

PLANNING SERVICES

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

DATE: 25 MAY 2021

ENFORCEMENT REPORT

UNAUTHORISED CHANGE OF USE OF LAND TO A STORAGE YARD AND THE UNAUTHORISED CONSTRUCTION OF FOOTINGS/FOUNDATIONS ON LAND, SITUATED BETWEEN 94 AND 98 WHEEL LANE, SHEFFIELD, S35 8RN.

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to inform the Area Team Manager of a breach of planning control and to make recommendations on any further action required.

2. BACKGROUND AND BREACH

- 2.1 The land is situated between 94 and 98 Wheel Lane. The land is within a Housing Area as defined by the Sheffield Unitary Plan (UPD). The site also falls within a Local Nature Site with geological interest as identified by the UDP Proposal Map. The land to the rear of the site is in Green Belt.
- 2.2 The land was a former covered reservoir site which was subsequently decommissioned and filled in. Therefore, any previous use of the site is no longer material and is considered abandoned. Any further use of the land requires planning permission.
- 2.3 Several planning applications have been submitted to redevelop the site however these have been refused, the most recent one being 20/02057/FUL for the erection of two dwellings with associated access, parking, and landscaping, which was refused at Committee on the 3 February 2021. To date no appeal has been made against this decision.
- 2.4 The Council received several complaints that work had started on site without consent and the land was being used for storage purposes.
- 2.5 Officers visited the site and found that there are two large metal storage containers (one stacked on top of the other), a fork truck, temporary fencing and other building and non-building materials stored on the site. Concrete footings/foundations have also been laid in connection with planning application ref: 18/00924/FUL which was for the erection of a dwellinghouse. This permission was however quashed by the Court's and therefore the footings/foundations are unauthorised.

- 2.6 The owner has stated that the containers and the other materials, machinery etc. are being stored on a temporary basis whilst he is waiting for planning permission to be approved. The equipment will then be used in connection with the site's redevelopment.
- 2.7 Part 4, Class A of the General Permitted Development Order allows for the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land. However, development is not permitted by Class A if planning permission is required for those operations but is not granted or deemed to be granted. In this case there is no extant planning consent for the redevelopment of the site and there are no current live planning applications. The owner has been told to clear the site and to remove the footings/foundations.
- 2.8 The owner has stated that an appeal will be made against the recently refused planning decision (20/02057/FUL). As of the 10th May no appeal has been submitted or registered. The current breaches of planning control and previous applications and related appeals are matters that need to be dealt with separately. Given that the owner has not made any attempt to clear the site or remove the footings/foundations it is now considered expedient to take formal action.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The use of the land for the storage of materials would require a change of use of the land from a nil use to storage of materials which falls under Use Class B8 – (Storage and distribution).
- 3.2 Unitary Development Plan Policy H10 'Development in Housing Area' 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 can attract heavy commercial vehicle movements in close proximity to established residential areas properties which are likely to cause disturbance and noise nuisance.
- 3.3 Unitary Development Plan Policy H14 'Conditions on Development in Housing Area' states that new development or change of use will only be permitted if it does not lead to air pollution, noise, smells, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby.
- 3.4 Unitary Development Plan Policy GE4 'Development and the Green Belt Environment' states that the scale and character of any development which would be conspicuous from the Green Belt to be in keeping with the area and, wherever possible, to conserve and enhance the landscape and natural environment.

- 3.5 Unitary Development Plan Policy GE13 states that development affecting Local Nature Sites should, wherever possible, be sited and designed to protect and enhance the most important features of natural history interest.
- 3.6 It is considered that the use of the land for the open storage of materials is a harmful use of land within a Housing Area. The loading and unloading of materials would be sources of excessive noise and disturbance for the living conditions of the neighbouring residents and the storage also harms the residential appearance and character of the area. It is not considered compatible with the character of the area and it contravenes Policy H10, H14, GE3 and GE13, of the Unitary development plan.
- 3.7 The footings/foundations and partly constructed development do not have planning permission.
- 3.8 Unitary Development Plan Policy BE5 'Building Design and Siting' states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions. The following principles will apply for physical design:
- (a) Original architecture will be encouraged but new buildings should complement the scale, form and architectural style of the surrounding buildings.
 - (b) Designs should take full advantage of the site's natural and built features.
- 3.9 Unitary Development Plan Policy H14 'Conditions on Development in Housing Area' states that new development will only be permitted where they are well designed and in scale and character with neighbouring buildings.
- 3.10 Unitary Development Plan Policy GE13 states that development affecting Local Nature Sites should, wherever possible, be sited and designed to protect and enhance the most important features of natural history interest.
- 3.11 Sheffield Development Framework Core Strategy Policy CS74 'Design Principles' states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the City, its districts and neighbourhoods.
- 3.12 NNPF 127 Planning policies and decisions should ensure that developments (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; (c) are sympathetic to local character and history, including the surrounding built

environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

- 3.13 The partially constructed concrete foundations/footings are considered to be detrimental development and are causing visual harm to the residential character and general appearance of the area and as such contravene Policy BE5, GE4, GE13, H14 and CS74 of the Unitary development plan and paragraph 127 of the NPPF.

4. PHOTOGRAPHS SHOWING THE SITE



5. REPRESENTATIONS

- 5.1 Several written complaints have been received from local residents stating that works had started on site without consent and the land is being used for the storage of containers, machinery, fencing and building materials, which are causing an eyesore.

6. ASSESSMENT OF ENFORCEMENT OPTIONS

- 6.1 The service of an Enforcement Notice under Section 172 of the 1990 Act enables the Local Planning Authority to issue Enforcement Notices where there has been breach of planning control. In this case the Notices would require the cessation of the unauthorised storage use and the removal of the metal containers, fork truck, fencing and other

building and non-building materials and other paraphernalia etc and the removal of the footings/foundations that have been laid and to remove all the associated waste materials. 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 defend any such appeal.

7. EQUAL OPPORTUNITIES

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

8. FINANCIAL IMPLICATIONS

- 8.1 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 awarded against the Council if it is shown that they have behaved “unreasonably” in the appeal process, it is highly 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.

9. RECOMMENDATIONS

- 9.1 That the Planning Enforcement Team of Development Services be authorised to take any appropriate action including under Parts VII and VIII of the Town and Country Planning Act 1990 and instructing the Director of Legal & Governance to institute legal proceedings to secure the cessation of the storage use and the removal of the metal containers, fork truck, fencing, building and non-building materials and other paraphernalia etc. and the removal of the footings/foundations that have been laid and associated waste.

SITE PLAN



