Report of: Director of Development Services

Date: 14 January 2013

Subject: Enforcement Report

Author of Report: Khalid Mahmood

Summary: Unauthorised use of premises for the storage and hire of skips at 40 Woolley Wood Road, Sheffield, S5 and if necessary to take further action at 44 Woolley Wood Road Sheffield, S5 and 11 Holywell Road, Sheffield, S4

Reasons for Recommendations:

The owner is not making any attempt to resolve this issue and it is now considered that the matter should be reported for further enforcement action.

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 cessation of the use of the premises for the storage of skips and skip hire and the removal of skips and skip loaders from 40 Woolley Wood Road.

To delegate to the Director of Development Services or the Head of Planning power to authorise the taking of all necessary steps, including enforcement action, service of a stop notice and the institution of legal proceedings, if necessary, to secure the cessation of the use of the premises for skip hire and the removal of skips and skip loaders from 44 Woolley Wood Road or 11 Holywell Road in the event that evidence of a breach of planning control relating to the running of such a skip hire business from either premises comes into the possession of the Council.

The Head of Planning is delegated 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

14 JANUARY 2013

ENFORCEMENT REPORT

UNAUTHORISED USE OF PREMISES FOR THE STORAGE AND HIRE OF SKIPS AT 40 WOOLLEY WOOD ROAD, SHEFFIELD, S5 AND IF NECESSARY TO TAKE FURTHER ACTION AT 44 WOOLLEY WOOD ROAD SHEFFIELD, S5 AND 11 HOLYWELL ROAD, SHEFFIELD, S4.

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 recommendations on any further action required.

2. BACKGROUND AND BREACH

2.1 40 Woolley Wood Road is a two storey semi-detached property located within a residential area. The site lies within a Housing Area as designated in the Sheffield Unitary Plan.

2.2 Previously enforcement action has been taken against the property for the breaking and dismantling of equipment including vehicles and for the storage of scrap metal, pallets and associated machinery and also for the unauthorised use of the highway in the vicinity of 30 to 72 Woolley Wood Road for the open storage of scrap metal on vehicles and for the purpose of storage of commercial vehicles and trailers.

2.3 A recent complaint has been received regarding the use of 40 Woolley Wood Road for the storage of skips and use of the premises as a skip hire business. An Officer visited the site and noticed a number of skips stored at the property and a skip loader outside the premises. Skip hire uses do not fall within any use class and are considered to be sui generis use.

2.4 Several requests have been made asking the owner/occupier to stop this use and remove the skips and the skip loader. Assurances have been given by the occupier that the skips would be removed, however, to date the skips and skip loader have not been removed.

2.5 It is considered expedient that this matter is reported directly for enforcement action because of the extensive nature of the problems and the fact that the owner/occupier has been un-cooperative in the past with these properties and in many cases the Council has had to take enforcement action against the owner to resolve these issues.

- 2.6 At the time of writing this report there has been no evidence of a breach of planning control in relation to either 44 Woolley Wood Road or 11 Holywell Road. The concern is that the service of an enforcement notice at 40 Woolley Wood Road may result in the displacement of activity from that site to the other two sites as has occurred in the past.
- 2.7 44 Woolley Wood Road has previously also been the subject of enforcement action against the property for the storage of scrap metal, pallets and the parking of commercial vehicles, trailers and parking of vehicles associated with the scrap metal business.
- 2.8 11 Holywell Road is the formal place of business of the owner/occupier of the business and has not previously been the subject of planning enforcement action as it has permission for a B8 – Storage or Distribution use but it has been the subject of previous complaints. The formation of a skip hire business would however require planning permission as this is a sui generis activity which falls outside the Use Class.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 40 Woolley Wood Road is located within a Housing Area as designated in the Sheffield Unitary Development Plan.
- 3.2 Skip hire businesses are normally defined as sui generis use. The use of the premises for the storage of skip falls under Use Class B8 – Storage or Distribution. It is Officer's firm opinion that if a retrospective planning permission for the open storage of skips or for the use of the premises for skip hire was submitted it would not be granted at this location.
- 3.3 It is considered that the storage and hire of skips is an inappropriate use of land within this Housing Area. The loading and unloading of skips from the back of skip loaders 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. The loading and unloading of the skips onto the back of the skip loader would also mean that the skip loader has to be parked across the highway blocking the footpath and the highway this raises serious concerns about safety of pedestrian and other road users in this residential area.
- 3.4 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.

- 3.5 Unitary Development Plan Policy H14 'Conditions on Development in Housing Areas' states that for non housing uses, they should not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby.
- 3.6 The Photographs below show the property in question and clearly demonstrates the use is unacceptable and inappropriate in this residential area.



4. REPRESENTATIONS

- 4.1 A number of complaints have been received from other agencies regarding the use of the premises as a skip hire business.

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 skips, skip loaders and to stop using the site for the storage of skips and for skip hire. 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 successfully defend any such appeal.

- 5.2 A more severe course of action would be to issue a Stop Notice in conjunction with an Enforcement Notice. 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 property for skip hire. A successful appeal against a Stop Notice can lead to costs award against the Council for any losses incurred because work has stopped, but only if there was found to be no breach of planning control. In this case the risk is considered to be non-existent.

- 5.3 Given the past displacement of activity caused by the service of Enforcement Notices and Stop Notices on 40 Woolley Road, it may be appropriate to delegate to the Head of Planning power to authorise the issue of enforcement proceedings as above at paragraph 5.1 and 5.2 against the owner/occupier of the skip hire business for any breach of planning control arising from the use of either 44 Woolley Wood Road or 11 Holywell Road as a skip hire business, rather than delay further enforcement through a further report back to the Area Committee.

6. FINANCIAL IMPLICATIONS

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

7. EQUAL OPPORTUNITY IMPLICATIONS

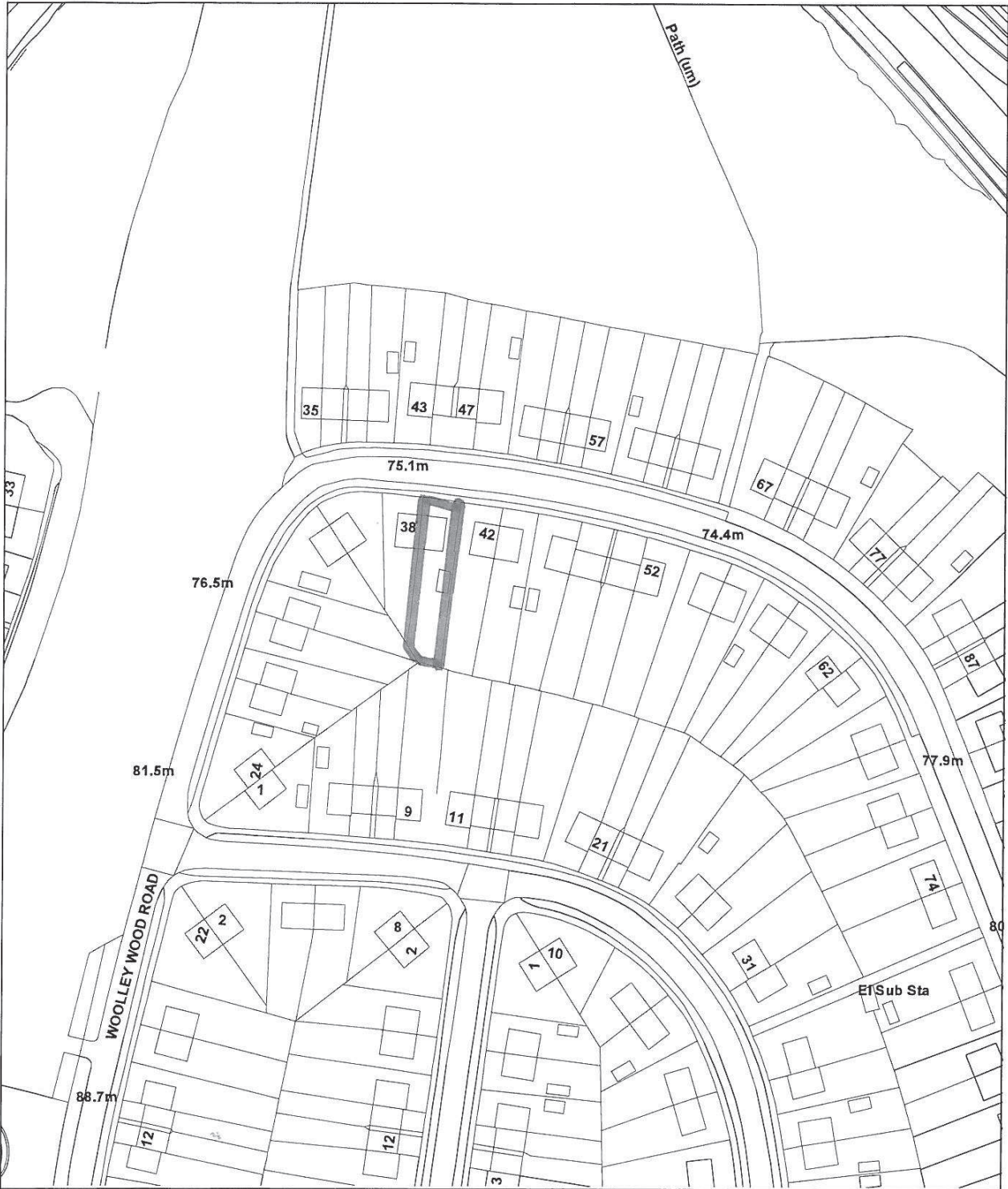
- 7.1 There are no equal opportunities implications arising from the recommendations of this report.

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 cessation of the use of the premises for the storage of skips and skip hire and the removal of skips, skip loaders from 40 Woolley Wood Road.
- 8.2 To delegate to the Director of Development Services or the Head of Planning power to authorise the taking of all necessary steps, including enforcement action, service of a stop notice and the institution of legal proceedings, if necessary, to secure the cessation of the use of the premises for skip hire and the removal of skips, skip loaders from 44 Woolley Wood Road or 11 Hollywell Road in the event that evidence of a breach of planning control relating to the running of such a skip hire business from either premises comes into the possession of the Council.
- 8.3 The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

D Caulfield
Head of Planning

2 January 2013

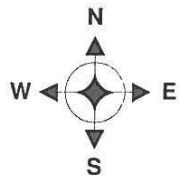


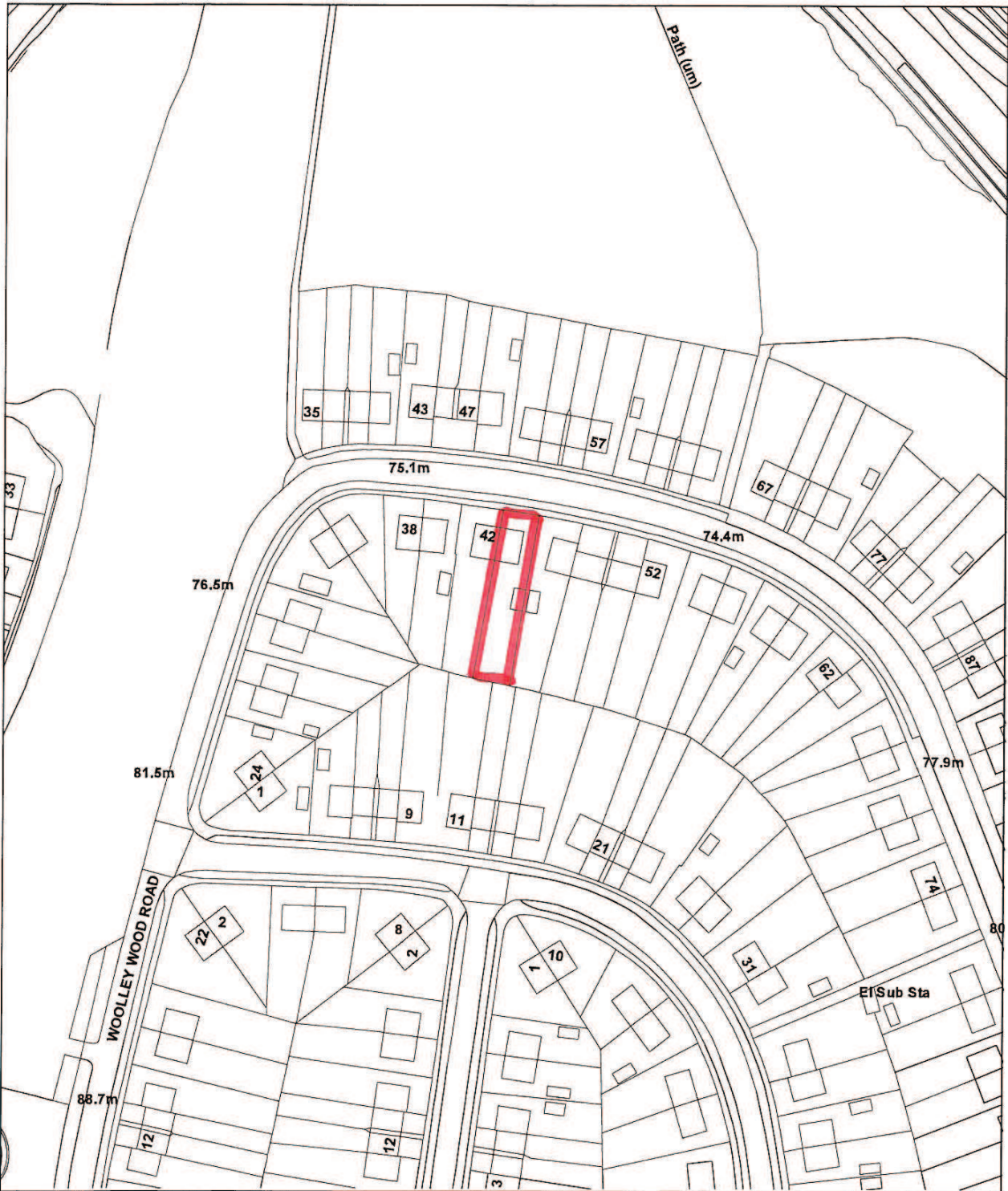
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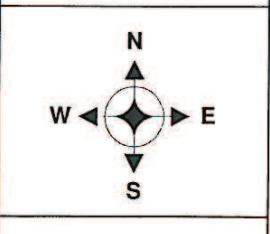


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Date 27 December 2012

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