



Doncaster  
Council

# **Doncaster Metropolitan Borough Council**

## **Planning Enforcement Quarterly Report**

### **June 2022**

#### **Introduction**

This report provides Doncaster Metropolitan Borough Council's Planning Enforcement performance in the second quarter of 2022/23.

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

<b><u>Case Updates – Second Quarter (1<sup>st</sup> April – 30<sup>th</sup> June 2022)</u></b>	
Total Cases Still Under Investigation as at end of June 2022.	455
Total Cases Recorded in the Second Quarter (1 <sup>st</sup> April – 30 <sup>th</sup> April 2022)	148
Total Cases Closed Down in the Second Quarter (1 <sup>st</sup> April – 30 <sup>th</sup> April 20 )	94

## **Prosecution Cases.**

No new prosecution case outcomes this quarter.

## **Notices Served.**

### **Home Farm - Stockbridge Lane – Owston.**



**Before**



**After**

As previously reported, on the 28<sup>th</sup> October 2021 an Enforcement Notice was served on the property, which came into effect on the 8<sup>th</sup> December 2021, the appeal (APP/F4410/D/21/3281015) against it was dismissed on the 16<sup>th</sup> February 2022 and the owners had until the 22<sup>nd</sup> March to remove carport. The owner failed to comply by the required deadline and was granted a time extension until the 8<sup>th</sup> June 2022. The owner has now complied with the Enforcement Notice and the car port has been removed.

### **105 Thorne Road – Wheatley – Doncaster.**



As previously reported 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 and the metal gates/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 14<sup>th</sup> of January 2022 an Enforcement Notice was served on the property, which came into effect on the 25<sup>th</sup> of February 2022. The owner engaged a planning agent, who submitted an application for “proposed use”, but should have submitted a “certificate of lawful development”. However, at this current stage the application remains invalid, and advice has been given regarding the correct submission of the “certificate of lawful development”. Following the outcome of this submission, if the metal fence is not demonstrated to be lawful (through the passage of time), the Council will seek a prosecution for non-compliance.

## **7 Market Street – Highfields.**



As previously reported an Enforcement Notice was served on the 19<sup>th</sup> January 2022, to reduce the height of the fence, which came into effect on the 2<sup>nd</sup> March allowing until the 2<sup>nd</sup> April 2022 to comply.

An extension for compliance was granted for the 8<sup>th</sup> June 2022, however the owner has failed to comply and a prosecution case is now pending.



## 99 Meadowfield Rd - Barnby Dun.



As mentioned in a previous quarterly report, an enforcement investigation found that the front garden wall erected at the front of 99 Meadowfield Road, Barnby Dun breached a planning 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.

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 was conducted on 25<sup>th</sup> May 2022 confirming that the wall had been removed in accordance with the requirements of the notice.

## 9 Doncaster Road – Barnburgh.



As discussed in previous quarterly reports, an investigation was carried out regarding the alleged development and encroachment on to land without the relevant planning permission. Previous attempts to obtain planning permission 18/02039/FUL were refused on the 13<sup>th</sup> January 2019, the owner appealed Doncaster Council's decision and the application was part granted (Erection of stables) and part refused (Change of use of the land) by the Planning Inspectorate on the 16<sup>th</sup> August 2019. On the 12<sup>th</sup> April 2022 an Enforcement Notice was re-served on 9 & 10 Doncaster Road Barnburgh, as it was discovered that not all interested parties had been served correctly. They had until the 26<sup>th</sup> June 2022 to comply with the Enforcement Notice. The owner has failed to comply by the required deadline and a prosecution case is now pending.

## 10 Doncaster Road – Barnburgh.



As discussed in previous quarterly reports, an investigation was carried out regarding the alleged development and encroachment on to land without the relevant planning permission which resulted in an enforcement notice being served.

On the 12<sup>th</sup> April 2022 an Enforcement Notice was re-served as it was discovered that not all interested parties had been served correctly. They had until the 26<sup>th</sup> June 2022 to comply with the Enforcement Notice. The owner has failed to comply by the required deadline and a prosecution case is now pending.



## **2 Airstone Road – Instoneville – Askern.**



On the 3<sup>rd</sup> February 2021 a complaint was received regarding the erection of a 6ft wooden fence to the front and side of the property that was positioned at the end of the road encompassing a junction. After consultation with the Planning and Highways Teams, the owner was written to and requested to reduce the fence down to a maximum height of 1 metre within 28 days. This was due to the fence being adjacent to the highway, along with health and safety issues for road users and pedestrians.

Despite numerous attempts the owner failed to take remedial action and an Enforcement Notice was served on the 9<sup>th</sup> June 2022, for the fence to be reduced or removed, the owner has until the 19<sup>th</sup> August 2022 to comply, unless an appeal is made against the enforcement notice.

## **12 Lodge Road – Skellow.**



On the 4<sup>th</sup> March 2021, a complaint was received regarding the alleged erection to the front of 12 Lodge Road, Skellow. A site visit was carried out where it was confirmed an extension had been erected to the front of the property, without seeking planning permission. After consultation with the Planning Department it was confirmed an

application would not be supported. The owners were written to and advised to remove the extension. On the 30<sup>th</sup> June 2021, confirmation was received from the owner that they would be submitting a retrospective planning application. That application was refused on the 19<sup>th</sup> May 2022 and an Enforcement Notice was served on the 13<sup>th</sup> June 2022, to remove the extension. The owners have until the 21<sup>st</sup> October 2022 to comply unless an appeal is made against the application and/or enforcement notice.

### **The Old School - Barnby Dun.**



On the 30<sup>th</sup> May 2022 a complaint was received from the Tree Officer in relation to development taking place before the approved planning permission (20/00769/FUL) pre commencement conditions, had been discharged. Concerns were raised that protected trees were being damaged without the required protection methods being put in place.

A site visit was carried out on the 30<sup>th</sup> May 2022, where evidence was gathered that work had taken place without the necessary requirements as stipulated in the planning permission. Immediately a telephone discussion was held with the developer and they were advised not to carry out any further work until the conditions have been discharged, this was also confirmed in writing to them on the same day.

Despite Planning Enforcements warning, work commenced on the site and a Temporary Stop Notice and a Breach of Condition Notice were served on the developer and the site, on the 10<sup>th</sup> June 2022. All activities were to cease immediately until the conditions have been discharged. The Temporary Stop Notice expired on 8<sup>th</sup> July. No application to discharge conditions has been received and the site is being monitored.

(Recent Update 15<sup>th</sup> August 2022):

No application has been received seeking to discharge the outstanding conditions. Hence the applicant will be contacted to provide the documentation required, and the site will continue to be monitored for any further activity.



### **The Fox Inn - Church Street – Conisbrough.**



As mentioned in previous reports a complaint was received regarding the unauthorised development of a former public house into flats. Over the course of the investigation it was discovered that 11 flats had been created, the majority of work, flats 1 – 9 had been completed over 4 years ago and was therefore immune from enforcement action. Flats 10 – 11 were still inside the time constraints and though the owners were invited to submit a planning application, they failed to comply and an Enforcement Notice was issued on the 8<sup>th</sup> April 2022, which came into effect on the 19<sup>th</sup> May 2022, the Enforcement Notice has been appealed with the Planning Inspectorate and a decision is pending.

### **Appeals.**

### **6 Shires Close – Sprotbrough.**



It was raised in a previous quarterly report that an appeal had been lodged against the Council's decision to serve an Enforcement Notice regarding the unauthorised installation of an air source heat pump at 6 Shires Close in Sprotbrough.

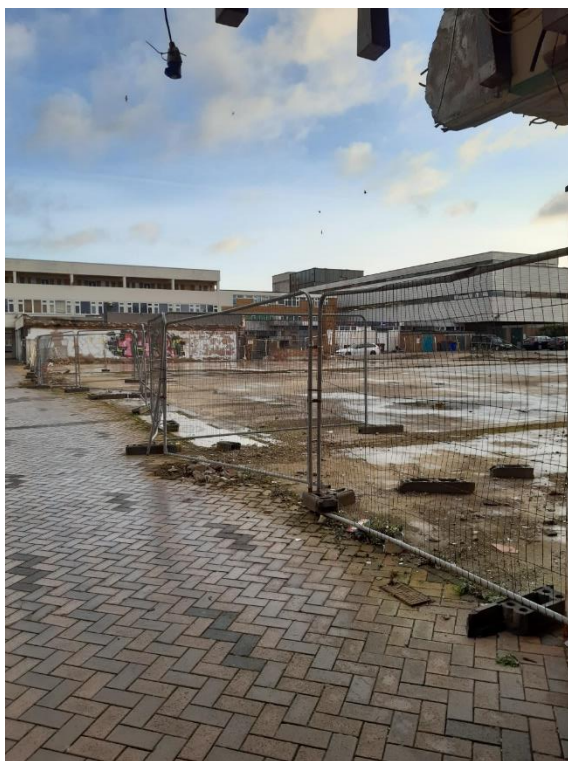
The Planning Inspectorate dismissed the appeal on 16<sup>th</sup> May 2022 and the Enforcement Notice was upheld. Following the Inspector's decision, the owner was given a month to comply with the Enforcement Notice, which required the heat pump to be removed from the property or relocated to a position that complies with permitted development rights. A recent site visit has confirmed that the requirements of the Enforcement Notice have not been complied with. As a result, the Council will now be preparing a prosecution case for non-compliance.



## **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.

### **Land off Queensgate – Waterdale – Doncaster City Centre.**



On 29<sup>th</sup> November 2021 a complaint was received regarding buildings that have been demolished on Queensgate, Waterdale and the land now looks untidy and unkempt.

Site visits were conducted which established damaged HERAS fencing that was constantly being knocked down to allow unauthorised access. There is a large pile of hardcore and brick rubble on the site, open utility chambers, and graffiti on the surrounding walls. The site can be seen from College Road and Waterdale and is used as a main thoroughfare for pedestrians and was deemed as detrimental to the amenity of the area. Letters were sent to the owners, requesting works to improve the condition of the site.

Adequate time was allowed to bring the land back to an acceptable condition, however this was not carried out, so it was considered appropriate and expedient to take enforcement action.

On 3<sup>rd</sup> May 2022 a Notice was served under Section 215 of the Town and Country Planning Act 1990, requesting that the following works be carried out:

- i. Remove the HERAS fencing from around the perimeter of the site and dispose of the resultant materials in an approved manner.
- ii. Erect hoarding fencing at 2 metres high around the perimeter of the site which will improve the visual amenity of the area and prevent unauthorised access onto the site.

The notice came into effect on 14<sup>th</sup> June 2022 and the compliance date is 13<sup>th</sup> August 2022. A site visit will be conducted following the expiry of the notice to check that these works have been carried out.

### **57 Christ Church Road – Doncaster.**



On 2<sup>nd</sup> November 2021, a complaint was received regarding an empty commercial premises which is boarded with rubbish and discarded furniture found on the rear of the premises, which looks untidy and unkempt.

Site visits were conducted which established that the empty premises has had hoarding erected around the frontage of the shop, which is located on a corner plot between Christ Church Road and Copley Road. Waste, wood, discarded furniture and a sofa were seen on the flat roof extension, to the rear of the property and within the rear garden, which is visible from the highway on Copley Road. It was considered that the boarding that had been used had fallen into a very poor state aesthetically and appeared to have encouraged detriment to the streetscape. The current condition of the site was deemed as having a detrimental effect on the amenity of the area. Letters were sent to the owners requesting works to improve the condition of the site. Adequate time was allowed to bring the premises back to an acceptable condition, however this was not carried out so it was considered appropriate and expedient to take enforcement action. On 17<sup>th</sup> May 2022 a Notice was served under Section 215 of the Town and Country Planning Act 1990 requesting that the following works be carried out;



- i. Remove and replace all damaged and missing hoarding panels to the ground floor front and side elevations including all roof panels.
- ii. Ensure that all the hoarding is tidied up and repainted uniformly in black.
- iii. Remove all rubbish and disregarded items (for example but not limited to 3 seater sofa, plastic barrels, metal and wood) from the rear garden and roof of the rear ground floor extension to the premises.

The notice came into effect on 28<sup>th</sup> June 2022 and the compliance date is 26<sup>th</sup> July 2022. A site visit will be conducted following the expiry of the notice to check that these works have been carried out.

(Recent Update 15<sup>th</sup> August 2022) – Current situation:



The owner has used advertisement boards for the cladding of the structure, therefore the requirements of the S.215 notice have not been complied with. Further communication will now take place to ensure that the boards are painted a suitable colour (i.e. black).

#### **Land to the rear of High Street – Dunsville – Doncaster.**



On 14<sup>th</sup> July 2021 a complaint was received regarding a piece of land to the rear of residential properties on High Street, Dunsville, Doncaster.

Site visits were conducted which found that fencing had been erected by the farmer around the perimeter of the field, that sits to the rear of properties on High Street. The fencing was made up of HERAS fencing panels and mismatched palisade fencing. There were two old railway carriages with no roof that had been positioned next to the boundary fencing. The fencing and carriages looked unkempt and unsightly and was having a detrimental effect on the amenity of the area and the neighbouring properties. A letter was sent requesting works to improve the condition of the site.

Adequate time was allowed to bring the premises back to an acceptable condition, however this was not carried out, so it was considered appropriate and expedient to take enforcement action. On 20<sup>th</sup> June 2022, a Notice was served under Section 215 of the Town and Country Planning Act 1990, requesting that the following works be carried out:

- i. Remove all temporary HERAS style fencing from the area highlighted in blue on the red lined plan.
- ii. Replace the fencing with stock fencing at least 1.2 metres high and use additional strands of galvanised steel wire (plain or barbed) if extra height is needed however should not exceed a total height of 2 metres.
- iii. Ensure that stock fencing is fixed to at least 1.8 metre posts from ground level which should be set at least 75 centimetres into the soil and use packed soil or concrete to secure each post in place.
- iv. Remove from the land the two railway carriages from the boundary fence as highlighted in purple on the red lined plan or alternatively relocate the railway carriages to the opposite side of the land and away from the boundary fence and restore the carriages to a presentable condition.

The notice will come into effect on 1<sup>st</sup> August 2022 and the compliance date is 30<sup>th</sup> October 2022. A site visit will be conducted following the expiry of the notice to check that these works have been carried out.



## **General Cases.**

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

### **40 Grange Avenue – Bawtry.**



A complaint was received, stating that the rear of the property had been sectioned off for use as a car park. The property was purchased a number of years ago by the owner of the business opposite the rear garden – Longstone Tyres and road planings put down. The owner was informed that if it was the intention to use the land in connection with the business operating opposite a formal application would be required – and due to the close proximity to residential properties, and dependent on the proposed use, a submission may not be successful. The owner stated there was no specific intention to utilise the land for any business use, and if it was causing distress to the residents, the land would not be used. As the planings provided a permeable surface and no change of use had taken place, planning permission was not required.

### **38 Howden Avenue – Skellow.**

**Before**

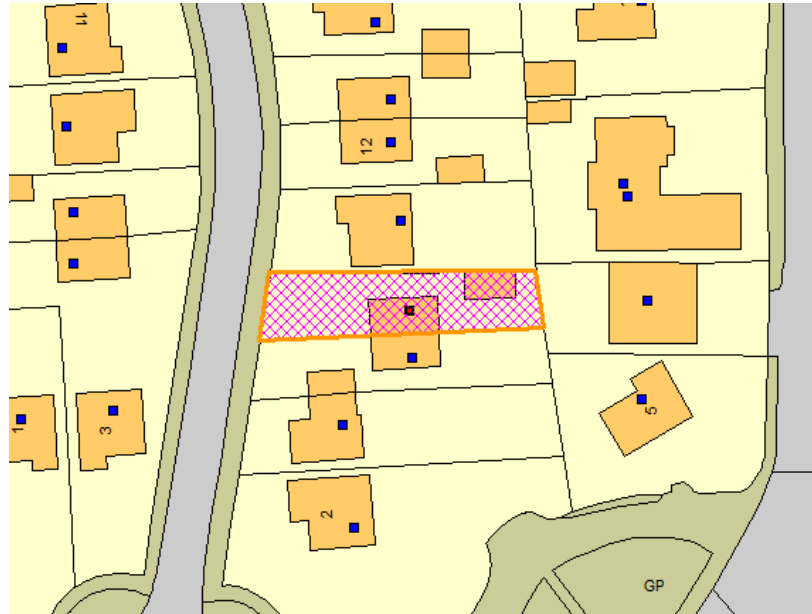


**After**



A complaint was received regarding the erection of a shed in the front yard of the property, during a site visit the owner was advised to remove the shed and place it either to the side of the property or in the back yard as development was not supported to the front elevation of a property. Within the allocated 28 days, the owners complied and removed the shed.

### **8 Birchwood Gardens – Braithwell.**



A complaint was received regarding an unauthorised business use in operation from the property, which was the sale of tools. It was alleged that the owner received multiple deliveries from various courier services in connection with the business use. After speaking to the owner, it was found that he ran a tool franchise, where no customers came to the property, and all orders were delivered directly by the owner. It was requested that a Non-Domestic Permitted Development Enquiry form would be the best way to resolve the reported issue. After assessment by a Planning Officer, it was considered that the tool sale business was found to be an acceptable use from a domestic property.

### **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 was been provided by the applicant and submitted to the Highways Team for consideration and has been accepted. An update provided by Highways states that once the legal agreement has been signed, a date can be arranged for the installation of the crossing

### **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. During the course of the investigation the property was sold and the tree house was removed.

### **International Community Centre - 30 Nether Hall Road – Doncaster.**



On 16<sup>th</sup> October 2020, a complaint was received regarding an unauthorised erection of a metal staircase and installation of a first floor external door to the front elevation of the premises.

The Council attempted to remediate the identified breaches of planning control by attempting to work pro-actively with the landowner to remove the metal staircase, first floor external door and reinstate the previous windows, at first floor level.

However, these requests proved unsuccessful, therefore an Enforcement Notice was served on 8<sup>th</sup> June 2021 that came into effect on 20<sup>th</sup> July 2021. The notice requires the owners to carry out the following steps by 20<sup>th</sup> August 2021:

- (i) Remove in its entirety the metal staircase located on the front elevation of the building;
- (ii) Remove the first floor door installed to the front elevation of the building and reinstate the 2 x White UPVC top hung casement windows to the first floor front elevation;
- (iii) Following compliance with step (i) to (ii) above, permanently remove the resultant materials from the land.

A planning application was submitted on 5<sup>th</sup> May 2021 to create a front side enclosed extension for access to first and second floor flats, and installation of pedestrian access lift (application reference number 21/01527/FUL). This application was subsequently granted permission on 15<sup>th</sup> December 2021. A recent site visit confirms that the unauthorised metal staircase has now been removed and the front extension works have commenced. This case has now been closed following compliance with the Enforcement Notice.

## **Banners and advertisements displayed without consent or permission.**

In the first quarter 2022, 14 companies and organisations were identified as displaying banners and advertisements within the borough of Doncaster, without consent. There was 6 banners, 3 A boards and 25 signs dealt with. Initial contact was made resulting in 11 companies directly removing their displays within the required time period (2 days). One company received a written warning and complied with the required time period (2 days). The remaining 2 companies received a verbal warning due to being their first incident and their displays were removed.

### **Examples of illegal advertisements:**

#### **Market Road – 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, 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 centre and attached to fencing on Trafford Way.

Before



After





## Church Road – Wadworth.

Whilst undertaking duties on district, signage was found, being displayed for a landscaping company on street furniture at Church Road, Wadworth and three other locations in surrounding villages. Calls were made to the company, messages were left. Unfortunately it was not possible to locate a trading address or other contact details, hence the signs were directly removed from the council street furniture. At a later date another sign was found, verbal contact was undertaken, resulting in a warning regarding future occurrences.

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

Before:



After:



## Gatewood Lane - Old Cantley.

Following a patrol of the district, a concrete suppliers advertisement sign without consent or planning permission, was identified. Following contact, with the company from West Butterwick, near Scunthorpe, they personally removed all their signage from the highway street furniture, and a verbal warning was issued.

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 this first quarter 26 of the boards being monitored were no longer displayed, either due to their expiry or for being incorrectly displayed (i.e. several boards for the same company displayed on one property). However, there were 26 new displays of "for sale/to-let" boards established.

Hence, the Enforcement Team will continue to monitor the 85 boards identified and if required, take the appropriate action, to ensure compliance with the current planning regulations and guidance.

## **Quarterly Enforcement Cases.**

<b>Quarter 2 (April - June 2022)</b>	
Received Enforcement Cases	148
Total Cases Pending	455
Closed Enforcement Cases	94

<b>Case Breakdown</b>	
Unlawful Advertisements	15
Breach of Conditions	22
Unauthorised Change of Use	26
Unauthorised Works to Listed Building	1
Unauthorised Operational Development	79
Unauthorised Works to Protected Trees	4

<b>Areas Where Breaches Take Place</b>	
Adwick and Carcroft	8
Armthorpe	34
Balby South	5
Bentley	4
Bessacarr	6
Conisbrough	13
Edenthorpe and Kirk Sandall	3
Edlington and Warmsworth	2
Finningley	8
Hatfield	5
Hexthorpe and Balby North	4
Mexborough	5
Norton and Askern	14



Roman Ridge	2
Rossington and Bawtry	11
Sprotbrough	9
Stainforth and Barnby Dun	4
Thorne and Moorends	11
Tickhill and Wadworth	9
Town	12
Wheatley Hills and Intake	8

Formal Enforcement Action	
Notices Issued	10*
Prosecutions	0
Injunctions	0

\*Including 3 x S.215 Notices.

Report Prepared By:

Planning Enforcement (Part of the Enforcement Team, Regulation & Enforcement, Economy and Environment).