



# Doncaster Metropolitan Borough Council Planning Enforcement Quarterly Report September 2020

## Introduction

This report provides Doncaster Metropolitan Borough Council's Planning Enforcement performance in the second quarter of 2020/21.

This report is presented at a time when the country is still being subjected to restrictions due to the COVID 19 pandemic. As a result the planning enforcement team are mainly operating from home and undertaking site visits by adopting a safe system of working. Unfortunately, internal site inspections are restricted based on potential exposure to Covid symptoms, although where practicable these inspections may be carried out (depending on the current Government guidance).

Furthermore, these restrictions have resulted in a backlog of cases. At present the team is collectively working hard to address the matter.

### **Case Updates – Second Quarter (1<sup>st</sup> July – 30<sup>th</sup> September 2020)**

Total Cases Still Under Investigation as at end of June 2020.	239
Total Cases Recorded in the First Quarter (1 <sup>st</sup> July – 30 <sup>th</sup> September 2020).	157
Total Cases Closed Down in the First Quarter (1 <sup>st</sup> July – 30 <sup>th</sup> September 2020)	159

## **Prosecution Cases**

### **18 Radiance Road – Wheatley.**

#### **Before**



#### **After**



This case has been highlighted in previous quarterly reports when an enforcement notice was issued on 4<sup>th</sup> 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<sup>th</sup> December 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 with the land owner to remediate the land by way of the requirements of the enforcement notice. On the 11<sup>th</sup> September 2020 one container was removed from the land. The remaining container was subsequently removed, therefore concluding and satisfying the requirements of the enforcement notice.

## Notices Served

### **Land Adjacent to 11 Old Road – Conisbrough.**



A steel frame structure has been built within the boundary of an old stone wall.

A retrospective planning application (referenced 20/00794/FUL) seeking consent for the structure was submitted to the council in March earlier this year. The Planning Officer refused the application on the grounds that the design and scale of the development is overbearing and that it does not reflect the character of the original structure. Following the refusal, a notice was served on 13th August 2020 to prompt its removal from the land. The developer has until the 22 November 2020 to comply with the requirements of the notice.



### **Corner Pocket – Mexborough.**

A complaint was received regarding the erection of a building to the side of the Corner Pocket, Bank Street, Mexborough. A site visit was conducted which identified that a black shipping container and a steel structure with wooden decking had been erected to the side of the property, the owner was contacted and advised the development was unlikely to receive support. .

A few days later a further shipping container and a large wooden fence had also been installed and erected.

A notice was served on the 12th August 2020 giving until the 23rd December 2020 to remove the shipping containers, steel structure, wooden decking and the fence, whilst reinstating a stone wall that had been removed. The developer has submitted an appeal to the planning inspectorate against the service of the enforcement notice, on the grounds that planning permission ought to be granted.

A few weeks later a further complaint was received that the decking area had been extended to the rear of the shipping containers.

A further site visit was conducted which confirmed the decking area and steel structure had indeed been extended to allow for a further seating area.

A further notice was served on the 22<sup>nd</sup> September 2020 giving until the 23<sup>rd</sup> December 2020 to remove the additional steel structure with wooden decking. Should an appeal against this notice be received, it is likely that the Planning Inspectorate will link the appeals to consider them at the same time.

### **115 The Park – Woodlands.**

A complaint was received regarding the alleged unauthorised erection of a 1.8m boundary wall with railings. On inspection it was found that a hedgerow had been removed and replaced by a 1.8m wall with railings. A retrospective planning application was subsequently refused and the owners were advised to reduce the wall. Failing to comply with the request led to an Enforcement Notice being served on the 4th August 2020 they have until the 8<sup>th</sup> January 2021 to comply.



## 9 Hazel Road – Dunscroft



A complaint was received regarding the alleged unauthorised erection of a fence. A site visit was conducted and identified that a large fence had been erected less than 2 metres away from the highway, a letter was sent to the owner advising that the first panel needed to be reduced to a maximum height of 1 metre in order to comply with the requirements of the General Permitted Development Order (2015).

On failing to comply with this request a notice has been served giving until the 16<sup>th</sup> October 2020 to comply. A further site visit is to be conducted shortly and if the owner has failed to comply with the notice then prosecution proceedings will begin.

### **Outstanding Appeals.**

#### **Land North Of Hangman Stone Lane, High Melton**



An Enforcement Notice was served on 11<sup>th</sup> January 2019 following the installation of a mesh silo adjacent to a bridleway, for the storage of product supplied by ReFood, to be sprayed on the surrounding fields. An appeal was submitted by the appellant, and a Public Inquiry was scheduled for the 16<sup>th</sup> June 2020 for 3 days. Shortly before the intended date for the inquiry to commence the Planning Inspectorate postponed the inquiry until the 13<sup>th</sup> October 2020. Documentation was received from the Planning

Inspectorate on 15<sup>th</sup> September which confirmed that the revised date had also been postponed. This was due to the high number of virtual events taking place during that particular week, and the Inspectorate would not be in a position to support a 3 day event at that time. Details of a new date will be provided as soon as the Inspectorate is in a position to hold the Public Inquiry.

### **Injunctions.**

No new Injunctions have been sought in this quarter.

### **General Cases**

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

#### **38 Hawthorn Crescent – Mexborough**



A complaint was received regarding the alleged unauthorised running of a sweet shop business in a garage. A site visit was conducted where it was established the owner of the private dwelling had converted an outhouse into a sweetshop.

The owner was advised to submit a planning application which was subsequently refused on the grounds that the proposal does not improve the overall quality of the area; it is visually unattractive as a result of incongruous features including a shop front like appearance with poor quality PVC windows; it does not maintain the sense of place and is not sympathetic to the local character as it is surrounded by residential dwellings; it is not an appropriate use for this site.

This decision was appealed on the 12 May 2020 with the Planning Inspectorate. On the 4<sup>th</sup> September 2020 the Planning Inspectorate refused the appeal and agreed with the decision of Doncaster Council. The owner has been informed to cease trading as failure to do so may result in further enforcement action.

## 2 Quay Road – Thorne



A complaint was received regarding the alleged unauthorised use of guest house as rental property, extension of garden into agricultural field and erection of outbuildings. A site visit was conducted with a private sector housing officer where it was discovered that the 2 bed guest house had been turned into a 6 bedroomed House of Multiple Occupancy (HMO), with a further 3 self-contained huts in the rear garden each with their own residence. The owner was aware that he did not have planning permission and has been advised to submit an application to regulate the change of use. If an application is not submitted, the investigating officer will consider other enforcement powers in order to bring the site under proper planning control.

### **Land on the North Side of Alexander Street, Thorne.**



A complaint was received in relation to a change of use of land off Alexandra Street, Thorne. A subsequent site visit found that a section of land had been fenced off and hard-core laid. A recent site history shows a planning application was received(19/00100/OUTM for Outline planning permission sought for the erection of 35 dwellings, with associated infrastructure, parking, hard surfaces, public open space and associated works (Permission sought for access)). After consultation with the Planning Officer dealing with the application it has been deemed that there is no immediate harm or evidence to suggest that the site will be occupied immediately. Members of the Planning Committee resolved to grant outline planning permission for this development in August, subject to conditions and the prior completion of a s106 agreement. Therefore, formal Enforcement action is not necessary at this time.

#### **10 Station Court, Thorne.**

A complaint was received in relation to an alleged unauthorised running of an Irish Dance School from the property. An investigation has taken place and it was established from the complainant that this activity was operating when COVID-19 lockdown rules were first being relaxed and the usual venue used for the Dance School was not open. Since venues are now able to operate, the use of the domestic property as a dance studio is no longer occurring. Advice has been given to the occupier of the property regarding any future use and the case has been closed.

#### **19 Springwood Close, Branton.**

A complaint was received in relation to an alleged unauthorised change of use of land to extend the rear garden. A site visit was conducted and found that the garden had been extended and the fencing had been moved 1.2 metres. Checks were made on Land Registry to establish boundaries of the property and although the fencing had been moved, it was still 0.7 metres from their own boundary line. Therefore no change of use has occurred and the case has subsequently been closed.

#### **243 Bawtry Road – Bessacarr.**

A complaint was received in relation to an alleged unauthorised erection of a chicken coop in the rear garden. Recent site history shows a Permitted Development (PD) Enquiry was submitted for the erection of a chicken run (height 2.34m overall height, 1.6m width, 18.5m length) in rear garden, reference 20/01604/PD. The result of this enquiry was that no planning permission was required and it was within the permitted development guidelines. The structure that has been built is in accordance with the measurements given in the PD enquiry, therefore the case has been subsequently closed.

## Quarterly Enforcement Cases

<b>Quarter 2 (July – September 2020)</b>	
Received Enforcement Cases	157
Total Cases Pending	239
Closed Enforcement Cases	159

<b>Case Breakdown</b>	
Unlawful Advertisements	2
Breach of Conditions	31
Unauthorised Change of Use	36
Unauthorised Works to Listed Building	0
Unauthorised Operational Development	88
Unauthorised Works to Protected Trees	0

<b>Areas Where Breaches Take Place</b>	
Adwick and Carcroft	7
Armthorpe	4
Balby South	5
Bentley	6
Bessacarr	10
Conisbrough	7
Edenthorpe and Kirk Sandall	7
Edlington and Warmsworth	6
Finningley	13
Hatfield	11
Hexthorpe and Balby North	4
Mexborough	7
Norton and Askern	11

Roman Ridge	2
Rossington and Bawtry	10
Sprotbrough	10
Stainforth and Barnby Dun	5
Thorne and Moorends	7
Tickhill and Wadworth	6
Town	20
Wheatley Hills and Intake	3

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

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