



## **SHEFFIELD CITY COUNCIL Planning & Highways Committee Report**

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**Report of:** Director of Regeneration & Development Services

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**Date:** 20 October 2015

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**Subject:** Enforcement Report  
34 Leebrook Avenue

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**Author of Report:** Jonathan Baker

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**Summary:** Unauthorised extension of rear garden into green belt land

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### **Reasons for Recommendations:**

**To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.**

### **Recommendations:**

That the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to cease the unauthorised change of use and extension onto Green Belt land, return the land to its former condition and remove all means of enclosure.

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.

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### **Background Papers:**

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**Category of Report:** OPEN

## **ENFORCEMENT REPORT**

### **1.1 UNAUTHORISED EXTENSION OF REAR GARDEN CURTILAGE INTO GREEN BELT LAND.**

### **2. PURPOSE OF THE REPORT**

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.

### **3. BACKGROUND**

3.1 Complaints were received about the unauthorised extension of garden curtilage into Green Belt land.

3.2 At the initial site visit it was observed that the rear garden had been extended 4 metres across its width into Green Belt woodland and a wooden means of enclosure of 2 metres high had been erected. Inside the enclosure, garden landscaping had taken place and a patio and summer house had been installed.

3.3 A letter was sent to the householder informing him that this was a breach of planning control and was unacceptable. He was advised to remove the means of enclosure and return the land back to its previous condition within 28 days. A letter was also sent to the landowners of the land where encroachment had taken place.

3.4 A site meeting was held with the householder and he showed me where he had started to remove the patio from the encroached area. He asked for a time extension. It was agreed a further six weeks should be allowed – to Friday 10 July – to allow the fence to be removed and the land returned to its previous condition. This was confirmed in a letter to the householder.

3.5 A site visit on 21 July confirmed that the means of enclosure and outbuilding was still in place. A reminder letter was sent out. To date, no attempt has been made to remove the enclosure and return the land to its previous condition and it is still being used as an extension to the garden.

#### 4. ASSESSMENT OF THE BREACHES OF CONTROL

4.1 Under the Town and Country Planning Act (1990) (The Act) an extension of residential garden space into public open space or on to land with other uses requires planning permission for change of use.

4.2 This extension of garden curtilage requires planning permission, however, as this is extending on to Green Belt land and extends far beyond the natural garden boundary line, consistent to neighbouring gardens, any application is likely to be refused.

#### 5. POLICY

5.1 Section GE1 of the The Green Environment section of the Unitary Development Plan (UDP) 'Development in the Green Belt' states -

*In the Green Belt, development **will not be permitted**, except in very special circumstances, where it would:*

*(c) lead to encroachment of urban development into the countryside;*

5.2 Section GE4 'Development of the Green Belt Environment states

*The Government's national planning guidance states that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt.*

*There is a need to ensure that any development that does take place in the Green Belt has regard for the existing character of the area and is appropriate in terms of siting, materials and design.*

5.3 Policy CS 71 of the Sheffield Development Framework; Core Strategy seeks to maintain and protect the Green Belt.

5.4 The National Planning Policy Framework, paragraph 87 states that

*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*

There are no special circumstances in this case.

#### 6. REPRESENTATIONS

6.1 Two local residents have complained about the extension of curtilage being out of keeping with the area and ruining green belt land.

## 7. ASSESSMENT OF ENFORCEMENT OPTIONS

- 7.1 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 unauthorised extension of the garden into green belt and the means of enclosure; and for the land to be returned to its previous state.

## 8. EQUAL OPPORTUNITIES

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

## 9. FINANCIAL IMPLICATIONS

- 9.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be made against the Council if it is shown that they have behaved “unreasonably” in the appeal process, it is unlikely that this will happen in this case. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

## 10. RECOMMENDATION

- 10.1 That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised curtilage extension.
- 10.2 That the Head of Planning, in liaison with the chair of the committee, be authorised to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

SITE PLAN



PHOTOGRAPHS - BEFORE & AFTER

Before



After





Maria Duffy  
Interim Head of Planning

20 October 2015

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