

ENFORCEMENT REPORT

UNAUTHORISED TELECOMS MAST, OAK LODGE FARM.
THOMPSON HILL, HIGH GREEN

1. PURPOSE OF THE REPORT

The purpose of this report is to inform Board Members of a breach of planning control and to make recommendations on any further action required.

2. BACKGROUND

- 2.1 The 17.5m high mast was erected in July 2011 relying on the temporary permitted development rights for the erection of moveable apparatus required in emergencies to maintain network coverage. This is allowed for a maximum period of 6 months, (under part 24 of the Town and Country (General Permitted Development) Order, (GPDO).
- 2.2 The mast was not removed after the 6 months passed, (in January 2012) and it remains standing at the time of writing 28 months later.
- 2.3 A planning application, (ref. 12/00530/FULTEL), was submitted to retain the mast beyond the temporary 6 month period. It was refused by the Council and an appeal to the Planning Inspector was dismissed in January 2013.
- 2.4 A second planning application, (12/00963/FULTEL), was submitted to site a mast in an alternative location on Oak Lodge Farm. Although this was also refused by the Council, it was granted permission on appeal by the Planning Inspector in January 2013. The position of this is marked on the site plan.
- 2.5 Since January 2013, a reasonable time period has been allowed for the implementation of the alternative mast under planning permission ref 12/00963/FULTEL, however this has not been done. A letter was sent to the telecommunications company 23rd October 2013 insisting the unauthorised mast is removed within 28 days or enforcement action will be taken. The company has responded by citing negotiation difficulties with the new owner of the land as the reason for the delay in removing

the unauthorised mast. Ownership has changed since those negotiations began.

3. ASSESSMENT OF THE BREACHES OF CONTROL

- 3.1 Oak Lodge Farm lies within the green belt between the busy A61 Westwood New Road and housing at Oak Lodge Road, which is at the western edge of High Green. Houses at Oak lodge Road overlook the site.
- 3.2 The Planning Inspector has dismissed an appeal against refusal of planning permission to retain the unauthorised mast. It was considered in the context of the National Planning Policy Framework, (NPPF) and the Sheffield Unitary Development Plan. The Inspectors reasoning is it is considered to be inappropriate development, harmful to the green belt and the countryside setting. He found this harm is not outweighed by very special circumstances that allow such development, (considered harmful), under the NPPF to support the extension of communication networks because the tests for allowing it have not been sufficiently explored by the appellants.
- 3.3 The Inspector found no sufficiently compelling reason to allow the development.

4. REPRESENTATIONS

- 4.1 A specific complaint has been made to the enforcement team from a local resident and there were 20 letters of objection to the mast in the retrospective planning application, (ref.12/00530/FULTEL).

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 171C of the Town & Country Planning Act 1990, ('the Act') provides for the service of a Planning Contravention Notice, (PCN). It requires information about the breach of control and property ownership. It also gives an opportunity to meet with officers to make representations. Such a meeting can be used to encourage regularisation and/or discussions about possible remedies where harm has occurred. In this case planning permission has been refused and there is already an alternative permission in place for the company to implement.
- 5.2 Section 172 of the Act provides for the service of an enforcement notice, (EN). In this case such a notice would require the removal of the mast.

6. EQUAL OPPORTUNITIES

- 6.1 There are no equal opportunity implications arising from the recommendations in this report.

7. FINANCIAL IMPLICATIONS

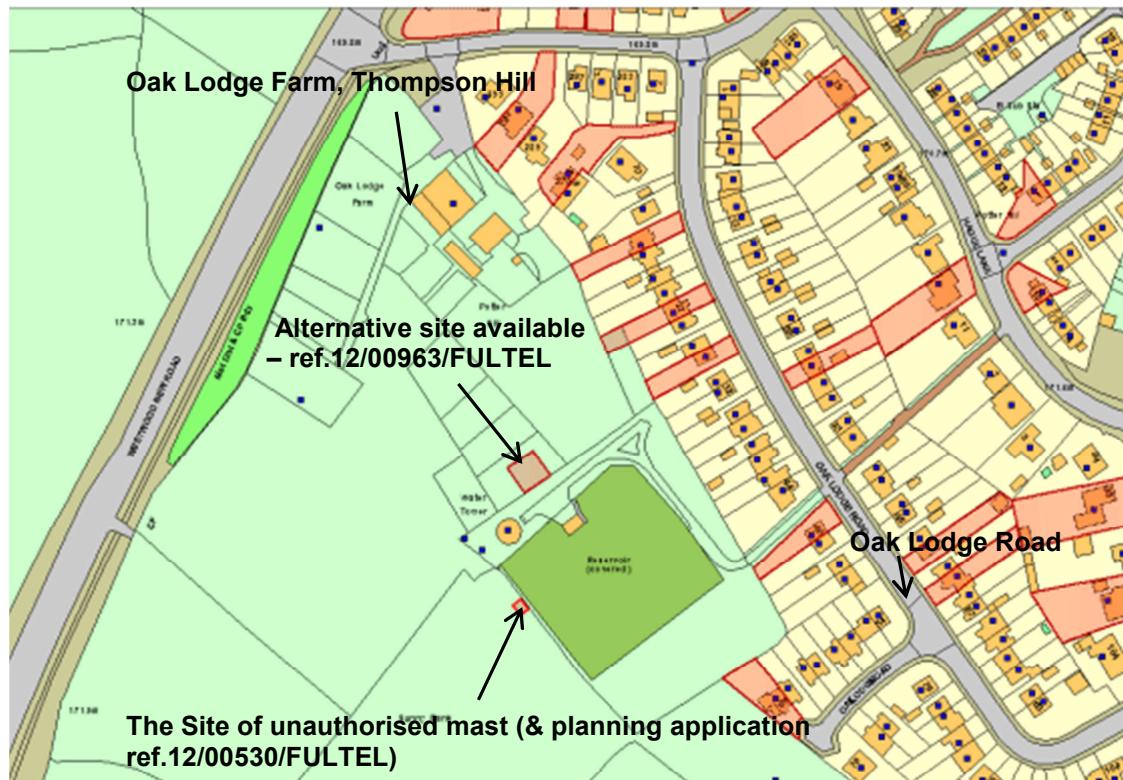
7.1 There are no financial implications arising from the recommendations in this report.

8. RECOMMENDATION

8.1 That the Director of Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal to remove the unauthorised telecommunications mast from the land.

9.2 The Head of Planning is designated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

SITE PLAN



Maria Duffy
Interim Head of Planning

11 November 2013

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