



Doncaster  
Council

# Doncaster Metropolitan Borough Council

## Planning Enforcement Quarter Report

### October 2019

#### **1.0 Introduction**

- 1.1 This report provides Doncaster Metropolitan Borough Council's Planning Enforcement performance in the Second Quarter 2019/20.
- 1.2 This quarter (1<sup>st</sup> July – 30<sup>th</sup> September 2019) has once again been busy, however despite the team operating with only two full time officers during the months of July & August, we have managed to successfully clear/progress a large quantity of historical outstanding cases. This was mainly due to a series of action days where 3 Principal Planning Officers (Hannah Wilson, Alicia Murray & David Richards) teamed up with the Enforcement Team and carried out joint on-site assessments of the cases. This method of inspecting allowed for on the spot decision making and agreed course of action, reducing the need for further consultation after the initial investigation stage. As a result 60 cases were approximately commenced and/or completed.
- 1.3 On the 2<sup>nd</sup> September 2019, Sarah Smith previously from the Licensing and Trading Standards Team joined the Planning Enforcement Team on a 6 months secondment to assist with outstanding cases. Furthermore, interviews have now taken place and a new apprentice joined the team on the 21<sup>st</sup> October 2019.
- 1.4 Further good news was received in September that an additional 2.5 Principal Planning Enforcement Officer posts have been approved; job vacancy advertisements will be released shortly.

1.5

<b><u>Case Updates</u></b>	
Total Cases Still Under Investigation as at end of September 2019 (recorded between the 1 <sup>st</sup> April – 30 <sup>th</sup> September 2019).	143
Total Cases Recorded in the Second Quarter (1 <sup>st</sup> July – 30 <sup>th</sup> September 2019).	108
Total Cases Closed Down in the Second Quarter (1st July – 30th September 2019).	55

## **2.0 Court Action**

2.1 No prosecutions have taken place this quarter.

2.2 An application for a “warrant of entry” was successfully granted for land known as Pony Paddock – Toll Bar, and officers entered the land on the 20<sup>th</sup> September 2019.

## **3.0 Direct Action**

3.1 During the second quarter a large amount of proactive work has been undertaken to deal with the increased problem of “For Let/Sale” advertisements and banners, within the town centre area. Letters were sent to all the main letting agencies warning that repeat offending will result in fines and possible prosecution action. Proactive monitoring visits have led to the removal of advertisements, whilst preventing further occurrences.



A sample of the banners which were removed by Roy Sykes & Chris Reynolds on the 31<sup>st</sup> July 2019.

#### 4.0 Pending Court Action

##### 4.1 **18 Radiance Road, Wheatley – Enforcement Notice issued on the 4<sup>th</sup> March 2019.**

Without planning permission the owner erected a two metre high fence around the boundary of the land (including a gate) and the siting of two storage containers on the land. Due to non-compliance with the Enforcement Notice, a prosecution is now pending. The case went to court on the 9<sup>th</sup> October 2019 and the defendant pleaded guilty, at present the case has been adjourned for sentencing, pending the outcome of the planning application.



##### 4.2 **Mallor, Moss Road, Askern -**

In the first quarter, the Planning Enforcement Team successfully prosecuted the owner of the “Mallor” on Moss Road, for the incorrect installation of a glass door in the first floor level of their rear garage.

The owner has continued to breached the notice and as a consequence a second prosecution is now being sought at the Magistrates’ Court.

#### 5.0 General Cases

The following are a few examples of cases currently under investigation by the Planning Enforcement Team:

##### 5.1 **Hall Villa Lane, Toll Bar – Pony Paddocks (19/00165/M & 19/00225/H)**

A warrant was obtained from the Magistrates’ Court and a full site inspection was undertaken on the 20 September 2019, along with the local police force undertook a

full site visit and recorded what development had permission, development that was immune from enforcement action and development that was considered unacceptable.



Pony Paddocks is a 10 plot Gypsy & Traveller (G&T) site granted upon appeal. In recent months a 'day room' has been expanded and the roof rafters appear to have the potential of incorporate a second floor (if required). The size of the development is greater than the LPA would grant for a day room.

The visit found that the majority of plots were breaching planning control but many had works that were either supportable or that through the passage of time the LPA were unable to take enforcement action.

However, the large day room, a sub-division of a plot are currently being investigated as is the green field to the rear of the site which has been turned into further unauthorised G&T plots..

## **5.2 Fleet Cars Direct – Milethorn Lane - Wheatley**

Fleet Direct is a car sales plot at the bottom of Wheatley Hall Road, who have been contacted several times regarding the unauthorised "Change of Use" from B2 to sui generis, the illegal display of advertisement banners and signs (some illuminated) and the display of cars for sale outside of their premises on the public highway/public informal POS (green space) that belongs to Doncaster Council.

Concerns have been raised by local residents with regard to the loss of a green playing area and damage to the tree roots, due to the parking of cars for sale.

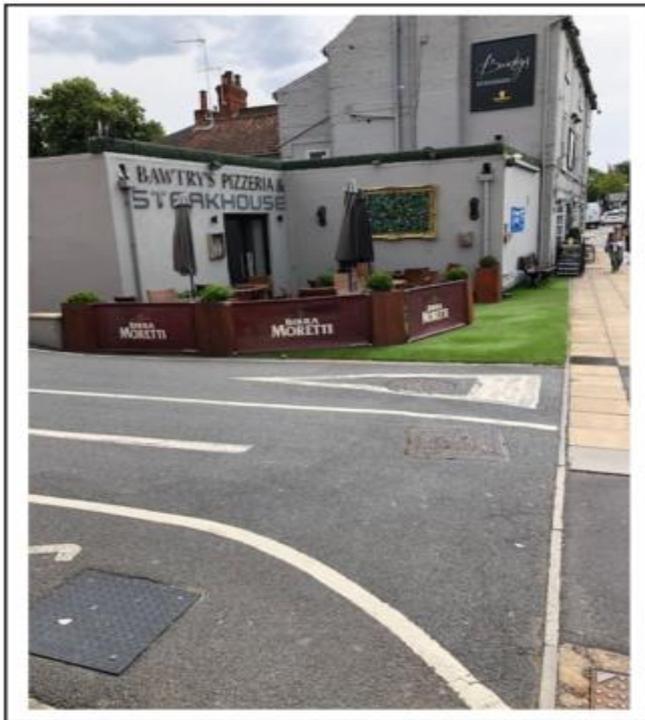
At present Planning Enforcement are currently investigating the unauthorised change of use and potential criminal offences linked to displaying advertisements. The issue of the cars for sale on DMBC land is being investigated by Doncaster's Assets department.



### **5.3 Sainsbury's Car Park Entrance – Bawtry**

A complaint was received in relation to a suitable access arrangement at a Sainsbury's car park entrance leading from High Street, Bawtry

The Sainsbury shop/apartment development was built with the road entrance having the same surface as the footpath, this resulted in a conflict between pedestrians and motor vehicles. Since planning permission had been approved, the site has been sold on to a new owner.



However, after consultation with the new owners they were keen to undertake the required works to bring about alterations to make a safer interchange.

To add to the difficulties of a poor entrance/exit design, the adjacent public house had placed seating and tables adjoining the exit road and compromised the exit visibility splay. However, after discussion with the public house removed some tables and chairs to give back the required visibility splay.

At present the new owners are looking to instigate the required works hopefully in the next few weeks.

#### **5.4 Lidl - Rossington**

Due to the temporary HGV parking coming to an end at the top of Bankwood Lane the need for parking spaces by HGV's appears to have become critical, with many parking in unsuitable locations in/around Rossington, close to the Bankwood Industrial estate.

The new Lidl parking was becoming a particular problem and it appeared that more and more HGV's were seen to be using the site.

Once contacted and the planning conditions explained, Lidl installed an ANPR camera and fines are being sent out to any HGV breaching the planning consent (i.e. that the parking area associated with the supermarket should only be used for parking for cars only within the agreed hours of parking).

#### **5.5 Change of use of former waste tip/green field to a motor cross track - Land off Ings Lane – Sprotbrough.**

On the 28th August 2019, the Council received complaints from nearby residents who were concerned about unknown materials being brought on to the site by the owner.

Works involved the digging of large holes and the depositing of the unknown imported material to make motocross ramps and jumps. Residents were then concerned that the excavations could disturb the old waste tip, the contents of which were unknown.

The LPA advised the owner to cease the works and that support for a planning application for a motor park would be highly unlikely.

The LPA then progressed to serving the owner with a Temporary Stop Notice, stopping the works for 28 days, whilst the LPA fully considered the matter.

When the Temporary Stop Notice expired an Enforcement Notice was served (which remains in force in perpetuity). The law restricts the Enforcement Notice taking effect until 28 days after being served. Unfortunately, the LPA received several reports that over the weekend of the 5th & 6th October 2019, the site was being used by several motor bikes and that the noise impact was causing alarm/distress to local residents.

Accordingly, on the 8th October 2019 the LPA served Stop Notice accompanied with an Enforcement Notice. Failure to comply can lead to prosecution and a fine.



#### **5.6 9 Doncaster Road – Barnburgh (18/02039/FUL)**

This case centres on agriculture land being changed to domestic premises without planning permission. A retrospective planning application was submitted and subsequently refused. The owner appealed the decision and went to the Planning Inspectorate, resulting in a split decision, partly allowing the appeal and partially dismissing aspect of the proposal. The Inspectors decision allowed the stables, but required that the land must be returned back to agricultural use, including the removal of large garden ornaments (including a large bird cage type structure and a bridge), metal gates, brick walls & steps.

For a copy of the full appeal decision please refer to Appendix 1: Appeal Ref: APP/F4410/W/19/3223183 - 9 Doncaster Road, Barnburgh, Doncaster, DN5 7EG.



### 5.7 Green Farm, Barnburgh

On the 29<sup>th</sup> June 2018 the Planning Enforcement Team received a complaint regarding UPVC windows installed on a listed building. The owner was given until spring 2019 to replace the windows, following guidance from the Conservation Team. On the 4<sup>th</sup> April 2019, the owner applied for Listed Building Consent, which was granted in May. This required the owner to replace the front windows within 6 months and the rear windows within 12 months. The windows have now been completely replaced.



### 6.0 Appeals

#### 6.1 23 Windsor Road – Town Moor - Appeal Ref: 19/00002/ENFNOT

This case involved the alleged unauthorised change of use from residential to office and removal of boundary wall within a conservation area. The initial site visit identified the removal of the original red bricked wall.

There were also signage displayed in the window of the property advertising an estate agents business. One room within the dwelling was being used as an office in typical office hours. It was agreed that the use of the office fell under general permitted development not requiring planning permission. However the owner was

directed to remove the signage from the window as this was contrary too advertisement regulations. The signage was removed at the request of the planning investigation team.

Further consultation was undertaken with the planning conservation officer to ascertain if the removal of the wall had created amenity harm within the Town Fields Conservation area. The officer confirmed harm had been created and an enforcement notice was served to reinstate the wall to its original size and appearance.

The owner subsequently appealed the notice. The Council has submitted the final appeal representations and now awaits the decision of the Planning Inspector.



### **6.2 37 Bruce Crescent – Wheatley Hills - Appeal Ref: 19/00012/ENFNOT**

This case involved the alleged unauthorised erection of boundary wall that exceeds 1m adjacent to a highway. An initial site inspection was undertaken which revealed the original 1 metre wall had been demolished and a new wall had been built with iron railings including gates. The property is located on the corner of Bruce Crescent on a sloping hill. The dimensions of the wall were recorded and a height of 2.24 metre at the highest point. A letter was sent out to the owner requesting a reduction in height to 1 metre to bring about permitted development not requiring planning permission.

The reduction was not carried out and an enforcement notice was issued directing the reduction of the wall. The enforcement notice has been appealed and the LPA are in the process of submitting its statement of case.



## Quarterly Enforcement Cases

<b>Quarter 01/07/19 – 30/09/19</b>	
Received Enforcement Cases	111
Total Cases Pending	143
Closed Enforcement Cases	71

<b>Case Breakdown</b>	
Unlawful Advertisements	11
Breach of Conditions	16
Unauthorised Change of Use	23
Unauthorised Works to Listed Building	0
Unauthorised Operational Development	58
Unauthorised Works to Protected Trees	3

<b>Areas Where Breaches Take Place</b>	
Adwick and Carcroft	6
Armthorpe	7
Balby South	4
Bentley	1
Bessacarr	3
Conisbrough	5
Edenthorpe and Kirk Sandall	3
Edlington and Warmsworth	2
Finningley	18
Hatfield	5
Hexthorpe and Balby North	7
Mexborough	3
Norton and Askern	5
Roman Ridge	2
Rossington and Bawtry	8
Sprotbrough	5
Stainforth and Barnby Dun	1
Thorne and Moorends	6
Tickhill and Wadworth	0
Town	14
Wheatley Hills and Intake	6

<b>Formal Enforcement Action</b>	
Notices Issued	3
Prosecutions	0

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