



**Doncaster Metropolitan Borough Council  
Planning Enforcement Quarterly Report  
December 2020**

**Introduction**

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

During this period the country was being subjected to tier restrictions due to the COVID 19 pandemic. However, the planning enforcement team continued to operate by working from home and undertaking site visits by adopting a safe system of working. Unfortunately, internal site inspections were restricted based on potential exposure to Covid symptoms.

**Case Updates – Third Quarter (1<sup>st</sup> October – 31<sup>st</sup> December 2020)**

Total Cases Still Under Investigation as at end of December 2020.	257
Total Cases Recorded in the Third Quarter (1 <sup>st</sup> October – 31 <sup>st</sup> December 2020).	125
Total Cases Closed Down in the Third Quarter (1 <sup>st</sup> October – 31 <sup>st</sup> December 2020)	158

## **Prosecution Cases**

Unfortunately, due to Covid 19 our Legal Department has limited court allocated time, hence at present all outstanding planning enforcement cases are on hold or awaiting an available hearing.

## **Notices Served**

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



As mentioned in the previous quarterly report, a retrospective planning application (referenced 20/00794/FUL) seeking consent for a steel frame structure was submitted to the council in March last 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 and surrounding area. Following the refusal, a notice was served on 13<sup>th</sup> August 2020 to prompt its removal from the land.

Since the service of the notice, the Planning Enforcement Team have continued to communicate with the owner to bring about remediation of the land. The owner advised that the structure has now been taken down. A follow up visit will be undertaken in the coming weeks to confirm this.

## 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.

On failing to comply with this request, a notice was served giving the owner until the 16<sup>th</sup> October 2020 to comply. On re-visiting the site in October the fence has been reduced and the enforcement notice requirements have been met.

## 162 Coppice Road – Highfields.

A complaint was received regarding the alleged unauthorised car storage, repairs and sales from a domestic property. A site visit was conducted where it was found that the owner of the property was running a car repair business from their garage. The owner contacted and advised to stop all activity and apply for planning permission.

On failing to comply with this request, a notice has been served giving until the 24<sup>th</sup> March 2021 to cease the use.

## Bella Wood View (AKA Plain Tree Farm) - High Street, Barnburgh,

The Planning Enforcement Team are currently investigating an issue of the developer failing to comply with the approved permission.

This related to not undertaking green space planting, not laying a roadway (except for the base layer), the importation of soil and other products without first seeking DMBC approval and the lack of stone walling (as shown on the approved plans).

At present a temporary fence had been granted to the adjacent landowner, to await the construction of the approved stonewall (please note that the stone had been previously agreed and inspected by the Conservation Officer, on site with the developer).

The developer when forming the site, placed a clause in the sale of the self-build plots, that a management company (i.e. the residents of the occupied dwellings) should be

formed to maintain the upkeep of grassed areas on completion. At present, no grassed areas have been established and the proposed landscaped areas consist of undeveloped land. The developer claims that the uncompleted works is no longer their responsibility, due to the formation of the management company. The residents claim no knowledge of any commitment other than grass cutting.

The breaches became complex due the developer selling off the individual plots, resulting in new ownership, with the exception of the roadway and green space areas (which according to the HM Land Registry are still in the ownership of the developer).

In the interim, the developer had sold the stone for the walls and imported material contrary to the conditions (gravel), where landscaping should have taken place.

Furthermore, the detrition of the uncompleted road had become an issue of concern for the residents, due to the formation of potholes and protruding manholes, resulting in damage to their vehicles.

Due to the lack of construction by the developer of the required stonewalls to the new residential properties, residents have constructed their own boundaries by erecting wooden fences. Hence, this posed additional enforcement issues.

Therefore, the LPA has served a breach of condition notice against the now unauthorised boundary fence and the wooden fences built around the individual houses.

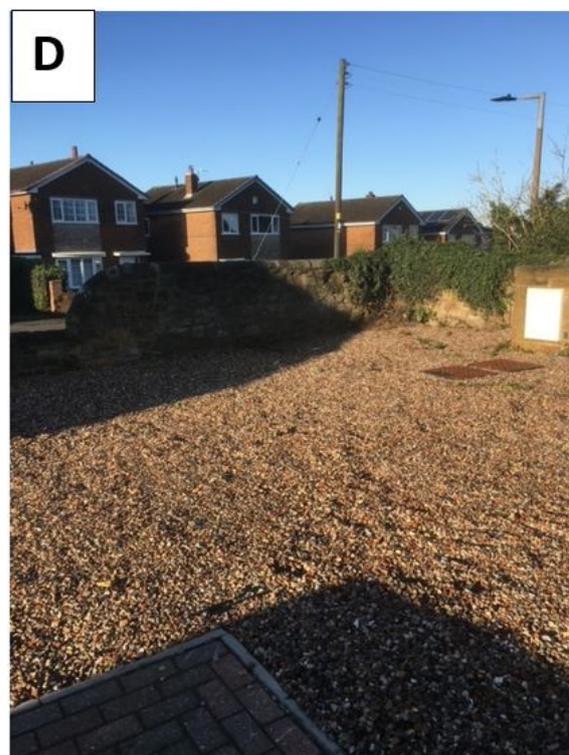
This in turn has resulted in the removal of the boundary fences, to allow for the required stonewalls to be built. At present, this has in part been undertaken by the new owners of the houses concerned.

A second breach of condition notice has also been served, requiring the developer to address the remaining outstanding sections of the stonewalls, and the lack of landscaping and a proper roadway. Unfortunately, compliance with this notice has failed to be undertaken and further action will be considered.

**Photo A** - Boundary temporary fence

**Photo B & C** – Current roadway

**Photo D** - Area supposed to be landscaped



**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. A new inquiry date has been scheduled for the 28<sup>th</sup> April 2021.

## Beckett Road – Wheatley



This case was originally in the second quarterly report, highlighting that an enforcement notice for the unauthorised change of use of the land to a tyre storage facility, had been appealed.

The appeal process has now progressed with the questionnaire and initial statements already submitted to the Planning Inspectorate. The final statements must be submitted by 20<sup>th</sup> January before the hearing date can be scheduled.

### **Corner Pocket – Mexborough.**

As previously mentioned 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 would not be approved for planning permission. Two enforcement notices were served giving until the 23<sup>rd</sup> December to comply, since being served, we have received two appeals from the Planning Inspectorate, meaning that the notices will not be affective until the appeals have been decided.

## Injunctions.

No new Injunctions have been required or sought in this third quarter.

## General Cases

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

### **Lidl – Rossington – closed due compliance (legal guidance sought)**



A complaint was received in October 2019 concerning the stores car park, which was allegedly being used by contractors for overnight stays. The use of the car park for such an activity was having an adverse effect on residents of Heatherfields Way, whose rear gardens ran along the side boundary of the store. It was reported to be the area of the car park, which was being occupied by vehicles outside of the opening hours, and causing a disturbance for the homeowners. Lidl have been contacted regarding this matter and through negotiation with Planning Investigation, installed an Automatic Number Plate Recognition system (ANPR) which would issue fines to occupants of the car park that exceeded a stay of 90 minutes. The action taken by Lidl was deemed sufficient to close the case.

An additional complaint was received regarding the use of the car park by contractors. The issue raised concerned drivers re-arranging and swapping parcels collected from amazon. It was reported that the activity occurred from approximately 7am and was not in accordance with conditions 8 (to be used by private vehicles), 11 (delivery times) & 12 (opening hours) attached to the previously approved application 17/02379/REMM - Details of Appearance, Landscaping, Layout and Scale for the erection of A1 foodstore with car parking, servicing, landscaping and other associated works.

After investigation, it was considered no breach of the approval had occurred. Deliveries were limited to one per day and occurred during the advertised opening hours. Lidl had complied with the conditions with the installation of the ANPR, and the use of the car park by drivers was usually concluded with a visit to the store to purchase provisions for the day, which the use of the car park acceptable as the drivers became customers prior to departure. Advice was requested from the LPA's Legal Section, who concurred with the conclusion that no breach of planning had occurred and Lidl had taken all necessary steps to prevent misuse of the car park and the case has been closed.



### **Stables, Bannister Lane, Skelbrooke**

A complaint was received in June 2016 concerning the erection of a field shelter without permission on Green Belt Land. Contact was made by the owners planning agent, who was advised that the submission of a retrospective planning application may not be viewed favourably and as such it should be removed. . A period of time elapsed following the discussion with the agent, who could not be contacted due to being out of the country. On their return an outline application was submitted for a different scheme, and did not include the shelter as part of the application.

An additional application was not submitted seeking to retain the field shelter. As a result, an Enforcement Notice was served on the owner in May 2017, with a compliance period of 1 month. The owner submitted an appeal which was subsequently dismissed in January 2018. The owner employed a new planning agent, who submitted an application in May 2018, seeking to move the shelter to another part

of the field. After a lengthy period of determination, the application was refused in October 2019.

The period of negotiation following the refusal was hampered, due to the first lockdown period earlier this year, when no site visits were conducted. The LPA intended to prosecute for the non-removal of the field shelter, and the owner was informed of the course of action to be taken. Finally, the shelter was dismantled and removed from the field in November 2020.

### **15 Denehall Road – Kirk Sandall**

The Planning Enforcement Team received various complaints that a large extension had been built to the rear of the property without planning permission.

After initially investigating the case remotely during the COVID-19 lockdown, the eaves of the extension were found to be higher than that on the original dwelling. The owner was instructed to reduce the height of the extension to rectify the issue which they did so accordingly.

However, upon visiting the site after lockdown, it was recognised that the length of the development extends 6.34 metres back from the original dwelling, therefore the extension still exceeded permitted development rights by 2.34 metres. A retrospective application was submitted to remediate the planning breach. The Planning Department subsequently granted permission for the extension on 6th November (20/02315/FUL), summarising that the extension does respect neighbouring amenity in accordance with the SPD guidance and planning policy. The enforcement case was subsequently closed.

### 34 Nether Hall Road, Doncaster



A complaint was received regarding 34 Nether Hall Road, Doncaster, in relation to an unauthorised display of advertisements at a commercial premise. A request was made to the owner to submit a planning application to retain the advertisements.

A subsequent planning application was submitted on 8<sup>th</sup> October 2020 for the display of two front facing internally illuminated fascia signs. One sign faces onto Nether Hall Road and the other sign faces onto Christ Church Road, Doncaster - both signs are retrospective (20/02786/ADV). This application has since been granted standard temporary consent on the 22<sup>nd</sup> December 2020, which will expire 5 years from the date of the decision notice.

## **38 - 40 Nether Hall Road, Doncaster**



A complaint was received regarding 38-40 Nether Hall Road, Doncaster, in relation to an unauthorised display of advertisements at a commercial premise. A request was made to the owner to submit a planning application to retain the advertisements.

A subsequent retrospective planning application was submitted on 13<sup>th</sup> October 2020 for the display of 2 illuminated fascia signs (20/02815/ADV). This application has since been granted standard temporary consent on the 21<sup>st</sup> December 2020, which will expire 5 years from the date of the decision notice.

## **7 Pembroke Avenue, Balby**

A complaint was received in relation to an unauthorised running of a vehicle window tinting business from a residential property at 7 Pembroke Avenue, Balby.

Site visits were conducted and the occupier was spoken to and advised to submit a planning application, to continue running the business from home. Several visits were subsequently conducted due to no application being submitted.

During the investigation, it was established that the occupier had since moved from the property and out of the borough. As a result, the business use at the residential property was no longer operating and the case has been closed.

## 41 Princegate Doncaster



A complaint was received in relation to an unauthorised change of use from a tattoo studio to a café. A request was made to the business owner to submit a planning application to retain the new use.

A subsequent retrospective planning application was submitted on 19<sup>th</sup> October 2020 for the proposed change of use from Tattoo Studio (Sui Generis) to Restaurant/Café (Use Class E). This application has since been granted full planning permission (20/02858/COU) following planning enforcement involvement and the case has now been closed.

## Quarterly Enforcement Cases

<b>Quarter 3 (October – December 2020)</b>	
Received Enforcement Cases	125
Total Cases Pending	257
Closed Enforcement Cases	158

<b>Case Breakdown</b>	
Unlawful Advertisements	14
Breach of Conditions	17
Unauthorised Change of Use	33
Unauthorised Works to Listed Building	1
Unauthorised Operational Development	59
Unauthorised Works to Protected Trees	1

<b>Areas Where Breaches Take Place</b>	
Adwick and Carcroft	4
Armthorpe	5
Balby South	0
Bentley	1
Bessacarr	5
Conisbrough	11
Edenthorpe and Kirk Sandall	6
Edlington and Warmsworth	8
Finningley	10
Hatfield	4
Hexthorpe and Balby North	4
Mexborough	4
Norton and Askern	7

Roman Ridge	3
Rossington and Bawtry	15
Sprotbrough	5
Stainforth and Barnby Dun	5
Thorne and Moorends	7
Tickhill and Wadworth	7
Town	6
Wheatley Hills and Intake	6

<b>Formal Enforcement Action</b>	
Notices Issued	2 (4 pending)
Prosecutions	0
Injunctions	0

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