

24 SEPTEMBER 2013

ENFORCEMENT REPORT

UPDATE ON ENFORCEMENT ACTION AGAINST 73 SANDFORD GROVE ROAD, SHEFFIELD, S7.

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to update Committee Members on enforcement actions taken since it was discussed at Committee on the 23 July 2013 and the current enforcement position.

2. BACKGROUND

- 2.1 This report relates to the breach of planning control that was reported to the Planning and Highways Committee on the 23 July 2013 for the unauthorised excavation works to the front of the garden and the unauthorised erection of fences at the front of 73 Sandford Grove Road. Members in the meeting requested an update report to a Planning and Highway Committee meeting in September 2013 on enforcement actions taken.
- 2.2 In the meeting on the 23 July Committee Members authorised all necessary steps, including enforcement action, service of a temporary stop notice, stop notice and the institution of legal proceedings, including injunctive action to secure the cessation of the excavation works, the reinstatement of the ground levels and the removal of the fences at 73 Sandford Grove Road.

3. ACTION TAKEN

- 3.1 Officers have written and spoken with the owner requesting that the excavation works stop, the ground level is reinstated and the fences are either removed or reduced in height to make them permitted development.
- 3.2 A Temporary Stop Notice was served on the 6 August 2013 and it required the excavation works at the front of the property to cease until the 4 September 2013. The owner has stopped further excavation of the front garden area.
- 3.3 An Enforcement Notice was also served on the 10 September 2013 and if it is not appealed against it will come into effect on 15 October 2013. The Enforcement Notice requires the owner to remove the

unauthorised fences at the front of the property within 2 months from when the Notice comes into effect.

- 3.4 Further excavation works have stopped, but no progress has been made to reinstate the ground level or to remove the unauthorised fences.
- 3.5 With regards to the injunctive relief, the Council have now complied with the pre-litigation requirements of the Pre-action Protocol, evidence is in the final stages of being gathered and Counsel have been identified and should be briefed by the date of the Committee. Counsel is expected to draft the injunction application and attend at the County Court for the hearing of this matter.
- 3.6 The Temporary Stop Notice has expired, but before it did the Letter Before Claim on the injunction was served specifying the requirement of no further excavation works. Should attempts at further excavation occur, Counsel will include in the proceedings an application for an interim injunction to prevent further excavating pending final hearing.

4. CONCLUSION

- 4.1 Several site visits have been carried out since the service of the Temporary Stop Notice and no further excavation has taken place at the front of the property and consequently the Temporary Stop Notice has been complied with.
- 4.2 An enforcement Notice regarding the fences has been served and the injunction has passed its pre-litigation stages and should be with Counsel for drafting of proceedings for issue.

5.0 FINANCIAL AND EQUAL OPPORTUNITY IMPLICATIONS

- 5.1 There are no financial or equal opportunity implications arising from the recommendations contained in this report.

6.0 RECOMMENDATIONS

- 6.1 That members note the current progress on actions