

UPDATE ON LIVE ENFORCEMENT CASES IN SOUTH AREA FOR QUARTER ENDED 30th September 2014.

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
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	TSN	Temporary Stop Notice

ITEMS IN BOLD TYPE INDICATE CHANGES SINCE LAST REPORT

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
1.	140-142 Abbeydale Road	Unauthorised canopy	16/09/2014	14/10/2014 – EN being prepared
2.	755-757 Abbeydale Road	Unauthorised canopy	16/09/2014	14/10/2014 – Negotiations ongoing with owner to submit a planning application within 21 days for a more acceptable canopy.
3.	44 Grange Crescent, Nether Edge Conservation Area	Unauthorised replacement of windows, roof tiles, guttering, door and repainting of	07/02/11	14/10/14 – EN has not been complied with and a final letter to be sent in the next few days and if the EN is not

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		headers, sills and architectural feature		complied with then the matter will be reported for 2nd prosecution. 09/07/13 – letter has been sent asking to comply with EN before 01/09/13. 25/01/13 – prosecuted 19/12/12 pleaded guilty and was fined £30 and £15 costs. Letter to be sent asking to comply with notice. 06/11/12 – File with litigation. 26/07/12 – 2nd part of EN not been complied with either a prosecution file has been prepared and is with litigation. 02/04/12 – File with litigation. 13/01/12 – Prosecution file being prepared. 14/10/11 – 1st compliance period Nov 2011. 15/06/11 - Enforcement notice served on 4 April 2011, takes effect on 09/05/11 phased compliance period 6 months and 12 months from when notice takes effect. 22/03/11 – An Enforcement Notice is being prepared.
4.	166, 223-225, 234, 235, 243-245 and 280 Abbeydale road, S7	Illegal Signs	16/09/2014	14/10/2014 Writing to owners/occupiers to advise of pending prosecution - locating up to date contact details for each property.
5.	31 Moor Oaks Road, S10 1BX	Unauthorised replacement front door and frame	26/08/2014	14/10/2014 – EN with legal, due to be served shortly

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6.	9 & 11 Moor Oaks Road, S10 1BX	Unauthorised replacement front doors and frames	26/08/2014	14/10/2014 – 2 EN's with legal, due to be served shortly
7.	20 Hallamgate Road, S10 5BT	Unauthorised replacement garage	16/07/2014	14/10/2014 – New application 14/02579/FUL approved on 11/09/2014, NFA 17/07/2014 – Temporary Stop notice served to halt works on site. Works started not in accordance with the approved plan 13/02297/FUL.
8.	20 Glen Road, S7 1RA	Unauthorised replacement driveway	15/07/2014	14/10/2014 EN served 23.09.14 takes effect 23.10.14 15/07/2014 Authority given for enforcement action – Notice being prepared.
9.	12 & 14 Crookes Road, S10 1GR	Unauthorised replacement roof tiles, fascia and guttering	28/01/2014	14/10/2014 Roof replacement underway 23/07/2014 Works underway – agreed not to serve EN as committed to solve Application submitted for natural slate approved 28/01/2014 Authority given for enforcement action
10.	261, 269 & 271-273 Fulwood Road,	Unauthorised replacement windows	17/12/2013	14/10/14 Still awaiting inspectorates decision 23/07 Still awaiting inspectorates decision 06/03/14 Appealed Enforcement Notice Appealed refusal

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				13/02/2014 Enforcement Notice served, appealed under same grounds Application refused with authority to serve enforcement Notice Advised upvc windows must be removed
11.	95 Brunswick Street, S10 2FL	Non-compliance with planning conditions	14/03/2014	14/10/14 – Work has started to comply with the notice. 22/07/2014 A BCN has been served 16/04/2014 28 days compliance period – a variation of condition application (14/00980/FUL) has been submitted and subsequently approved. Work has started on site.
12.	Land Between 1 To 3 And Nos 5 And 7 Dover Road Sheffield S11 8RH	Erection of an Unauthorised wall	11/03/2014	14/010/2014 – Appeal still ongoing. 18/07/2014 – Appeal Statements submitted. 1/06/2014 Appeal Lodged. 09.04.2014 – Enforcement Notice Served with 6 month compliance period. 03.04.2014 – Paperwork with legal services to serve an Enforcement Notice
13	24 Ashgate Road, S10 3BZ	Unauthorised UPVC windows	04/02/2013	14/10/2014 Windows have been replaced with timber sliding sashes NFA. 24/07/2014 – Planning application 14/01379/FUL to replace timber sash

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				windows granted conditionally on 02/06/2014. Site to be monitored. 9/1/2014 – EN served with 16 week compliance period. 11/09/2013 – Appeal dismissed, EN will now be served. 06/03/2013 Appeal lodged & on-going, Inspectorate has written to the appellant requesting further information. 04/02/2013 Application refused with enforcement action authorised.
14	153 Twentywell Lane, S17 4QA	Unauthorised Fencing erected	29/04/2013	24/07/2014 – Fence has been reduced in height to an acceptable level, NFA 07/04/2014 – Still within the compliance period (30/4/14). 4/12/2013 – EN served, 16 week compliance period. 1/10/2013 - Authority obtained to serve Enforcement Notice (29/04/2013) however, negotiations are taking place with the owner to agree an alternative scheme.
15	79 Dore Road, S17 3ND	Unauthorised Hoarding	24/09/2013	14/10/2014 – Awaiting prosecution 23/07/14 Appeal dismissed – final time limit given on 09/07 allowing 14 days – prosecution pending 7/04/14 – Appeal in progress. 14/01/2014-

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				awaiting outcome of appeal before prosecution 1/10/2013 – Notice being prepared.
16	759 – 761 Abbeydale Road S7 2BG	Unauthorised smoking shelter	11/09/13	23/07/2014 – Application granted conditionally NFA. 07/04/14 – Some details have been submitted but the application is still invalid. 06/11/13 - Planning application (13/03424/FUL) has been submitted for the Council's consideration.
17	263 Cemetery Road, S11 8FS	Unauthorised replacement of windows to the front and side of 263 Cemetery Road, S11, facing Grange Crescent Road and Cemetery Road, the erection of a new soil pipe facing Cemetery Road, a new down pipe adjacent to the bay window facing Grange Crescent Road, the replacement of guttering and the erection of roof felt on the ground floor bay windows.	05/11/13	14/10/14 – the Notice is still within compliance period. 22/07/14 – The company is not registered in the UK and would be difficult to prosecute if they did not comply with the notice as the notice. Letter to be sent to Companies house informing them that the company is not registered in the UK. 07/04/14 – EN has been served 02/04/14 compliance period 6 months. 14/01/14 – EN being drafted and will be served shortly.
18	73 Sandford Grove Road, S7 1RR	Unauthorised excavation works to the front garden and	23/07/13	14/10/14 – Most of the excavation has been filled in by co-ordinated action led

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		the unauthorised erection of fences at the front of 73 Sandford Grove Road, Sheffield, S7		<p>by Private Sector Housing – NFA. 07/04/14 – A planning application (14/00871/FUL) has been submitted to for alterations to the property – Monitor, enforced sale by PSH still to take place. 14/01/14 – Private Sector Housing (PSH) are pursuing Enforced Sale Procedure (ESP) and advice given from legal is to wait until the ESP has been effective in which case the same outcome would have been achieved. If ESP fails or until the next transgression then to proceed with Injunction. 14/11/13 – EN in relation to the unauthorised fence has been served came into effect 15/10/13 with a compliance period of 2 months. TSN has been served and has been complied with. The injunction relating to the excavation works is with Counsel for drafting of proceedings for issue. Further evidence is required before Counsel is ready to take injunction to Court. Evidence is being provided.</p>
18	Whirlow Elms Chase, S11 9RQ	Unauthorised retention of buildings and use of building	21/05/2013	14/10/2014 – Case in Magistrates court for 2 sessions 16/9/2014 & 25/9/2014.

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		and land as a builder's compound /gardeners store.		<p>Developer convicted and fined £750, SCC awarded costs £1000 and surcharge of £75. Letter to be sent shortly to developer offering advice on how the breach of Control can be complied with. 24/07/2014 – Full hearing in Magistrates court, 16/09/2014. 1/05/2014 – Case in court, owner pleaded not guilty. 07/04/2014 – Awaiting court date. 08/01/2014 – BCN not complied with, witness statement being prepared. 08/10/2013 – BCN served on Pullan Developments Ltd requesting the removal of the former care takers dwelling and the compliance with condition 3 relating to Sustainable development. 21/05/2013 – Authority given to serve an Enforcement Notice to secure the cessation of use of the former caretakers house as a builders compound/ gardener store.</p>
19	201 Chippinghouse Road,S7 1DQ	Breach of condition 2 – development not carried out as to the approved plans	03/05/13	<p>14/10/14 – work has been carried out as required – NFA 22/07/14 – Work has started on site and assurances given that it has now been completed SV to be done to check. 07/04/14 – prosecution on the</p>

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				20/03/14 £200 fine, £100 Costs and £ 20 Victim Surcharge 14/01/14 – Notice has not been complied with. The matter is being reported to Committee with a request for authority to pursue a prosecution. 09/07/13 – BCN has been served on 5/06/13 – 56 days compliance period
20	6 Rosamond Place	Breach of Condition 2 – Landscaping. Breach of Condition 1 – Completion of Development	20/02/13	14/10/2014 – All paperwork with litigation ready for a 2nd prosecution. 22/07/2014 – Although application determined, No works carried out on site, so matter to be reported for 2nd prosecution again. 01/05/2014 – 2nd prosecution held back as the Owner submitted the necessary application. 07/04/2014 – Awaiting a court date for the 2 nd prosecution. 06/01/2014 – Work recommenced on site, so being monitored to ensure that this continues. 31/10/2013 – A new conditions application received but not valid, to ensure compliance with breach of condition 2. Site visited and development not completed therefore prosecution papers being prepared for 2 nd breach of

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				control. 16/10/2013 – Case in Court, found guilty and fined £75 fine, £75 costs and £25 surcharge. 10/07/2013 – A further breach of Condition Notice is being prepared to ensure compliance with the condition that requires the development to be completed within its entirety, 6 months from the date of approval. No landscaping details received therefore meeting with legal to discuss possible prosecution 15/04/2013 – No details received as yet however still within period for compliance. BCN served requiring details of a landscape scheme to be submitted and approved before being implemented on site.
21	Swanky Franks 722A Chesterfield Road	Non-compliance with a planning condition to clad an extraction flue	13/02/2012	14/10/2014 – List of all Directors now obtained, new BCN's to be served on all of them. - 24/07/2014 –Section 330 Notice to be served, to gain details of all interested parties. 07/04/2014 – No progress on this as other cases have taken priority. 07/04/2014 15/01/2014 – Reminder letters being sent. 31/10/13 No recent

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				<p>progress as waiting for legal advice with regard to ownership of property. 10/07/2013 – Case meeting with legal to discuss further action. Site to be monitored. 16/04/2013 Letter sent to all parties with an interest in the property requesting for works to be carried out, failure to comply with this final letter will lead to the matter being passed on to litigation for a prosecution. 15/03/2012 – Dealing with agent and agreed to an extension of time for compliance, works should be carried out by 31/05/2012. 17/02/2012 BCN served requiring flue to be clad as per condition.</p>
22	4 Parkers Road	Unauthorised roller shutter	06/02/2012	<p>14/09/2014 – The owner has replaced the wall to an acceptable level, NFA 22/07/2014 – No correspondence from owner so letter sent requiring him to comply with the Enforcement Notice within the next 28 days, to avoid a 2nd Prosecution. 1/05/2014 – Owner attended court and pleaded guilty. He was given a conditional discharge for 12 months and ordered to pay £75 plus</p>

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				<p>£15 surcharge. 20/03/2014 – Case was due to be heard in court but appellant wanted legal counsel so the case was adjourned until 1st May 2014. 31.12.2013 – Awaiting court date. 31/10/2013 – Paperwork with Litigation for prosecution. 10/7/2013 – Notice being prepared. 16/04/2013 – Roller shutter still in place therefore notice not being complied with. File to be prepared for prosecution. 10/09/2012 Appeal dismissed roller shutter to be removed by 18/03/2013. 31/05/2012 Appeal Received. 16/04/2012 EN served,</p>
23	75 Machon Bank Road, S7 1PE	Unauthorised replacement of windows at the front of the property	25/02/13	<p>14/10/14 – work has been completed as required. – NFA 22/07/14 – Works to be completed by end of July – Monitor. 07/04/14 – Planning application has been granted for an alternative proposal time period to be agreed before work is carried out. 14/01/14 – EN has not been complied with but application for timber windows just received. 05/11/13 – EN has been served 6 Month compliance period. Expires on 03/12/13. 15/04/13 – EN has been drafted and is with Legal and Admin. Planning</p>

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				application (12/03797/FUL has been refused with enforcement action.
24	204 Chippinghouse Road, Nether Edge, S7 1DR	Unauthorized replacement of windows and door within an Article 4 area	13/08/12	<p>14/10/14 – 1st floor windows have been replaced as agreed. A further 6 month from April agreed before the ground floor windows and door is replaced.</p> <p>14/01/14 – The upstairs windows have been manufactured and ready to be installed. 06/11/13 – In discussions with owner and joiner for suitable replacement windows. 12/07/13 – EN was served (21/09/12) and took effect on 26/10/12 – 9 month compliance period (26/07/13). No work commenced on site as yet.</p>
25	7 Greenfield Drive	Unauthorized signage on display	26/09/11	<p>14/10/2014 –Letter and S330 notice to be served. 07/04/2014 – No action on this other cases have taken priority. 15/01/2014 – Ongoing Notice due to be served. 06/11/2013 – Paperwork for Notice nearly complete, final legal checks and service expected within next 2 weeks 11/7/2013 – Notices expected to be served by mid-</p>

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				August.16/04/2013 Other work taken priority, so not progressed. 12/02/13 – Notices being prepared, aiming to be served by end of February. 14/11/12 – No action on this case as other work has had to take priority. 03/07/2012 Sign still erected on site. Paperwork with Legal to serve Notice. 02/04/2012 – Paperwork being prepared for prosecution. 19/01/2012 – Letter to the owners of the property giving 14 days to remove sign post decision, otherwise prosecution to follow. 27/09/11 – Authority granted to instigate legal proceedings to secure the removal of the unauthorised sign.
26	Ball Inn, Mansfield Road	Unauthorised Hoarding	21/06/2010	14/10/2014 – Letter and S330 Notice to be served. 07/04/2014 – No action on this other cases have taken priority.15/01/2014 – Ongoing Notice due to be served. 06/11/2013 – Paperwork for Notice nearly complete, final legal checks & service expected within next 2 weeks.11/07/2013 – No recent progress, expect to serve Notices by 01/09/2013. 15/04/2013 – No

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				<p>work on this case due to other cases taking priority. 12/02/13 – Notices being prepared, aiming to be served by end of February 25/07/2012 DN to be served within next 14 days. 18/04/2012 Some delay in preparation of Notice. Now anticipate service June 2012. 10/01/2012 – Background checks taking place anticipate notice to be served by Mid Feb 2012. 21/06/11 - Hoarding still in place. Discontinuance Notice to be served. 18/03/11 Company instructed in writing to remove Hoarding by 31/03/11 20/01/11 Planning Appeal dismissed. Instructions to be sent for Hoarding to be removed. 20/09/10 Planning Appeal submitted by applicant. Statement sent by Planning Officer to Inspectorate on 27/8/10. Outcome of this will determine further enforcement position. 1/06/2010 – retrospective advertisement application refused at Area Board. Instructions being prepared for Notices to be served.</p>
27	Pizza Padrino,	Non compliance with approved	02/06/2010	24/07/2014 – Tenant Evicted by owner,

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	267 Fulwood Road, Broomhill Conservation Area	hours (94/01539/FUL)		<p>business closed. NFA 7/4/2014 – Awaiting outcome of latest prosecution. 14.01.2014 – Ongoing prosecution with licensing. Court date expected before April. 6/11/2013 Joint strategy with licensing, awaiting a further prosecution. 26/06/06 – Case in court, owner pleaded guilty & was fined £260. 16/04/2013 – Awaiting court dates for licensing prosecution. 23/1/13 – Site being monitored, to gain evidence for further breaches. Licensing are currently prosecuting for failure to comply with license conditions, court date expected soon. 18/07/2012 – Case in Court. Owner pleaded guilty £50 fine, Costs £50 and £15 surcharge. 20/03/2012 – Files with prosecution waiting court date 17/2/12 – Evidence for prosecution obtained & being prepared for Litigation. Letter sent 14/12/11 warning non-compliance with EN will lead to prosecution. 13/06/11 - Work still to be completed for new EN's. Expect to be served by end of August 22/3/11 – Decided that new enforcement notices to be served due to info from Licensing that person named as licensee has changed.</p>

NO	SITE	BREACH	DATE OF COMMITTEE RESOLUTION	CURRENT SITUATION
				Cannot prosecute former licensee, work towards this to begin asap. 04/01/11 - Case meeting towards prosecution to be arranged before the end of February. 20/09/10 Premises in breach of TSN & BCN. Prosecution file being prepared in conjunction with Licensing. 03/06/2010 – BCN & TSN served. Regular monitoring taking place with a view to prosecution for any further breaches.
28	Oasis Pizza, 204 Whitham Road, Broomhill Conservation Area	Non-compliance with approved hours (98/00186/FUL)	02/06/2010	14/10/2014 – new application for extended hours of operation appears elsewhere on this agenda. 13/03/14 – Owner prosecuted (3 rd such prosecution since July 2011) & found guilty & fined £125 for each of two offences prosecuted (total inc costs = £425 to be paid in instalments of £20 per week).01.2014 – Owners are currently applying for an Eviction Notice against the occupying tenant, citing the continued breach of planning and licensing controls as their reason. 6/11/2013 Joint strategy with licensing, awaiting a further prosecution. 26/06/2013 – Case in Court, owner

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				<p>pleaded guilty & fined £260. 16/04/2013– Awaiting a court date for licensing prosecution.13/01/13 – Site being monitored, to gain evidence for further breaches. Licensing are currently prosecuting for failure to comply with license conditions, court date expected soon. 19/07/2012 Case in court, pleaded guilty, £50 fine surcharge £15 costs £75. 20/03/2012 – Files with prosecution awaiting court date.17/2/12 –Evidence for prosecution obtained & being prepared for Litigation. Letter sent 14/12/11 warning non-compliance with EN will lead to prosecution.10/10/11 – Enforcement Notice issued. Takes effect 14/11/11& requires compliance with planning permission by 14th December or prosecution will follow. 13/06/11 - Work still to be completed for new EN's. Expect to be served by end of August. 22/3/11.Decided that new EN's to be served due to info from Licensing that person named as licensee has changed. Cannot prosecute former licensee, work towards this to begin asap. Appeal against</p>

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				refusal of PP to allow hours extension dismissed. 04/01/2011 Case meeting towards prosecution to be arranged before the end of February. 20/09/10 Premises in breach of TSN & BCN. Prosecution file being prepared in conjunction with Licensing
29	Old Whitelow Farm, Old Whitelow Lane.	Re-construction of a demolished redundant farm building	30/07/08	<p>15/10/2014 – Awaiting legal interpretation of legislation to ascertain whether the works are now immune from action due to the four year rule or whether a second bite provision can be applied to this case.</p> <p>24/07/2014 – Meeting to be arranged with legal & planning officer to discuss different options to resolve this issue.</p> <p>28/03/2014 – Correspondence received from solicitors trying to address the ownership issues of the site. 10/01/2014 – Ongoing discussions with litigation & owners agents. 05/11/2013 – Discussions taking place with litigation, legal position being evaluated. 11/07/2013 – No recent progress, however meeting arranged for</p>

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				<p>mid-August with litigation. 16/04/2013 – In the process of setting up a case meeting with legal department. 12/02/13 – No new applications have been received, advice being taken from legal services with regard to the number of possible uses at property & the possible re-instigation of an historic EN. 4/07/2012 – Meeting held in office to go through all evidence collected with the owners' architects. 20/03/2012 – Application 08/04373/FUL refused with Enforcement Action authorised. Site meeting arranged with owner for 24/4/2012 to discuss other outstanding issues. - 13/01/2012 – Land Ownership issues delaying application process. Meeting to take place with litigation & other legal teams by mid- Feb 2012.</p> <p>05/08/08 – Planning application submitted going through process. 31/07/08 – TSN served. Owner informed that no further works are to take place.</p>
30	Norfolk Arms Public House, Ringinglow	Unauthorised fume extraction and Lighting Columns.	19/05/08 & 21/09/09	14/10/2014 –Reminder letter to be sent asking him to comply with notice within

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	Village			<p>28 days. If no response then prosecution file to be prepared.</p> <p>07/04/2014 – New Witness statements being prepared, aim to get all paperwork to Legal 1/5/2014. 16/12/2013 – Ongoing awaiting court date. 5/11/2013 – Witness statement with litigation for non-compliance with EN for the lighting columns. Another statement being prepared for the non-compliance with the Listed Building Enforcement Notice. 11/07/2013 – Discussed with legal services, prosecution to proceed, paperwork being prepared. 16/04/2013 – Awaiting new applications, lighting columns still in place. 12/02/13 – Discussions taking place with owners regarding replacement lighting to car park & installation of a new extraction system. Site being monitored for compliance with notice Columns should be removed by 28/3/2013. 5/11/12 – Inspectors decision, appeal dismissed & the owner now has 16 weeks to remove unauthorised lighting columns. 1/11/12 Appeal site visit arranged. 15/06/2012 – Appeal ongoing statement submitted.</p>

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				8/6/2012 Appeal received in connection with the lighting columns. 18/04/2012 – Listed Building Notice & EN served on all parties with an interest.