

25 FEBRUARY 2013

ENFORCEMENT REPORT

UNAUTHORISED USE OF LAND AS A SCRAP YARD, AT THE REAR OF 262 – 266 BELLHOUSE ROAD, SHEFFIELD, S4.

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Committee Members of a breach of planning control and to make representations on any further action required.

2. BACKGROUND

- 2.1 The land is situated at the rear of 262-266 Bellhouse Road. The land is accessed from a narrow lane adjacent to 266 Bellhouse Road. The land is surrounded by residential properties and is also adjacent to the Steel City Community Club Sports grounds. The site lies within a Housing Area as designated in the Sheffield Unitary Development Plan (UDP).
- 2.2 The site was previously occupied by a number of lock-up garages. The garages have been demolished in the past. A number of planning applications for residential use have been granted for this site. However, none of these schemes have been implemented.
- 2.3 A complaint was received in March 2012 regarding the use of this land as a scrap yard. Previously when the site was investigated it was found that the land was being used as a scrap yard with an ancillary use as a vehicle repair yard. After the threat of enforcement action the use was subsequently stopped and the site was cleared.
- 2.4 A new complaint was received in August 2012 stating that the use of the land as a scrap yard had started again. A number of site visits were made and it was noticed that the land had a number of scrap/damaged vehicles parked within the site in various state of repair. Since the complaint in August 2012 officers have not witnessed any activity taking place on the land but the vehicles are still there.

3. ASSESSMENT OF BREACH OF CONTROL

- 3.1 The site lies within a Housing Area as defined in the adopted UDP. The scrap yard use is considered as a Sui Generis Use.

- 3.2 Unitary Development Plan Policy H10 ‘ Development in Housing Areas’ states that the use of land as scrap yards purposes in housing areas is unacceptable because such uses harm living conditions for people living nearby. They also attract frequent use of heavy vehicles in housing areas and are liable to cause noise, smells or air pollution, as well as being unsightly.
- 3.3 Unitary Development Plan Policy H14 ‘Conditions on Development in Housing Areas’ states that for non housing uses, they should not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby.
- 3.4 It is considered that the use of the land as a scrap yard is an inappropriate use in a Housing Area. The loading and unloading of vehicles from the back of recovery trucks, use of tools, power equipment, movement of vehicles and other associated activities in close proximity to residential property could be a source of excessive noise and disturbance for the living conditions of the neighbouring residents and the storage of scrap vehicles harms the appearance and character of residential areas.
- 3.5 The Photographs below show the land in question and clearly demonstrates the use is unacceptable in this residential area due to the unsightly appearance of the site.

The picture below was taken on 3 April 2012.



The picture below was taken on the 27 November 2012.



4. REPRESENTATIONS

- 4.1 A complaint has been received from a local resident. The complainant has concerns about the use of the land as a scrap yard.

5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 172 of the Town and Country Planning Act 1990 enables the Local Planning Authority to issue Enforcement Notices where there has been a breach of planning control. In this case the notice would require the cessation of the use of the land as a scrap yard and the removal of all the damaged/scrap vehicles and all machinery and equipment associated with the scrap yard business. 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.
- 5.2 Section 183 of the Town and Country Planning Act 1990 provides for the service of a Stop Notice in conjunction with an Enforcement Notice, (S172). The Stop Notice would take effect within 3 days following the date of service, and an offence would be committed for any failure to comply with the Stop Notice. In this case it is considered not to be appropriate to serve a Stop Notice as it appears that the situation is stable and not getting worse. However, this can be kept under review so that if the use intensifies before the Enforcement Notice comes into effect, such a notice could be served to stop the use.

5.3 The Town and Country Planning Act 1990 enables the Local Planning Authority to issue a Section 215 Notice where the Council believe that the site has an adverse effect on the amenity of the neighbourhood. In this case it is considered that Section 215 is the appropriate action to secure the removal of all the other waste materials currently stored on the site, which will not be covered within the enforcement notice. These materials include but are not limited to, plastic containers, building rubble, bricks, wooden pallets, trailers and household waste. There is a right of appeal to the Magistrates Court against the service of a Section 215 Notice. However it is considered that the Council would be able to defend any such appeal.

5.4 If the owner or occupier of the land, on whom the notice is served, fails to take the steps required by the notice within the period specified in it for compliance, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. The Council may also enter the land and take those steps and may recover from the then owner of the land any expenses reasonably incurred by the Council in doing so.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications arising from the recommendations of this report, unless the Council has to carry out direct action, in which case a charge would be entered on the land.

7. EQUAL OPPORTUNITY IMPLICATIONS

7.1 There are no equal opportunities implications arising from the recommendations of this report

8. RECOMMENDATIONS

8.1 That authority be given to the Head of Development Services or Head of Planning to take all necessary steps:

- a) including enforcement action, service of a stop notice and the institution of legal proceedings, if necessary, to secure the cessation of the use of the land as a scrap yard and the removal of all the damaged/scrap vehicles and all machinery and equipment associated with the scrap yard business
- b) including the service of a S215 Notice and the institution of legal proceedings, if necessary, secure the removal of the removal of all the other waste materials currently stored on the site. These materials include but are not limited to, plastic containers, building rubble, bricks, wooden pallets, trailers and household waste.

8.2 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.

D Caulfield
Head of Planning

13 February 2013

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