



Doncaster
Council

Doncaster Metropolitan Borough Council Planning Enforcement Quarterly Report December 2021

Introduction

This report provides Doncaster Metropolitan Borough Council's Planning Enforcement performance in the third 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.

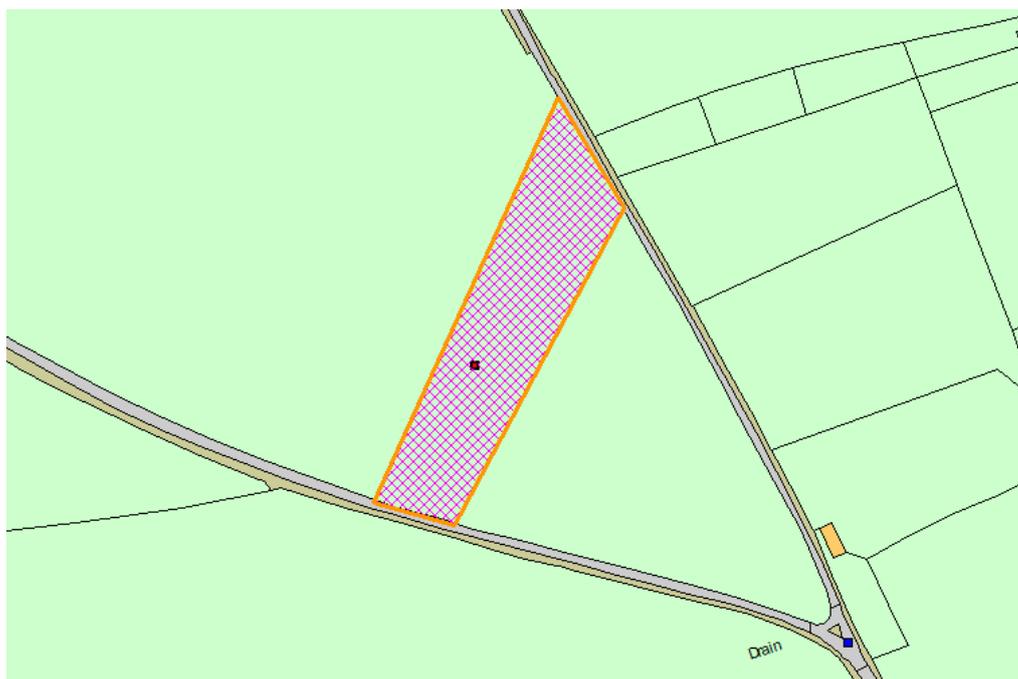
<u>Case Updates – First Quarter (1st October – 31st December 2021)</u>	
Total Cases Still Under Investigation as at end of December 2021.	429
Total Cases Recorded in the Third Quarter (1 st October – 31 st December 2021).	130
Total Cases Closed Down in the Third Quarter (1 st October – 31 st December 2021)	140

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

Wilsic Lane/Peastack Lane – Tickhill.



Following the extension of the Injunction granted by the High Courts in London, the planning application submitted on 30th August 2021 under the Reference 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) – was refused on 25th October 2021.

An Enforcement Notice was served on the occupants of the site on 28th October 2021 & the requirements of the notice were:

- (i) Permanently cease the use of the Land as a residential gypsy and traveller site.
- (ii) Permanently remove from the Land all mobile homes and caravans, structures and hard-core and any materials associated with the unauthorised use;
- (iii) Following compliance with step (i) and (ii) above, remove the resultant materials from the Land;
- (iv) Reinstate the land to its previous condition by reseedling with native grass seed.

The Notice became effective on 27th November 2021 and the compliance period for all parts of the Enforcement Notice is 26th May 2022.

An Enforcement Appeal has been submitted to the Planning Inspectorate. The Council are now awaiting an Inquiry date.

Red Tomato – Unit 1 Greenhouse Court - Thorne Road.



In the last report it was highlighted that an Enforcement Notice was served on 2nd 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 2nd September 2021, allowing one month's compliance to remove the signage and associated framework in its entirety. The Planning Investigation Team undertook an inspection following the end of the compliance period in early October 2021 to assess if compliance of the Enforcement Notice has been achieved.

Following time for compliance to remediate the breach of planning control the signage has now been removed from the property, including all fixings and fittings, following successful enforcement action.

Hand Car Wash – Armthorpe Road - Intake



On 10th November 2020, a complaint was received regarding an unauthorised installation of wooden fencing which reaches a height of 3.76m on the boundary of the premises without planning permission.

The Council attempted to remediate the identified breaches of planning control by attempting to work pro-actively with the occupants and landowner, to reduce the height of the fencing to 2 metres in height.

However, these requests proved unsuccessful and therefore an Enforcement Notice was served on 13th October 2021, which came into effect on 24th November 2021, unless an appeal was made. Our records suggest that an appeal has not been made and therefore the notice has become effective. The notice requires the owners to reduce the height of the fencing to 2m in height and permanently remove the resultant materials from the land by 24th December 2021. The occupiers have since submitted an application for the retention of the fence at a reduced height.

Primrose House, South Parade, Thorne



On the 28th January 2020 a complaint was received regarding the alleged unauthorised removal of wall creating an exit/access of a classified road on a junction.

The Council tried to work with the owners to re-instate the wall and gates but all attempts failed. An Enforcement Notice was served on the 30th September 2021 that came into effect on the 9th November 2021, no appeal was made and the notice required the owners to reinstate the walls and gate by the 9th January 2022. Due to effective enforcement action the remedial works were undertaken on the 5th January 2022.

28 Lodge Road Carcroft Doncaster



On the 23rd January 2020 a complaint was received regarding an alleged unauthorised breeze block construction. During a site visit it was found that two breeze block buildings were under construction and a 5 pen dog kennel had been erected.

The Enforcement Team advised the owner that a planning application would not be supported and hence to cease use and halt any further development. The owner failed to respond to the advice and continued extending the kennels.



An Enforcement Notice was served on 6th October 2021 that came into effect on 17th November 2021, unless an appeal was made. Our records suggest that an appeal has not been made and therefore the notice has become effective.

The notice requires the owners to cease the use of the buildings for the purposes of breeding, sale and kennelling of dogs and puppies. Including the demolition of the large dog pen by the 17th January 2022 and permanently remove the resultant materials from the land by 17th February 2022. The site will continue to be monitored to ensure compliance with the notice.

Home Farm Stockbridge Lane Owston





On the 13th August 2020 a complaint was received regarding the alleged installation of a car port in a Conservation Area. On investigation it was found that a previous planning application 17/00857/FUL had been refused on the 20th October 2017.

The applicant subsequently appealed this decision APP/F4410/D/17/3189836 with the planning inspectorate, which was dismissed on the 18th May 2018.

A site visit was carried out on the 18th September 2020, where it was identified that a large metal car port had been installed measuring 2.66 metres in height.

Despite the previous planning refusal and advice that a new application would not be supported, the owner submitted a new retrospective application on the 29th December 2020, this was refused on the 24th May 2021 and that decision has been appealed.

Appeal reference - APP/F4410/D/21/3281015

On the 28th October 2021 an Enforcement Notice was served on the property, which came into effect on the 8th December 2021, but due to the current appeal this is being held in abeyance, until after the appeal decision has been made.

Outstanding Appeals.

38 Hawthorne Crescent – Mexborough.

On the 16th 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 2nd 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 25th October 2019. This application was refused by the Planning Department on the 19th February 2020. The applicant appealed this decision with the Planning Inspectorate and on the 4th September 2020, the inspectorate upheld the Council's decision.

On the 27th 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 8th June 2021 and must be complied with by the 8th July 2021. The owner subsequently submitted

an appeal with the Planning Inspectorate, against the Enforcement Notice. On the 28th September 2021, the Planning Inspectorate upheld the Enforcement Notice and gave the owners until the 15th October 2021, to comply with the notice. A further site visit was carried out which on inspection revealed that the signage has been removed, however the confectionary is still in situ, and therefore not removed from the Land as stipulated in the Notice, the matter is now going to prosecution.

9 Town Moor Avenue, Town Moor



Following the service of an Enforcement Notice on the 18th 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 28th June 2021. The appeal commenced on 29th July 2021. The Planning Investigation team were previously awaiting the Planning Inspector's decision.

On 26th October 2021 the appeal was dismissed and the notice upheld subject to corrections. The notice came into effect following the Planning Inspector's decision to uphold the notice, giving a month to carry out the directives of the notice, including the restoration of the wall with gate. Following a site visit the wall has been reinstated to its former condition and gate erected with just a cap to be added to the brick pier.

6 Shires Close, Sprotbrough



The Council received a complaint on 14th September 2020 alleging the unauthorised installation of an air source heat pump at 6 Shires Close in Sprotbrough.

After investigation, the Council found the air source heat pump had been situated at first floor height and fronts the cul-de-sac of Shires Close, therefore falling outside the provisions of being deemed to be permitted development. The Council have repeatedly advised the owner that he must either submit a planning application for the heat pump or undertake works to bring it within permitted development rights, but neither has occurred.

As a result, an Enforcement Notice was served on the 28th October 2021 requiring the air source heat pump to be either removed from the property or relocated in a position that complies with permitted development rights.

The owner has appealed the Enforcement Notice to the Planning Inspectorate. The appeal process has begun with the questionnaire already submitted to the Planning Inspectorate. Both parties statement of case must be submitted by 24th January 2022 and any final comments must be submitted by 14th February 2022.

Injunctions

The injunction for the unauthorised encampment at Wilsic Lane/Peastack Lane – Tickhill was submitted to the High Courts and was continued on the 22nd October 2021.

General Cases

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

Liberty House, Goodison Boulevard, Cantley



An application was submitted for the above site under Reference No. 16/02268/FULM - Erection of 75 bed care home.

A complaint was raised concerning Condition No. 5 – non-implementation of a zebra crossing.

After speaking to the planning officer who determined the application. As part of a discharge of conditions submission, the LPA's Highways section stated they had not received the documentation for the installation of the zebra crossing, when the developer's agent stated the documentation had been provided for discharge.

A meeting is to be arranged with Highways and the developer to resolve the issue and finalise the discharge. This has now taken place and the highway consultant is working with our Highways team to finalise details before works commence.

106 Melton Mill Lane, High Melton



The Council received multiple complaints regarding the alleged unauthorised erection of a canopy, gate and fence to the front of 106 Melton Mill Lane.

The owner/occupier was instructed to remove the canopy in its entirety and reduce the height of the gate and fence, adjacent to the highway, to 1 metre in order to adhere to permitted development rights.

A site visit on 21st December 2021 confirmed that the owner/occupier had complied with the Council's instructions.

180 Wentworth Road, Wheatley



The Council received a complaint regarding an alleged unauthorised change of use from C3 dwellinghouse use to C4 use (HMO).

The owner was advised to submit an application to retain this use as the property sits within an Article 4 Direction Order area. This order removes the permitted development rights for changes of use, from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (houses in multiple occupation).

On 24th September 2021 a subsequent application was received (21/02908/FUL) for a change of use from dwelling house (Use Class C3) to 4 bedroom HMO (Use Class C4) with a single store extension to rear. The application has since been granted and the enforcement case has now been closed.

Banners and advertisements displayed without consent or permission.

In the third quarter, 41 companies and organisations were identified as displaying banners and advertisements within the borough of Doncaster, without consent. Initial contact was made resulting in 20 companies directly removing their displays within the required time period (2 days). The remaining 21 companies received a verbal warning due to being their first incident and their displays were removed.

Examples of illegal advertisements:

Worksop Road – Tickhill.

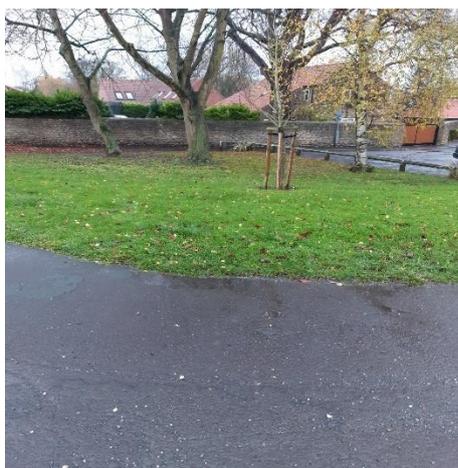
Following the initial complaint by a member of the public regarding Christmas tree advertisements on a section of open-space grassed area in Tickhill. An investigation was undertaken, which identified that the company was a temporary “pop up” business that operated from Firbeck, within the neighbouring borough of Rotherham, selling Christmas trees. Due to direct contact with our Enforcement Officer, the company agreed to remove all the items displayed in Doncaster, without consent or planning permission. A verbal warning was also issued, regarding future occurrences.

The following photographs show the advertisements on a piece of highway/DMBC land in Tickhill.

Before:



After:



Fence off Rockingham Way – Adwick.

Following a patrol by the Enforcement Officer, whilst on district, an area of advertisement without consent or planning permission, was identified. At the location, three companies were using a boundary fence to display their advertisements. Following contact, all three companies personally removed their banners, and a verbal warning was issued. It was discovered that one of the companies was from South Kirby, Barnsley.

Before:



After:



For Sale/ To-Let Boards.

Since April 2021, following complaints of Estate Agents' boards causing a blight in specific parts of the urban/town centre area. An initial project, identified 280 locations, displaying either "for sale/to-let" boards. Whilst it is not an offence to display these boards, all the relevant companies were contacted by the Enforcement Team, to ensure that businesses are aware of the conditions and limitations for this class of advertisements as set out under Class 3(A) Part 1 of Schedule 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

From the 280 boards originally identified, 169 have since been taken down by the companies, either due to the expiry of their requirement or for being incorrectly displayed (i.e. several boards for the same company displayed on one property). The Enforcement Team will continue to monitor the remaining 111 boards and if required will take the appropriate action, to ensure compliance with the current planning regulations and guidance.

During the third quarter, 43 of the original 280 boards were no longer displayed.

Following the initial project, the Enforcement Team intend to continue monitoring and identifying newly erected boards, in a bid to tackle the incorrect use of “for sale/to-let” signs.

Quarterly Enforcement Cases

Quarter 3 (October – December 2021)	
Received Enforcement Cases	130
Total Cases Pending	429
Closed Enforcement Cases	140

Case Breakdown	
Unlawful Advertisements	4
Breach of Conditions	28
Unauthorised Change of Use	28
Unauthorised Works to Listed Building	1
Unauthorised Operational Development	66
Unauthorised Works to Protected Trees	3

Areas Where Breaches Take Place	
Adwick and Carcroft	7
Armthorpe	4
Balby South	6
Bentley	9
Bessacarr	5
Conisbrough	2
Edenthorpe and Kirk Sandall	5
Edlington and Warmsworth	0
Finningley	18
Hatfield	11
Hexthorpe and Balby North	7
Mexborough	1
Norton and Askern	6

Roman Ridge	2
Rossington and Bawtry	12
Sprotbrough	4
Stainforth and Barnby Dun	3
Thorne and Moorends	7
Tickhill and Wadworth	6
Town	10
Wheatley Hills and Intake	5

Formal Enforcement Action	
Notices Issued	5
Prosecutions	0
Injunctions	1

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