



Doncaster
Council

Doncaster Metropolitan Borough Council Planning Enforcement Quarterly Report March 2022

Introduction

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

We would like to take this opportunity to welcome Luke Watson to the Planning Enforcement Team, undertaking a permanent position. Luke joined the team in October 2021 on a temporary basis, having successfully completed his Masters at Sheffield University in Urban & Regional Planning.

The Planning Enforcement Team now consists of 5.5 Enforcement Officers and despite previous Covid restrictions, the team has now returned to normal duties.

| <u>Case Updates – First Quarter (1st January – 31st March 2022)</u> | |
|--|-----|
| Total Cases Still Under Investigation as at end of March 2022. | 439 |
| Total Cases Recorded in the Third Quarter (1 st January – 31 st March 2022) | 123 |
| Total Cases Closed Down in the Third Quarter (1 st January – 31 st March 2022) | 100 |

Prosecution Cases

92 Lawn Avenue - Woodlands



Doncaster Council received a complaint regarding the unauthorised erection of a garage exceeding the height identified in the approved plans of 19/01394/FUL.

The garage was measured at 4.7metres in height, 1.2 metres higher than was approved under 19/01394/FUL. The height of the garage was judged to result in adverse amenity impacts of overshadowing and obstruction of natural sunlight into private amenity space.

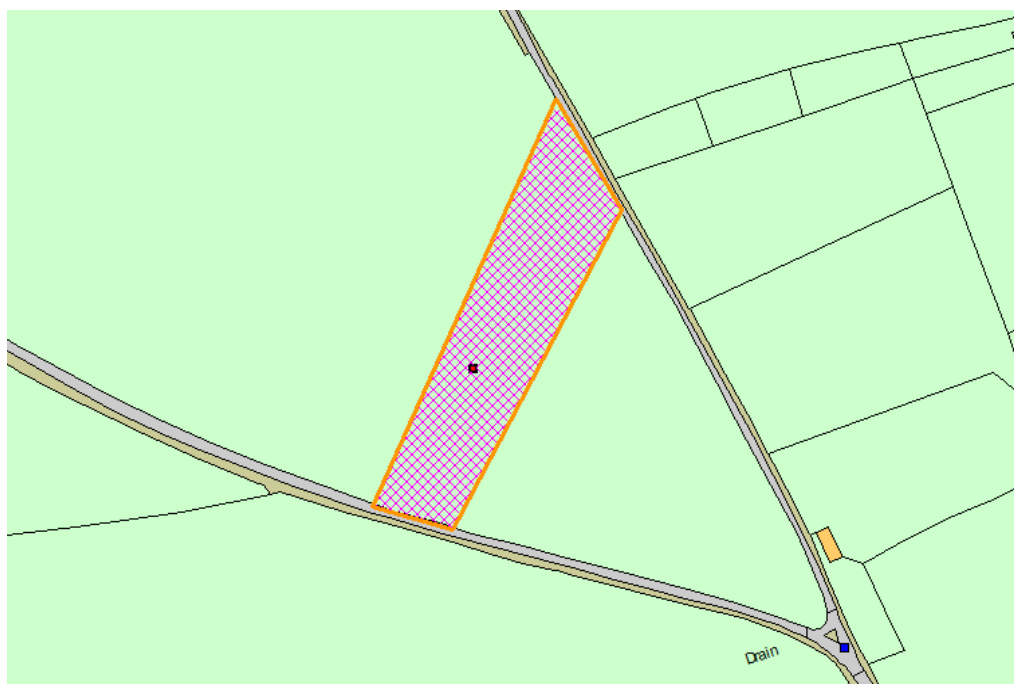
The Council's attempts to work with the owner to reduce the height of the garage proved unsuccessful so a Breach of Condition Notice was served on 14th June 2021, which required the owner to reduce the height of the garage in line with the approved plans. Following expiry of the compliance period of the notice, the Planning Enforcement Team carried out a site inspection, which concluded that no remedial works had taken place to reduce the height of the garage to comply with the approved planning permission.

The Council therefore filed a prosecution case at the Magistrates' Court against the offender for failing to comply with the Breach of Condition Notice. The offender was fined £80 and had to make a £200 contribution to costs.

A new remedial date will be agreed and failure to comply will result in a second prosecution.

Notices Served

Wilsic Lane/Peastack Lane – Tickhill.



Following the Enforcement Notice served on the site on 28th October 2021, an Enforcement Appeal was submitted by the occupants, and accepted by the planning Inspectorate. The appeal is currently in progress and a date for the Public Inquiry from the Planning Inspectorate should be expected shortly.

28 Lodge Road Carcroft Doncaster



As previously reported, an Enforcement Notice was served on 6th October 2021. The notice required 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 owner has failed to comply by the required deadline and a prosecution case is now pending.

Home Farm Stockbridge Lane Owston



As previously reported, on the 28th October 2021 an Enforcement Notice was served on the property, which came into effect on the 8th December 2021, the appeal (APP/F4410/D/21/3281015) against it was dismissed on the 16th February 2022 and the owners had until the 22nd March to remove carport, unfortunately no remedial work has been done. The owner failed to comply by the required deadline and was granted a time extension until the 8th June 2022, failure to comply will result in prosecution.

105 Thorne Road – Wheatley – Doncaster





On the 3rd of September 2020, a complaint was received regarding an unauthorised installation of metal fencing and gates along the highway boundary without planning permission.

A Conservation Officer was consulted after a site visit was conducted. The metal gates and fencing were considered to be detrimental to the character and appearance of the Thorne Road Conservation Area. After multiple letters sent to the owner, no planning application had been submitted. The owner did respond by claiming that the fencing and gates had both been erected 4 years prior to receiving correspondence. Historical images on Google Street View show that the metal gate had been erected for over 4 years which makes it immune from enforcement action, however, the fencing was not seen to be erected from images in 2016, 2017 and 2018.

On the 14th of January 2022 an Enforcement Notice was served on the property, which came into effect on the 25th of February 2022. At present the owner has engaged a planning agent, with a view of submitting a “certificate of lawfulness”. Following the outcome of this submission, if the metal gate is not demonstrated to be lawful (through the passage of time), the Council will seek a prosecution for non-compliance.

2 Lambeth Road, Balby, DN4 8HT



On 3rd August 2021, a complaint was received regarding an unauthorised installation of a 1.8 metre high gravel board fence, to side of the property without planning permission.

Following a site visit it was established that the first section of concrete gravel board fencing panels, which are situated adjacent to the highway boundary, was over 1 metre in height. Therefore it was unauthorised and required planning permission. An invalid planning application was submitted, with no attempt made by the applicant to submit further information to validate the request. The Council attempted to remedy the identified breaches of planning control, by working pro-actively with the landowner to reduce the height of the first section of fencing, to no more than 1 metre or to validate the planning application.

However, these requests proved unsuccessful and therefore an Enforcement Notice was served on 22nd March 2022, which will come into effect on the 3rd May 2022. The notice requires the owners to reduce the height of the section of concrete gravel board fencing panels and the concrete fence post, which are situated adjacent to the highway boundary on the land, to a height of no higher than 1 metre, by the 3rd June 2022.

7 Market Street, Highfields



A complaint was received regarding the erection of a fence around the boundary of a property. Despite numerous attempts to rectify the matter, the owners have failed to reduce the height of the fence. An Enforcement Notice was served on the 19th January 2022, which came into effect on the 2nd March and they had until the 2nd April 2022 to comply. An extension for compliance has been granted for the 8th June 2022.

99 Meadowfield Rd, Barnby Dun



Doncaster Council received complaints regarding a front garden wall erected at the front of 99 Meadowfield Road, Barnby Dun.

It was identified that the original permission for the estate included an open plan condition. Which removes permitted development rights to erect walls, fences or other means of enclosure, on land between the walls of any dwellings fronting a highway and the highway boundary, unless agreed in writing by the Local Planning Authority. The owner submitted a retrospective application for the wall on 4th December 2020. The application was refused on the 24th February 2021, with the planning officer concluding that the wall causes harm to the open character of the area.

An appeal was lodged against the Council's decision to refuse permission for the wall. The Planning Inspectorate dismissed the appeal on the 29th September 2021, thereby advocating the removal of the wall.

The owner was given 28 days following the outcome of the appeal to remove the wall, in order to comply with the planning condition, but this was not complied with.

A Breach of Condition Notice was therefore served on the 3rd February 2022, requiring the removal of the wall in its entirety within 30 days of the date of the notice.

A follow up visit is scheduled to check the requirements of the notice have been complied with.

Section 215 Notices

Section 215 (S215) of the Town & Country Planning Act 1990 provides a local planning authority (LPA) with the power, in certain circumstances, to take steps requiring properties and land to be cleaned up when its condition is deemed to adversely affect the amenity of the area.

This function has recently returned to the Planning Enforcement Team. Information relating to future S215 Notices that have been served will be included in further quarterly reports.

At present, the Enforcement Team has received 22 potential S.215 properties, which are now under investigation (including such premises as 45 East Ave - Woodlands, 57 Christ Church Road, and Queensgate in the Waterdale precinct).

Outstanding Appeals.

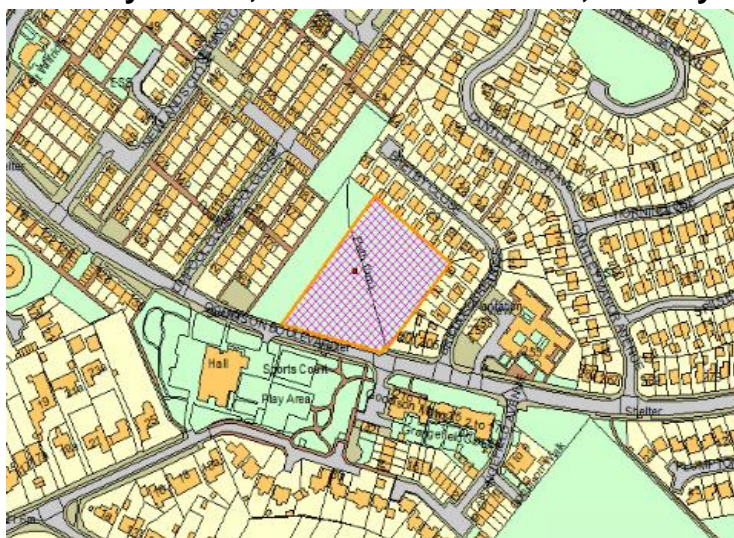
38 Hawthorne Crescent – Mexborough.

As previously mentioned, 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. 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. A further site visit revealed that the signage had been removed, but the confectionary was still in situ. On the 9th February 2022 a site visit established that the confectionary had been removed and the Enforcement Notice had been complied with, the case is now closed.

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.

As an update to the previous entry. The information required has been provided by the applicant and submitted to the Highways Team for consideration, there is still outstanding information but in principle technical approval has been given.

29 – 31 Market Place, Bawtry



A complaint was registered concerning the installation of three air conditioning units on the passage wall between No.27 & 29. After checking Google Street View and speaking to the complainant, it was apparent that the units had been in place for a number of years. The complainant was unaware that the development had been in place for over 4 years and therefore exempt from any enforcement action. As a result, the complainant was informed that no action could be taken.

100 Bentley Road, Bentley



A complaint was received regarding the erection of a treehouse, without the relevant planning permission. Officers have attended the site on numerous occasions, but to no avail. Furthermore, the owners/occupiers have failed to respond to all correspondence sent to the property. Therefore, the relevant enforcement action will be taken.

92 Thorne Road

Before



After



On 3rd September 2020, a complaint was received regarding an unauthorised installation of wooden fencing and gates along the highway boundary, without planning permission.

The Council attempted to remedy the identified breaches of planning control by attempting to work pro-actively with the landowner to either remove the fencing and gates or to submit a planning application, to seek permission to retain the wooden fencing and gates above the permitted 1 metre in height, adjacent to the highway.

However, these requests proved unsuccessful therefore an Enforcement Notice was served on 17th June 2021, that came into effect on 29th July 2021. An appeal against the notice was not submitted and hence became effective. The notice requires the owners to remove the wooden fencing and gates from the front and side boundary of the property that fronts the highway by the 29th August 2021.

A permitted development enquiry was submitted by the owner which was deemed that the development was not “permitted” and that planning permission would be required. Following several site visits the fence and gates still remained.

However a site visit conducted on the 26th April 2022 found the fence and gates to the front and side of the property had been removed. As such the Enforcement Notice had been complied with and the case has subsequently been closed.

Banners and advertisements displayed without consent or permission.

In the fourth quarter, 23 companies and organisations were identified as displaying banners and advertisements within the borough of Doncaster, without consent. Initial contact was made resulting in 16 companies directly removing their displays within the required time period (2 days). The remaining 7 companies received a verbal warning due to being their first incident and their displays were removed.

Examples of illegal advertisements:

Sunny Bar Doncaster

Following a check of the Doncaster area, a company's banners were identified on street furniture. Following direct contact with our Enforcement Officer, the company based in Sheffield, agreed to remove all 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 furniture in Doncaster town centre.

Before:



After:



Stripe Road – Hesley.

During a patrol of the district, a recruitment advertisement sign without consent or planning permission, was identified. Following contact with the company, they personally removed their banner and sign frame from the adopted highway verge, and a verbal warning was issued. It was discovered that the company was from Carlton Forest Worksop Nottinghamshire.

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 required standards of Class 3(A) of The Town and Country Planning (Control of Advertisements) (England) Regulation 2007.

In the fourth quarter, 47 of the remaining 111 boards being monitored were no longer displayed, 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). However, there were 33 new displays of "for sale/to-let" boards established.

The Enforcement Team will continue to monitor the 98 boards identified, and if required will take the appropriate action, to ensure compliance with the current planning regulations and guidance.

Quarterly Enforcement Cases

| Quarter 4 (January – March 2022) | |
|---|-----|
| Received Enforcement Cases | 123 |
| Total Cases Pending | 439 |
| Closed Enforcement Cases | 100 |

| Case Breakdown | |
|---------------------------------------|----|
| Unlawful Advertisements | 2 |
| Breach of Conditions | 26 |
| Unauthorised Change of Use | 30 |
| Unauthorised Works to Listed Building | 2 |
| Unauthorised Operational Development | 60 |
| Unauthorised Works to Protected Trees | 2 |

| Areas Where Breaches Take Place | |
|--|----|
| Adwick and Carcroft | 8 |
| Armthorpe | 3 |
| Balby South | 3 |
| Bentley | 2 |
| Bessacarr | 3 |
| Conisbrough | 10 |
| Edenthorpe and Kirk Sandall | 6 |
| Edlington and Warmsworth | 3 |
| Finningley | 7 |
| Hatfield | 10 |
| Hexthorpe and Balby North | 4 |
| Mexborough | 0 |
| Norton and Askern | 10 |

| | |
|---------------------------|----|
| Roman Ridge | 0 |
| Rossington and Bawtry | 8 |
| Sprotbrough | 8 |
| Stainforth and Barnby Dun | 7 |
| Thorne and Moorends | 6 |
| Tickhill and Wadworth | 9 |
| Town | 13 |
| Wheatley Hills and Intake | 2 |

| | |
|----------------------------------|---|
| Formal Enforcement Action | |
| Notices Issued | 5 |
| Prosecutions | 1 |
| Injunctions | 0 |

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