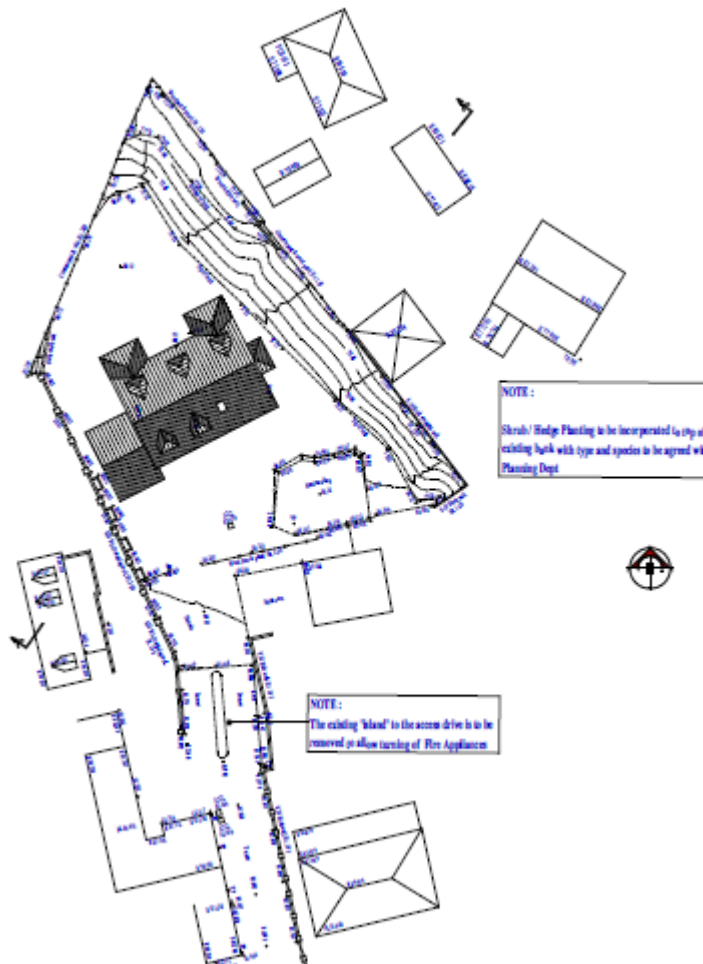


Compliance Investigation Report:

Case officer:	James Hyde	Date of initial Assessment	30 th July 2016
----------------------	------------	-----------------------------------	----------------------------

Site Address:	Land adjacent 16A Cobcar Street, Elsecar
Alleged Breach of Planning Control:	Commencement of works prior to discharge of pre-commencement condition relating to drainage under planning application 2014/0950

Site Plan:



Description of site and its surroundings:

The site is an area of land measuring approximately 0.16ha, set back from the highway to the rear of the Working Mens Club (WMC) and residential properties. The land has been

Compliance Investigation Report:

used as a car park for the WMC and is accessed from Cobcar Street in-between the WMC and a pair of semi-detached dwellings. The site slopes gently from the South to the North boundary and also from the West to the East with a relatively steep bank dropping approximately 2.5m to the Eastern boundary.

The site borders detached bungalows, built on a lower level, to the East, 2 storey properties and the WMC to the South, a detached dormer bungalow built on a higher level to the West and the main Sheffield to Leeds/Huddersfield railway line to the North.

The site has planning permission for 1 no. dormer bungalow with attached garage under planning permission 2014/0950. Works have commenced on site

Description of the breach if any:

Commencement of works prior to discharge of pre-commencement condition relating to drainage under planning application 2014/0950

Assessment:

It is acknowledged that works have started on site prior to any drainage details having been submitted. This is therefore a breach of the initial wording of the planning condition. However, even though a breach has occurred it does not mean that enforcement action is automatically taken. Enforcement action is not mandatory and is therefore generally used as a last resort where attempts to resolve a matter amicably have failed. Based upon the details of each case, it is for the Council to decide whether or not it is appropriate to take enforcement action.

In this case, whilst the wording of the conditions requires the details 'prior to commencement' the drainage works only need to be installed 'prior to occupation of the dwelling'. As such, even though work has already started, there is still the opportunity for the drainage details to be submitted, agreed, and implemented prior to the occupation of the dwelling. Given the submission of a building control application, and the subsequent discharge of conditions application, there are indications that that could be agreed upon, and as such enforcement action is not considered necessary.

Recommendations:

Whilst the Council takes breaches of planning control seriously and takes enforcement action where it is deemed appropriate and expedient, The Town and Country Planning Act 1990 (the 1990 Act) places no obligation on local planning authorities to take enforcement action against breaches of planning control. The Act (section 172) requires that before taking enforcement action the local planning authority should consider whether it is expedient to do so having regard to the provisions of the development plan and to any other material considerations.

In reaching the decision not to take any further enforcement action the Council has carefully considered the factors in this case, including the location and history of the building, its impact on neighbouring properties and Local and National adopted planning policy.

Compliance Investigation Report:

It is not considered expedient to take enforcement action in this instance given the prospect that drainage details can be agreed and implemented prior to the occupation of the dwelling in line with the relevant condition.