

**UPDATE ON LIVE ENFORCEMENT CASES IN WEST AND NORTH AREA FOR QUARTER ENDED 31 DECEMBER 2012**

**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. | Rear of 7 Southey Hill           | Use for motor Vehicle Repairs           | 04/12/12                     | <b>The use is reported to have ceased. Site visit to be carried out to check Jan 2013.</b>   |
| 2. | Land adjacent to 4 Mowson Hollow | Timber Building used for store / studio | 13/11/12                     | <b>Jan 2013, details sent to Legal Services for service of EN requiring removal of building, EN expected to be served by 1/2/12.</b> |

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| 3. | 52-54 Church Street, Oughtibridge           | Unauthorised refrigeration unit fitted to rear of shop.  | 23/10/12                     | Application ref. 12/02621/FUL refused with enforcement authority. EN served 12/12/12 & appeal lodged 14/1/13 against that EN, appeal in progress.   |
| 4. | Land between 12 & 14 Cooks Wood Road        | Unauthorised Use of Land for storage of damaged vehicles & erection of 2m high fence and gates | 31/7/12 & 21/8/12            | Prosecution file prepared and case in court on 20/2/13. Also new 2 <sup>nd</sup> EN served requiring removal of the fence and gates. 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. <b>Majority of vehicles have been removed</b> but EN not fully complied with so reminder letter sent to owners warning of prosecution unless quick compliance (deadline 18/11/12). |
| 5. | Land adjacent to 2A Stanley Road, Burncross | Change of use to Residential Curtilage & storage & associated works, including fence & gates.  | 13/9/11                      | <b>23/1/13, work stalled again, considering prosecution.</b> 31/7/12 – earth bank part restored, work ongoing. Fence 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,   |

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|    | Stanley Road contd from p.2 |  |                              | 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> .  |
| 6. | 51 Thompson Hill            | Unauthorised Erection of 1 <sup>st</sup> floor extension to rear of house – ref.11/01679/FUL | 2/8/11                       | <b>25/10/12 meeting held with owner &amp; it was agreed that Council would consider amended proposal, which was submitted 11/12/12. 12/03865/FUL now under consideration at Jan'13.</b> Appeal dismissed. Inspector extended compliance period to 4 months giving owner until 2 <sup>nd</sup> 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 not done – EN served 2/4/12 requiring extension to be altered to PD limit by 17/7/12. Appeal lodged against EN. |
| 7. | 183 Fox Street              | Broken & boarded front ground floor window to terraced house.                                | 10/5/11                      | <b>Quotes for works being sought from 3 different sources to cost up the work.</b> 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  |

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|    | 183 Fox St contd from page 3                       |   |                              | 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.   |
| 8. | <b>Former Ritz Social Club, Southey Green Road</b> | <b>S215 – Empty building in state of disrepair in a prominent position.</b>   | <b>13/7/12</b>               | <b>S215 Notice served 1/8/12 requiring demolition of building and clearance of site. Demolition of building began Dec 2012 and is in progress.</b>   |
| 9. | 290-308 Pitsmoor Road                              | (1) Use of Ground floor for retail shop, 1 <sup>st</sup> & 2 <sup>nd</sup> floors as HIMO, (11/00050/FUL refused)<br>(2) Canopy to front of Shop refused PP | 19/4/11                      | <b>(1) 24/1/13 - EN proposed regarding discharge of conditions of 11/00050/FUL as agent pulled out and no sign of progress.</b> 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. (1) New application 11/01912/FUL to improve the scheme taking account of reasons for refusal of HMO/Shop, (amendment to refusal of broadly similar |

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|    | Pitsmoor Road cont <sup>d</sup> from page 4 |  |                              | <p>scheme ref.11/00050/FUL), was granted conditionally 11/8/11. Shop and HMO now has PP.</p> <hr/> <p>(2) 11/03370/FUL now granted 3/1/12, implementation will superseded the EN. 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 &amp; requires removal of canopy by 31/8/11.</p> |
| 10 | Youth Club Building,<br>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.   |

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| 11 | 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)<br>New PP 11/03443/FUL for 4 bungalows dated 24/1/12 | 23/11/10<br>&<br>24/1/12     | <b>Summons sent for Initial Court hearing set for 20/2/13, (no.3 only). Houses at nos. 1, 2 and 4 are no longer in breach of the EN's.</b> 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 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 |

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|    | Ewden Village continued from page 6 |        |                              | <p>without delay or in the alternative the EN must be complied with without delay. Following this letter, nos. <u>1, 2 &amp; 4</u> were reduced in height during Feb &amp; March in accord with this new PP &amp; they are each in their correct footprint positions. No.3 has been reduced in height to one storey &amp; 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 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 &amp; EN's upheld but a</p> |

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|    | Ewden Village continued from page 7 |  |                              | <p>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 &amp; STOP NOTICE's served 24/11/10. Requiring demolition of 4 houses as they are unacceptably larger than approved – take effect 29/12/10 &amp; give 4 weeks to comply.</p> <p><u>Nos.2, 3 &amp; 4</u> - EN &amp; STOP NOTICE served 9/12/10, requires demolition of houses – Takes effect 12/1/11, 16 wks to comply, (4 houses/4 wks per house), expires 4/5/11</p> |
| 12 | Parker's Yard, Stannington Road     | Unauthorised use as self storage & metals recycling facility. 09/02757/CHU refused PP. | 10/6/10                      | The business is overcoming problems with their bank & with the vendor for the site due to the 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. 18/7/12, still delayed by solicitors, expecting contract sign for Pearson Forge soon. 1/3/12, Land contamination survey completed awaiting results of analysis, (takes 4-6wks =approx  |



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|    | Parker's Yard continued from p8  |  |                              | 10/4/12). Owner reports on 28/3/12 there shouldn't be 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, March, due to owners Bank requiring more info on structural stability of site buildings & land contamination. Relocation to new site - the legal process begun & 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 business identified & 11/01953/CHU granted 13/9/11 for former Pearson Forge at 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 (09/02757/CHU) dismissed. |
| 13 | 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                      | <b>Initial Court hearing set for 20/2/13.</b><br>4/10/12 – Prosecution Statement sent to Litigation as deadline set in the letter 30/5/12 passed without any progress on  |

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|    | Pheasant La continued from page 9 |        |                              | <p>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 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 &amp; 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,</p> |

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|    | Pheasant La continued from page 10   |   |                                   | concrete base, gas storage tank & shed & to restore land, the living accommodation is currently occupied & compliance required in 56 weeks-by April 2011.   |
| 14 | 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-highway access & finishes to frontage, C8-pedestrian access to new bowling green, C9-new pavilion details, C10-bowling green maintenance. | 15/12/09<br>(delegated authority) | Development ongoing at <b>January 2013</b> . 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 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. |

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