



Doncaster
Council

Doncaster Metropolitan Borough Council

Planning Enforcement Quarterly Report

June 2020

Introduction

This report provides Doncaster Metropolitan Borough Council's Planning Enforcement performance in the fourth quarter of 2019/20 and the first quarter of 2020/21.

This dual quarterly report is presented at a time when the country is in lockdown due to the COVID 19 pandemic. As a result a large portion of Local Authority employees are working from home or being redeployed to undertake duties elsewhere. The current situation has had a limiting effect on Planning Investigations as site visits are not being conducted, and action will only be taken in extreme circumstances. I hope you can understand that both staff's health and wellbeing together with that of the public is of paramount importance at this time and I hope you can therefore empathise why it has not been possible for the team to progress cases as far as we would have liked.

In line with corporate requirements we are currently working on preparing suitable risk assessments/safe systems of working, so that our staff are able to undertake site visits again under very stringent controls.

On a brighter note, the Planning Enforcement Team will be welcoming a new member to the team, who was successful in gaining the recently advertised post of Trainee Principal Planning Investigation Officer, The additional member, once integrated, will bring a greater degree of flexibility to the team and hopefully, allow a swifter response to reported complaints. In addition, we are also currently recruiting for a new Senior Enforcement Officer within the team.

Case Updates - Fourth Quarter (1st January – 31st March 2020)

Total Cases Still Under Investigation as at end of March 2020.	186
Total Cases Recorded in the Fourth Quarter (1 st January – 31 st March 2020).	127
Total Cases Closed Down in the Third Quarter (1 st October – 31 st December 2019)	121

Case Updates – First Quarter (1st April – 30th June 2020)

Total Cases Still Under Investigation as at end of June 2020.	281
Total Cases Recorded in the First Quarter (1 st April – 30 th June 2020).	142
Total Cases Closed Down in the First Quarter (1 st April – 30 th June 2020)	51 (NB: reduction due to Covid 19)

Prosecution Cases

18 Radiance Road – Wheatley.





This case has been highlighted in previous quarterly reports when an enforcement notice was issued on 4th March 2019. The owner submitted a retrospective planning application to regularise the use of the land (Ref: 19/02430/FUL - Erection of fencing to enclose land for use as storage (Retrospective)). The application was subsequently refused on 11.12.2019 on the grounds that it was out of character with the surrounding area, and was concerned a poor quality development which affected the amenity of the adjacent property.

Following the refusal of the planning application, the case was prepared for a prosecution at the Magistrates' Court and the offender was fined £800.

The Planning Investigation Team has continued to work towards the remediation of the land. Progression had been made prior to the COVID-19 pandemic including the removal of the fencing and gates. Further progress will be made following a site inspection to assess any outstanding requirements of the Enforcement Notice.

22 Kirk Street – Hexthorpe.





This case has been highlighted in previous Quarterly Reports regarding an unauthorised first floor extension to the rear of the property.

Planning Application 16/03066/FUL - Erection of first floor rear extension (retrospective) was refused on 03.03.2017. An Enforcement Notice issued 24.04.2017. This became effective on 02.06.2017. The Compliance period for carrying out the remedial works 02.09.2017. The planning decision was challenged by way of an appeal and the planning appeal dismissed by the inspector on 05.07.2019. A prosecution case was raised and this was initially heard in the Magistrates' Court. The land owner chose to escalate the case to the Crown Court. The offender was found guilty of not complying with the Enforcement Notice and was subsequently fined £15,000 plus costs to the Council.

This case was then taken to the High Court of Appeal. The court dismissed the appeal and the £15,000 fine was upheld.

9 & 10 Doncaster Road – Barnburgh.



9 Doncaster Road – Barnburgh.

A complaint was registered against 9 Doncaster Road Barnburgh, regarding an alleged unauthorised extension of domestic curtilage onto Green Belt land & the erection of wooden stables to the rear of property. An application was submitted to retain the wooden structure and change the use of the land from agricultural to domestic curtilage. The application was refused and the decision was appealed through the Planning Inspectorate, culminating in the appeal being part granted in relation to the timber out building and part refused in relation to the change of use to domestic curtilage. An Enforcement Notice was issued on the 24/10/2019 which came into effect on the 05/12/2019, the compliance period for carrying out the remedial works was 05/01/2020. However, due to non-compliance with the notice a prosecution file has been created. Unfortunately at present the case is on hold due to the COVID-19 situation.

10 Doncaster Road - Barnburgh.

During the course of the above complaint it came to light that the property next door had also extended their domestic curtilage on to agricultural land without the appropriate permission. In addition, they had also erected a wooden structure. The owners were given 28 days to return the land to its original state. On failure to comply, an Enforcement Notice was issued on the 24/02/2020, which came into effect on the 20/04/2020. The compliance period for carrying out the remedial works was 10/05/2020. Unfortunately at this stage, due to the COVID-19 situation, we have been unable to confirm whether the owners have complied with the notice. If the remedial works have not be completed, then prosecution will be the next course of action.

Injunctions.

Land Adjacent To Balk End Farm - Mosscroft Lane – Hatfield.

A case was registered on 1st April 2020 following reports of ongoing unauthorised works taking place on a site located off Mosscroft Lane, without planning permission. The engineering works consisted of land levelling, scraping of the land and the erection of fencing.

On the same day, a site visit was undertaken on behalf of the LPA by South Yorkshire Police (SYP). The owner was present on site, stating he had bought the land six months previously and intended to build a bungalow. The police explained that he was in breach of the COVID-19 guidance and was also informed that he required planning permission for any development works. At this stage, the police requested that he terminated construction work, to reduce the need for unnecessary journeys (COVID-19) and until communication had taken place with the LPA.

Revisits to the site by both SYP and the Planning Enforcement Team identified that works had continued on site, despite the warning. It was considered that the land was being prepared for the siting of mobile homes for imminent occupation. As a result a request was made to the High Court in London and an injunction was granted and served on the land on 10.04.2020 (Good Friday – Bank Holiday).

Following the issue of the Injunction, all works have ceased and the owner is seeking advice from the LPA to develop the site in accordance with Planning Legislation.





General Cases

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

Bella Wood View – Barnburgh.



Requests were made for a stone wall to be built as part of a previously approved application 09/01209/FUL - Erection of 6 No. dwellings on approximately 0.23ha of land. The stone wall was not implemented and no application was submitted seeking to vary the conditions that formed part of the approval. A Breach of Condition Notice (BCN) was served on the developer by the LPA on the 14th January 2020 and a 56 day compliance period was applied to the notice, which left a compliance date of 9th March. Due to the current situation with COVID-19, it has not been possible/reasonable to progress, however this case will continue to be monitored and a decision to continue with enforcement action will be revisited in the future.

5 Lock Lane – Thorne.



Following a lengthy period of unauthorised activity within the building, a planning application was submitted under 19/01169/FUL - Change of use of industrial building (Use Class B2) to mixed use including vehicle repair and body shop, with spray booth and office (retrospective).

The application was refused at planning committee on 9th January 2020, which allowed an Enforcement Notice to be served on the 14^h January 2020. This required the applicants to:

- (i) Cease the use of the land for a vehicle repair and body shop with spray booth and office;
- (ii) Remove the spray booth in its entirety from the land; and
- (iii) Following compliance with step (ii) above, permanently remove the resultant materials from the land.

A compliance period of 1 month was given, which expired on the 15th March 2020.

Just as the country was going into lockdown (COVID-19) the offender informed the Planning Enforcement Team that they had vacated the building. This has yet to be verified, along with the other aspects of the enforcement notice, which required compliance. However, at this stage no further complaints have been made following the expiry of the notice.

Catholic Club – Waterdale – Town Centre.



Following non-compliance with conditions attached to the previously approved application 19/00642/FUL - Creation of enclosed car park to the rear of Catholic Club on the 2nd May 2019. The applicants failed to implement any drainage on the site and as a result, a Breach of Condition Notice was served on the 29th January 2020 with a compliance date of 28th February 2020.

Due to the current situation with COVID-19 the case has been placed on hold. However, further progress will be made following a site inspection to assess if the car park is in operational use and also if the conditions of the planning application have been met.

Alpha Rooms - 17 Scott Lane – Town Centre.



Application 19/02238/FUL - The retrospective application for the installation of an ATM installed through a secure panel to the right hand side of the shop front. The application was part approved/part refused. The refused part of the application was the installation of roller shutters, which were deemed inappropriate in the conservation area. Requests to remove the roller shutters were not complied with and an Enforcement Notice was served on the 13th February 2020 with a compliance date of 31st May 2020.

The notice was not appealed and therefore came into effect on the 31st March 2020. A recent site inspection has revealed that the shutters have not been removed.

Consultation is underway with the LPA, regarding the compliance period during the COVID-19 situation.

Land Off Marshland Road - Moorends



A case was registered on the 18th December 2019, following a complaint that the developer had failed to discharge pre-commencement conditions attached to the previously approved application 19/00880/FULM. Vehicles were entering the site from Marshland Road without approval from the Network Management Team, as well as via an access point located on Bloomhill Court. As a result, mud was being deposited onto the highway as HGV's and vans exited the site. Despite repeated requests for the developer to cease works on site until the required conditions had been discharged, the access continued to be used. A Temporary Stop Notice (TSN) was served on the site, on the 30th January 2020, hence all works ceased for a period of 28 days.

A further complaint was received on the 18th May 2020. During the period the site had been closed following the issue of the TSN, the required conditions had been discharged.

The developer was using an access to the site from Bloomhill Court, which had not been indicated in the Construction Method Statement (CMS) and had not been agreed by the Network Management Team. Due to the effect it would have on the residents of Bloomhill Court.

Requests to cease the use of the unauthorised access were ignored by the developer, and the continued inappropriate use of the access meant the only available option was to issue a Breach of Condition Notice (BCN), which was served on the site, on the 19th June 2020. The notice requires the developer to comply with the approved conditions within 28 days of issue, and required them to construct a safe and suitable access to

the site from Marshland Road. As a BCN does not have the right of appeal, any breaches that occur on site following the expiry of the 28th day will be subject to a prosecution in the local Magistrates Court.

UPVC Windows - Station Hotel, Station Road, Conisbrough



A complaint was received that a fence had been erected at the Station Hotel around the UPVC windows company, adjacent to the highway. On the 10th December 2019 a letter was sent to the owner and tenant requesting that the fence be reduced to a maximum 1 metre in height. On the 31st January 2020, a further site visit identified that the fence was still in place. An Enforcement Notice was issued on the 19th February 2020, which came into effect on the 9th April 2020. The compliance period for carrying out the remedial works was the 7th May 2020.

Due to the current situation with COVID-19 the case has been placed on hold. However, further progress will be made following a site inspection to assess compliance with the Enforcement Notice. If the remedial works have not be completed, then prosecution may be the next course of action.

Coco Hand Carwash – Station Hotel - Station Road - Conisbrough.



A complaint was received of an alleged unauthorised car washing business in the car park, of the former Station Hotel, which had resulted in the cutting back of a tree and the erection of a porta cabin/decking. On the 27th November 2019, a letter was sent to the owner(s) and the business operator requesting the submission of a change of use application and seek permission for the siting of the porta cabin/decking within 28 days. Due to non-compliance, an Enforcement Notice was issued on the 28th April 2020, which came into effect on the 9th June 2020. The compliance period for carrying out the remedial works was the 7th July 2020. A revisit will be undertaken in due course, if the remedial works have not be completed then prosecution may be the next course of action.

Land Adjacent to 58 Beckett Road -Wheatley



The land behind 58 Beckett Road is currently operating as an open air tyre storage facility without planning permission. A Principal Planning Officer has deemed this unauthorised change of use to a tyre storage facility detrimental to visual amenity, causing harm to the character of the conservation area. There are also safety concerns due to the openness of the perimeter fencing and absence of a roof to the facility, therefore the tyres are susceptible to ignition from external sources posing a risk to the health of nearby residents, properties and the environment.

The alleged offender was asked to remedy the breach in one of two ways:

- Cease the use of the land as a tyre storage unit by removing all the tyres, or
- Attempt to acquire authorisation for the change of use to a tyre storage facility by submitting a planning application. It was advised that the offender improve their chances of receiving permission, by storing the tyres within a fully enclosed and secure building.

Instead it submitted a Certificate of Lawfulness application to establish that the land has been continuously operating as a tyre storage facility for over 10 years and is therefore immune from enforcement action. This application is currently in progress and awaiting a decision.

In the meantime an Enforcement Notice was served on the 25th May 2020 and an appeal has now been lodged against it with the Planning Inspectorate.

Dumpling Castle Cottage – Tickhill.



A complaint has been received that four houses have been built without planning permission. An interrogation of the planning system cannot find any planning permission for the development. The owners believe that they received planning permission in 1998. A Council Tax search has identified that the properties have been registered as early as 2018.

Due to the current COVID-19 situation the case is currently on hold. However, further investigations will be undertaken in due course and any appropriate action will be taken (if required).

Quarterly Enforcement Cases

Quarter 4 (January - March 2020)	
Received Enforcement Cases	127
Total Cases Pending	186
Closed Enforcement Cases	121

Case Breakdown	
Unlawful Advertisements	9
Breach of Conditions	22
Unauthorised Change of Use	25
Unauthorised Works to Listed Building	1
Unauthorised Operational Development	69
Unauthorised Works to Protected Trees	1

Areas Where Breaches Take Place	
Adwick and Carcroft	6
Armthorpe	4
Balby South	4
Bentley	7
Bessacarr	3
Conisbrough	5
Edenthorpe and Kirk Sandall	4
Edlington and Warmsworth	1
Finningley	15
Hatfield	5
Hexthorpe and Balby North	3
Mexborough	4

Norton and Askern	5
Roman Ridge	4
Rossington and Bawtry	2
Sprotbrough	10
Stainforth and Barnby Dun	3
Thorne and Moorends	12
Tickhill and Wadworth	10
Town	17
Wheatley Hills and Intake	3

Formal Enforcement Action	
Notices Issued	7
Prosecutions	1

Quarterly Enforcement Cases

Quarter 1 (April – June 2020)	
Received Enforcement Cases	142
Total Cases Pending	281
Closed Enforcement Cases	51

Case Breakdown	
Unlawful Advertisements	5
Breach of Conditions	19
Unauthorised Change of Use	37
Unauthorised Works to Listed Building	0
Unauthorised Operational Development	76
Unauthorised Works to Protected Trees	5

Areas Where Breaches Take Place
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Adwick and Carcroft	10
Armthorpe	4
Balby South	5
Bentley	4
Bessacarr	8
Conisbrough	6
Edenthorpe and Kirk Sandall	4
Edlington and Warmsworth	5
Finningley	11
Hatfield	7
Hexthorpe and Balby North	8
Mexborough	3
Norton and Askern	9
Roman Ridge	3
Rossington and Bawtry	8
Sprotbrough	1
Stainforth and Barnby Dun	5
Thorne and Moorends	11
Tickhill and Wadworth	6
Town	12
Wheatley Hills and Intake	2

Formal Enforcement Action	
Notices Issued	3
Prosecutions	0
Injunctions	1

Report Prepared By:
 Planning Enforcement (Part of the Enforcement Team, Regulation & Enforcement,
 Economy and Environment).