



Doncaster Metropolitan Borough Council Planning Enforcement Quarterly Report March 2021

Introduction

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

During this period the country was being subjected to another lockdown 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 not allowed based on potential exposure to Covid symptoms and the Governments "Lockdown" rules.

<u>Case Updates – Fourth Quarter (1st January – 31st March 2021)</u>	
Total Cases Still Under Investigation as at end of March 2021.	281
Total Cases Recorded in the Fourth Quarter (1 st January – 31 st March 2021).	153
Total Cases Closed Down in the Fourth Quarter (1 st January – 31 st March 2021)	107

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.

Other Disposals

42 Bawtry Road – Bessacarr.



On 19th February 2021, the Council received notice of the unauthorised felling of trees protected by Tree Preservation Orders (TPO) and a wall being built along the front garden boundary of 42 Bawtry Road.

The Planning Enforcement Team decided the most appropriate course of action was to issue a simple caution in respect to felling two protected trees. The owner has signed the caution admitting to the offence and agreeing to replace the trees in the front garden.

The owner and their contractor have been informed that the new wall exceeds permitted development rights. Building works have now stopped and they are currently in the process of putting together an application for the wall along with other developments to the front, including extending the driveway and creating a new access point. The outcome of the planning application will determine the next steps undertaken from an enforcement perspective.

Notices Served

Former Cooplands Factory Site, Victoria Mill Business Park, Wharf Road, Doncaster, DN1 2SX



On 7th August 2020, a complaint was received regarding an unauthorised change of use of land at the former Cooplands factory into a scrap metal yard.

The Council attempted to remediate the identified breaches of planning control by attempting to work pro-actively with the landowner to cease the use or to submit a planning application, to seek permission to change the use of the site from B2/B8 use to Sui Generis use as a Scrap yard.

However, these requests proved unsuccessful therefore an Enforcement Notice was served on 16th March 2021 and will come into effect on 27th April 2021. The notice requires the owners to cease the use of the unauthorised scrap yard by 25th May 2021, clear the land of any scrap metal and any other miscellaneous items by the 20th July 2021.

The Field at Pony Paddock – Hall Villa Lane – Tollbar.



On the 7 February 2019 a complaint was received regarding the alleged unauthorised erection of a building. During a site visit it was identified that there had taken place the development of Green Belt land to hard standing, with the change of use to residential and the siting of caravans. The owners were given 28 days to remove the caravans and revert the land back to its original use, but despite all efforts, the request was ignored. On the 25 February 2021, a notice was served on the owner to revert the land back to its original use and to remove all the caravans from the site. Following service of the notice, it was brought to the Council's attention that the site had been sold off and subdivided into 5 plots, effectively extending some of the authorised pitches immediately to the south of the site into the unauthorised site. A further site visit took place on 7th April 2021, and whilst it was evident that breaches of planning control had occurred, no caravans were sited on the land and therefore the Enforcement Notice was withdrawn, with a view to further notices being served to capture the breaches of planning control currently occurring on the subdivided plots. Officers are working to progress those further notices.

Plot 5 Pony Paddock – Hall Villa Lane – Tollbar.



On the 29 April 2021, a complaint was received regarding the alleged unauthorised development of a sandstone-constructed bungalow. During a site visit it was identified that a large bungalow style building was being built. On speaking to the owners, it was discussed that the building was too large to be classed as a “day room” and they were given 28 days to remove the building. The owners have failed to comply with the Councils request and an enforcement notice was served on the 25 February 2021, requiring the removal of the building. The notice comes into effect on the 6 May 2021 unless an appeal is made before. If an appeal is not made the appellants have until the 6 July 2021 to comply with the notice.

Daw Wood House – Victoria Road – Bentley.

On the 29 January 2018, a complaint was received of the alleged unauthorised conversion of a former care home into apartments. A site visit identified a car repair business being operated within the grounds and the former care home showed evidence of unauthorised development and of being occupied. The owner was advised that they need to submit a planning application to regulate the changes of use, but failed to comply. Therefore, two Enforcement Notices were served on the 17 March 2021. The first requiring the car repair business to cease operating within a month of the notice taking effect on the 27 April 2021. Whilst, the second to address the issue of changing use from a residential care home (C2) to self-contained flats (C3), including additional operational development within the grounds. This notice

takes effect on the 27 April 2021 and requires compliance by the 27 October 2021 unless an appeal is made before the notice takes effect

Outstanding Appeals.

Land North Of Hangman Stone Lane, High Melton.



An Enforcement Notice was served on 11th 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 16th June 2020 for 3 days. Shortly before the intended date for the inquiry to commence the Planning Inspectorate postponed the inquiry until the 13th October 2020. Documentation was received from the Planning Inspectorate on 15th 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 revised Inquiry date reported in a previous Quarterly Report was scheduled for the 28th April 2021, has now been subjected to a further amendment and will take place on 27th July 2021.

Existing Cases – Update

Corner Pocket – Mexborough.

As previously reported 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 granted planning permission. Two Enforcement Notices were served giving until the 23 December 2020 to comply. Since being served, we have received two appeals from the Planning Inspectorate. The Planning Inspectorate have now made their decision and have ruled in favour of Doncaster Council dismissing the appeals. The Corner Pocket had 50 days to remove the decking and box mounted roller shutters, which takes the compliance date to the

7th April and until the 17 May 2021 to remove the rest of the development and reinstate the original wall. The enforcement team are continuing to monitor the site to ensure compliance with the notice and should it become apparent that the appellant has not taken the necessary steps to bring about control of the site, the Council may consider additional enforcement steps.

Refused Application(s).

44 Town Moor Avenue, Town Moor, Doncaster



A complaint was received following a refused application (19/00319/FUL) for the retrospective erection of a boundary wall at the front of the property.

The applicant subsequently submitted an appeal against this decision (20/00038/HOUSE). However, this appeal was dismissed by the Planning Inspectorate on 10th March 2021 as the proposal does not preserve or enhance the character and appearance of the Town Moor Conservation Area.

The applicant has been given 28 days to reduce the height of the front boundary wall to 1 metre. If this request is not complied with in the given timescale, then authorisation will be sought to serve an Enforcement Notice on the property seeking a reduction of the wall.

38 Hawthorne Crescent – Mexborough (Sweet Shop).

On the 16 May 2019, a complaint was received regarding the alleged unauthorised running of a sweet shop business from a residential garage. A site visit carried out on the 2 October 2019 identified a domestic outbuilding had been changed into a sweet shop. The owner was advised to submit a planning application, which he subsequently did on the 25 October 2019. This application was refused by the Planning Department on the 19 February 2020. The applicant appealed this decision with the Planning

Inspectorate and on the 4 September 2020, the inspectorate upheld the Council's decision. The relevant enforcement action will be progressed to bring about control of the site.

Injunctions.

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

General Cases

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

1 Salisbury Road – Hexthorpe



A complaint was received in June 2020 regarding an unauthorised change of use (COU) from a single household dwelling to a House in Multiple Occupation in the Article 4 Direction area. The owner was contacted and advised that planning permission was required for this change of use.

A planning application was received (20/02278/COU) for the retrospective change of use from used class C3 (dwelling) to C4 (Small House in Multiple Occupation). This application has since been granted full planning permission, following planning enforcement involvement and the case has now been closed.

15 Orange Croft, Tickhill



The reported complaint concerned the building of a dwelling without planning permission. At the time of the visit, the existing residential caravan was in the process of being demolished. After speaking to the tenant, it was his intention to build on top of the existing chassis that forms the base, instead of removing the unit completely and replacing it with a brick built property, which would be classed as “permanently sited”. The site is managed by St Leger Homes (SLH), hence the matter is currently being addressed as a landlord and tenant issue.

32 Orange Croft, Tickhill



A site visit was made following a report that the tenant had commenced building to the side of the residential caravan. It was established that the development was a breezeblock shed to replace one previously sited in the same position that was made of timber. The tenant had not been allowed to use a similar timber structure as a like for like replacement, as it would represent a fire hazard in close proximity to the adjacent unit.

As the caravan site is managed by St. Leger Homes, the Planning Enforcement Team referred the issue to St Leger Homes to be addressed through the tenancy agreement.

Removal of unauthorised signage on the corner of Milethorn Lane & Wheatley Hall Road.

Before:



After:



The Council received a complaint in January 2021 with regard to signage being erected on the corner of Milethorn Lane and Wheatley Hall Road. When undertaking a site visit to the location it was clear that a progressive intensification of unauthorised signage had occurred. The local businesses were advised to remove their signage within 48hrs to avoid direct action from the Council. The signage remained in place following the period for compliance and direct action was taken to remove all unauthorised signage on the 2nd February 2021.

Orchard Equestrian – Thorpe-in-Balne.



On the 21 January 2019 a complaint was received regarding the alleged unauthorised running of an equestrian business. A site visit concluded that, an equestrian business was being operated and the owners were advised to submit a planning application. We have attempted to work proactively with the landowner in line with the adopted planning enforcement policy. However, the owners have failed to submit an application and have continued to operate. The relevant enforcement action will be progressed.

162 Coppice Road – Highfields.



As mentioned in previous reports, 162 Coppice Road was running a car repair business from their domestic premises. An Enforcement Notice was served on the 20 October 2020 and the owner was given until the 24 March 2021, to cease all activity. A site visit on the 23 March 2021 confirmed the enforcement notice had been complied with. In the event that an appeal is not received, the notice will become effective and operations should cease in line with the requirements of the notice. Should it become

evident that operations are continuing once the notice has become effective, the Council will consider further action to bring about control of the site.

3 Alston Road – Bessacarr



On the 20th November 2020, the Council received a complaint that a bright red storage container had been installed to the rear of the Alston News and Booze store in Bessacarr.

A planning officer assessed that the container was harmful to the character of the residential amenity. As a result, a letter was addressed to the shop instructing them to remove the container within 28 days. The owner has subsequently removed the container from the yard and the case has now been closed.

15 Hickleton Road – Barnburgh.



Permission was granted under 18/02630/FUL for a part single, part two-storey extension to the front, side and rear of the property. Condition 3 of the permission required the external materials and finishes of the extension to match the existing building.

A complaint came into the Council informing us that the bricks used for the extension were a completely different colour to the bricks of the original dwelling house, therefore contravening condition 3 of 18/02630/FUL. As a result, the extension was unsympathetic to the existing building and out of character with the surrounding area.

The Planning Enforcement Team negotiated with the owner to get them to tint the bricks a darker colour, hence ensuring that the extension matched the original dwelling house. A site visit on 16th February 2021, confirmed that the owner had tinted the colour of the bricks to a level that satisfied the requirements of the Local Planning Authority.

Quarterly Enforcement Cases

Quarter 4 (January – March 2021)	
Received Enforcement Cases	153
Total Cases Pending	281
Closed Enforcement Cases	107

Case Breakdown	
Unlawful Advertisements	7
Breach of Conditions	21
Unauthorised Change of Use	43
Unauthorised Works to Listed Building	0
Unauthorised Operational Development	77
Unauthorised Works to Protected Trees	5

Areas Where Breaches Take Place	
Adwick and Carcroft	11
Armthorpe	3
Balby South	4
Bentley	6
Bessacarr	8
Conisbrough	4
Edenthorpe and Kirk Sandall	3
Edlington and Warmsworth	5
Finningley	12
Hatfield	16
Hexthorpe and Balby North	4
Mexborough	8
Norton and Askern	11

Roman Ridge	5
Rossington and Bawtry	3
Sprotbrough	6
Stainforth and Barnby Dun	5
Thorne and Moorends	9
Tickhill and Wadworth	11
Town	8
Wheatley Hills and Intake	11

Formal Enforcement Action	
Notices Issued	5
Prosecutions	0
Injunctions	0

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