



Doncaster  
Council

# Doncaster Metropolitan Borough Council Planning Enforcement Quarterly Report November 2021

## Introduction

This report provides Doncaster Metropolitan Borough Council's Planning Enforcement performance in the second quarter of 2021/22.

The Planning Enforcement Team continued to operate by working from home and undertaking site visits by adopting a safe system of working.

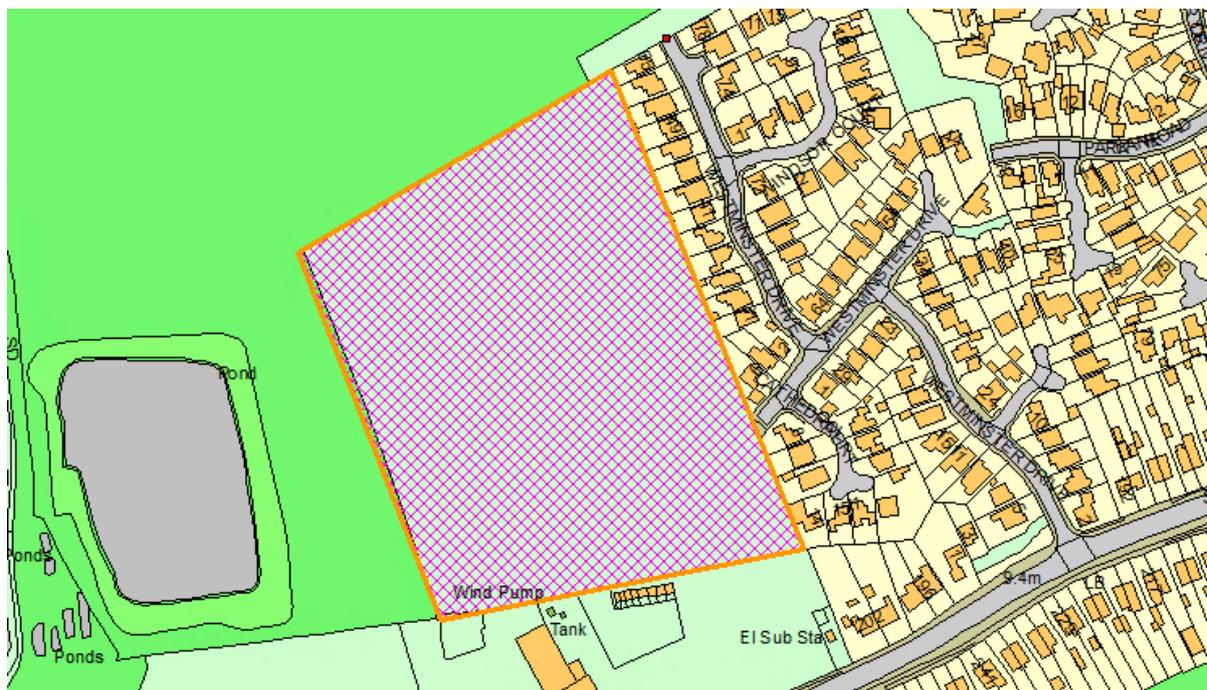
<b><u>Case Updates – First Quarter (1<sup>st</sup> July – 30<sup>th</sup> September 2021)</u></b>	
Total Cases Still Under Investigation as at end of September 2021.	389
Total Cases Recorded in the Second Quarter (1 <sup>st</sup> July – 30 <sup>th</sup> September 2021).	186
Total Cases Closed Down in the Second Quarter (1 <sup>st</sup> July – 30 <sup>th</sup> September 2021)	157

## **Prosecution Cases**

At present the Enforcement Team has several prosecutions pending and the results of these hearings will be discussed in future quarterly reports.

## **Notices Served**

### **Westminster Drive – Dunsville.**



A number of complaints were received concerning the development off Westminster Drive, Dunsville. It was reported that mud was being deposited on the road when vehicles were exiting site. Initially, a management plan had not been submitted by the developer, which outlined how such an issue would be eliminated. A management plan was submitted to and discharged by the planning officer shortly afterwards, which stated a wheel washing facility was to be installed on site. This would prevent any deposits on Westminster Drive.

Complaints continued to be received regarding the same issue. Site visits were made by Highway Officers - seeking to resolve the issue raised, then jointly with Planning Investigation. It was unfortunate that on a number of visits a new site manager had been appointed, so additional time had to be allowed for compliance.

After three visits by Highways and Planning Investigation, no wheel washing facilities had been installed. A Breach of Condition Notice (BCN) was authorised on 26 August 2021 and served on the developers on 10 September 2021. Shortly after the serving of the notice, the site manager made contact, stating that the required facilities had been installed on site.

## NCB Officials Club –Woodlands.

A complaint was received regarding the installation of clear glazed windows on the first floor level of the NCB Officials Club. These windows overlooked a number of homes in the vicinity. A site visit was carried out and the owners were given 28 days to change the glass to obscure glazing. This request was ignored and after a further site visit an Enforcement Notice was served on the 19<sup>th</sup> September 2021, the owners have until the 27<sup>th</sup> December 2021 to comply.

## Red Tomato – Unit 1 Greenhouse Court - Thorne Road.



An Enforcement Notice was served on 2 July 2021 for the removal of an illuminated sign from the roof of Red Tomato take away establishment, situated within the Wheatley Hills Conservation Area, following the refusal of retrospective planning permission. The Enforcement Notice was not appealed and became effective on the 2 September 2021 allowing one month's compliance to remove the signage and associated framework in its entirety. The Planning Investigation Team will undertake an inspection following the end of the compliance period in October 2021 to assess if compliance of the Enforcement Notice has been achieved.

### 30 Rosedale Road – Scawsby.



A complaint was received regarding the erection of a wall and fencing to the front of 30 Rosedale Road. A site visit was carried out and the owners were given 28 days to reduce the height of the boundary treatment to 1 metre. The owners subsequently submitted a planning application, which was later refused. An Enforcement Notice was served on the 3 August 2021 for the removal or reduction of the wall and fencing giving them until the 13 October 2021 to comply. The owners have since submitted an appeal to the Planning Inspectorate and we await their decision.

## **Outstanding Appeals.**

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



An Enforcement Notice was served on 11 January 2019 following the installation of a mesh silo adjacent to a bridleway, for the storage of product supplied by Re-Food, to be sprayed on the surrounding fields.

The revised Inquiry date reported in previous Quarterly Reports, took place on the 27 and 28 July 2021 with an accompanied site visit taking place on the 4 August 2021.

A decision was issued by the Planning Inspectorate on 17 August 2021. The appeal was allowed, the Enforcement Notice quashed, and planning permission granted.

### **Planning Inspectorate Reference:**

APP/F4410/C/19/3222400

### **17 Westwood Road – Bawtry.**



An enforcement complaint was received in September of 2020, in relation to the building of a garage and outbuilding to the rear of 17 Westwood Road. On a site

inspection it was found that the ridge height was 1.5 metres higher, than what was approved on the planning application 20/00949/FUL. The owner submitted a retrospective application to allow for the amendments to the building. This was refused on the 8 January 2021. An appeal was then lodged with the Planning Inspectorate on the 22 March 2021. On 20 September 2021, the appeal was allowed and planning permission granted.

**Planning Inspectorate Reference:**

APP/F4410/D/21/3271564

**38 Hawthorne Crescent – Mexborough.**

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 converted 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.

On the 27 April 2021 an Enforcement Notice was served on the owners of the property to cease the use of the land as a commercial sweet shop business; and remove all stock and associated equipment pertaining to the commercial sweet shop business in their entirety from the land. The notice took effect on the 8 June 2021 and must be complied with by the 8 July 2021. The owner subsequently submitted an appeal with the Planning Inspectorate, against the Enforcement Notice. On the 28 September 2021, the Planning Inspectorate upheld the Enforcement Notice and gave the owners until the 15 October 2021, to comply with the notice.

**9 Town Moor Avenue, Town Moor**



Following the service of an Enforcement Notice on the 18 May 2021 for an unauthorised creation of vehicular access by way of part demolition to the boundary

treatment within the Town Field Conservation Area, unauthorised works were carried out after the refusal of planning permission and subsequent dismissal of an appeal by the Planning Inspector. The Enforcement Notice requires the making good of the boundary treatment by carrying out the required works to restore the part-demolished red-bricked wall and restore the original pedestrian gate.

An appeal of the Enforcement Notice was submitted on 28 June 2021. The appeal commenced on 29 July 2021. The Planning Investigation team are awaiting the Planning Inspectors decision which is expected in the third quarter.

## **Injunctions.**

### **Wilsic Lane/Peastack Lane – Tickhill.**



A case was registered for the site on 1 September 2021 following a report that the site was being prepared and a number of caravans had been moved onto the land. The initial response by the Local Planning Authority (LPA) was to issue a Temporary Stop Notice (TSN) on 1 September 2021, to prevent any further development. A planning application was submitted on 30<sup>th</sup> August 2021 under Ref no. 21/02689/FUL - Change of use of land to create a 4 Pitch Gypsy/Traveller Site comprising the siting of 1 mobile home and 1 touring caravan per pitch (Retrospective). The application was validated on 31 August 2021.

It was considered that there was sufficient harm to seek a prohibitory injunction through the High Court preventing any further development or residential occupation of the site, which was granted on an interim basis and served on the occupants on 3 September 2021 with a return date of 10<sup>th</sup> September. On 10<sup>th</sup> September 2021 a

further interim injunction was granted in respect of the site with an order for a hearing on 19<sup>th</sup> October.

Update: 22 October 2021 - A final (permanent) Injunction was granted by the High Court on 19<sup>th</sup> October and the documents served on the site. The planning application was refused on 26<sup>th</sup> October, and on 28<sup>th</sup> October an Enforcement Notice was served on the site requiring the occupants to cease the use of the site as a residential gypsy and traveller caravan site, remove all caravans, structures, hardcore and materials associated with the unauthorised use and to reinstate the land. An appeal against the refusal of planning permission and the issue of an enforcement notice is likely to follow.

## **General Cases**

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

### **Pym Road Chippy - 28 Pym Road – Mexborough.**

#### **Before**



#### **After**



The Council received a complaint about the erection of a plastic and wooden structure to the rear of Pym Road Chippy in Mexborough.

The structure was judged to be out of character with the surrounding area. As a result, the owners were required to remove the structure.

A site visit on 24 May 2021 established that the majority of the structure had been taken down but this had left the height of the gate well above the wall. The Council instructed the owner to remove the rest of the structure and reduce the height of the gate, so it better complemented the local character.

A final site visit on 10 August 2021 found the structure completely removed and the gate reduced down to the same height as the wall, therefore the requirements had been met.

## **Otto, Sprotbrough**

The Council received complaints that delivery vehicles were arriving at Otto before the permitted time of 07:30hrs on weekdays.

A condition within the original planning permission restricts the arrival, departure, loading and unloading of delivery vehicles to between the hours of 07:30-18:00 on weekdays.

The Council made contact with the company requiring them to comply with the delivery time stipulated within the condition or submit an application to modify the condition.

Following this communication, Otto spoke with the relevant drivers to ensure they would arrive after 7.30am.

The complainants were updated and advised to contact the Council if the issue reoccurred. No further issues have been raised with the Council since.

## **Ashgrove – Braithwaite Lane – Braithwaite.**



The Council received a complaint that an unauthorised first floor balcony to side of the property had been constructed without planning permission.

After a site visit and contacting the owner, the balcony was found to have been there at the time of purchase, which was 12 years ago. Because of faults with the original structure, repairs were made to the balcony for safety purposes.

Due to this, the balcony at Ashgrove is therefore immune from enforcement action as the owners proved 4 years had passed since its construction.

The complainant was informed that the Council would take no further action regarding this alleged breach.

## **Quarterly Enforcement Cases**

<b>Quarter 2 (July – September 2021)</b>	
Received Enforcement Cases	186
Total Cases Pending	389
Closed Enforcement Cases	157

<b>Case Breakdown</b>	
Unlawful Advertisements	21
Breach of Conditions	26
Unauthorised Change of Use	58
Unauthorised Works to Listed Building	0
Unauthorised Operational Development	80
Unauthorised Works to Protected Trees	1

<b>Areas Where Breaches Take Place</b>	
Adwick and Carcroft	8
Armthorpe	3
Balby South	9
Bentley	4
Bessacarr	8
Conisbrough	5
Edenthorpe and Kirk Sandall	8
Edlington and Warmsworth	5
Finningley	15
Hatfield	11
Hexthorpe and Balby North	13
Mexborough	7

Norton and Askern	9
Roman Ridge	2
Rossington and Bawtry	12
Sprotbrough	5
Stainforth and Barnby Dun	4
Thorne and Moorends	9
Tickhill and Wadworth	9
Town	31
Wheatley Hills and Intake	9

<b>Formal Enforcement Action</b>	
Notices Issued	5
Prosecutions	0
Injunctions	1

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