



Doncaster
Council

Doncaster Metropolitan Borough Council Planning Enforcement Quarterly Report September 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 Enforcement Officers, with interviews pending to bring the team back to 6 officers.

<u>Case Updates – Second Quarter (1st July – 30th September 2022)</u>	
Total Cases Still Under Investigation as at end of September 2022.	438
Total Cases Recorded in the Second Quarter (1 st July – 30 th September 2022)	162
Total Cases Closed Down in the Second Quarter (1 st July – 30 th September 2022)	184

Prosecution Cases.

No new prosecution case outcomes this quarter.

Notices Served.

71 Park Drive, Sprotbrough



Doncaster Council received a complaint regarding the erection of a wall at the front of 71 Park Drive in Sprotbrough.

A Planning Enforcement Officer undertook a site visit on 21st December 2021, during which it was found that the wall fell outside of the confines of permitted development by exceeding 1 metre in height adjacent to the highway.

Highways Development Control identified concerns with the visibility splays when exiting the driveway of 71 Park Drive and the junction of the private road adjacent to the property, due to the height of the wall. As a result, the Council sent the owner correspondence on 26th January 2022 requiring them to reduce the wall to no higher than 1 metre, in order to bring about compliance with permitted development rights.

The owner failed to comply with the requirements of the letter, therefore an Enforcement Notice was served on 7th July 2022. The notice took effect on 18th August 2022 from which they had 1 month to reduce the wall to 1 metre.

A follow up visit was conducted on 23rd September 2022, which confirmed the requirements of the Enforcement Notice have not been met. The Council are currently

in the process of progressing enforcement action in order to bring about the planning control of the land.

Catlow Civil Engineering – Mexborough



The Council have received numerous complaints regarding the recycling and processing of waste materials on Catlow Civil Engineering site in Mexborough.

A retrospective planning application for the recycling of concrete, bricks, rubble and soils into a sellable by-product to provide recycled aggregates; construction materials storage; civil engineering operation use and proposed erection of modular building was refused by planning committee on the 8th December 2020 due to the impact of the proposal on neighbouring residential amenity.

On the 14th January 2021, the LPA received an application for a certificate of lawful use to regularise the civil engineering operation and associated open storage on the eastern part of the site. The application claimed that the site had been used for the recycling of waste material; storage of plant, machinery and material; and a base for the civil engineering business for a continuous 10-year period. The LPA made the decision to part grant/part refuse the application for a certificate of existing lawfulness. The LPA determined the deliveries of waste materials; storage of materials, vehicles and machinery relating to the off-site works and the use of the site as civil engineering base on the north-eastern section of the land as lawful. However, there was not

sufficient evidence that the recycling of inert material had taken place on this site for an uninterrupted period of 10 years and therefore these activities were not lawful.

An appeal was lodged on 23rd April 2021 against the decision to refuse the planning application 20/01323/FUL. The Planning Inspectorate dismissed the appeal on the 13th June 2022. The site operator sought to challenge the Planning Inspectorate's decision to dismiss the appeal under s288 of the Town and Country Planning Act 1990 (statutory review), but permission to proceed with the challenge was refused by the High Court in October 2022.

Following the Inspectorate's decision, a letter was sent to the site operator on the 27th June 2022 instructing the compliance of the following requirements within 28 days:

- Cease using the site for the recycling and processing of construction and demolition waste;
- Remove the sound barrier walls from the site;
- Cease using the land around the 'original site' in relation to the civil engineering business;
- Remove all storage of material, vehicles, machinery and equipment associated with the civil engineering business from the area around the original site; and
- Ensure the original site is used in accordance with the Lawful Development Certificate.

The company has failed to comply with the requirements of the letter so an Enforcement Notice was served on 3rd August 2022.

The Enforcement Notice has been appealed to the Planning Inspectorate. The appeal process has begun and the completed questionnaire has been submitted to the Planning Inspectorate. The Council's statement of case is due on 17th November following which the Inspectorate will make a decision on the procedure to hear the appeal. The site operator has requested a hearing, however in light of the previous decisions in this case, the Council has requested the written representations procedure.

15 Stable Gardens, Sprotbrough

Doncaster Council received several complaints alleging the unauthorised operation of a care business from 15 Stable Gardens, Sprotbrough. The complainants raised issues of parking, deliveries and waste in relation to the business.

After investigation, the Council identified that a care business was operating from the property, which had resulted in an unauthorised change of use from a dwelling house to an office.

An application for the retrospective change of use of the property was received on 24th February 2022. The Council refused the application on 8th June 2022, due to the negative impact the business has on residential amenity.

Following the outcome of the application, the Planning Enforcement Officer emailed the owner requiring them to cease the unauthorised business use of the property within 28 days.

The Council received a request for an extension of time to comply with the requirement to cease the use of the property as a commercial premises to allow them time to relocate their business. However, the Council are aware that the care business has been operating from the address for close to 10 years. As a result, the Council served an Enforcement Notice on 28th September 2022 to avoid the risk of the unauthorised use exceeding the 10 year limit for enforcement action. The notice becomes effective on 26th October 2022 from which the owner has 3 months to cease the commercial use of the property as an office.

12 Lodge Road – Skellow.



On the 4th March 2021, a complaint was received regarding the alleged erection of an extension 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 30th June 2021, confirmation was received from the owner that they would be submitting a retrospective planning application. That application was refused on the 19th May 2022 and an Enforcement Notice was served on the 13th June 2022, to remove the extension. The owners then appealed the notice, and decision was provided by the Planning Inspectorate on the 4th October 2022. The appeal was dismissed and the notice now stands, with a new compliance date of the 4th January 2023.

1 Madingley Close, Balby



A complaint was received regarding the alleged unauthorised breach of planning conditions, in relation to the works not being carried out in accordance with the approved plans of planning application 19/00375/FUL. A site visit was carried out where it was confirmed that ground floor extensions to the side and rear of the property had been built. The owners submitted a retrospective planning application 21/03525/FUL to regulate the change in the design.

This application was refused on the 25.02.2022 as a result, an enforcement notice was served on the 13th July 2022 under section 171a(1)(a) of Town and Country Planning Act 1990, requiring the owners to:

- (i) Remove the rear extension;
- (ii) Make good the host dwelling by returning to its former condition of a semi-detached house with single storey side extension;
- (iii) Following compliance with steps (i)-(ii) above, remove the resultant materials from the Land.

Following the serving of the notice, no appeal has been received by Doncaster Council within the allocated timeframe and the owners have had until the 24th October 2022 to comply. The enforcement officer conducted a site visit on 26th October 2022 and confirmed that the enforcement notice has been complied with.

The Old Quarry, Woodfield Road, Balby



A complaint was received regarding the alleged unauthorised siting of shipping containers. A site visit confirmed that the shipping containers have been double stacked on the site. The owner was required to submit a change of use planning application and informed that the shipping containers were not to be double stacked. The owner failed to carry out the remedial work and an enforcement notice was served on the 23rd August 2022, requiring the owner to permanently remove all shipping containers from the land. The owners have until the 4th December 2022 to comply or make an appeal against the enforcement notice.

Bella Wood View (aka Land Rear of Plane Tree Farm), Barnburgh





As mentioned in a previous quarterly report, the Council are dealing with a case where a developer has failed to comply with the approved permission (12/01211/EXT) on the land, rear of Plane Tree Farm, Barnburgh. Specifically, the developer has failed to undertake green space planting, not laid a roadway (except for the base layer), imported soil and other products without first seeking DMBC approval and not completed the stone boundary walling (as shown on the approved plans). As such, the development is in breach of condition 7, 15, 16 and 25 of the approved permission.

The Council served a Breach of Condition Notice on 6th November 2020, in relation to the breaches of the approved permission. The notice required the erection of stonewalling and gateposts, removal of soil and soil forming materials on the areas marked for landscaping, implementation of the landscaping scheme and submission of a scheme for the surfacing, drainage and marking out of the parts of the land to be used by vehicles, which needed to be implemented once approved. The developer failed to comply with the requirements of the notice. However, due to COVID-19 and staff absences, there were delays in dealing with the case, which meant the necessary documentation was not brought before the Court within the statutory 6 month period from the date the compliance period expired.

As a result, a meeting took place with Legal, which confirmed that the original notice could be withdrawn and a new notice served to restore the Council's ability to prosecute against the continued breach of conditions. The Council therefore sent a letter to the developer giving notice that the Council would be re-serving the Breach of Condition Notice should they fail to remediate the breach of conditions.

The original notice was withdrawn and a new Breach of Condition Notice was served on 30th September 2022, which provided an overall of 90 days for compliance with condition 7, 15, 16 and 25 of the approved permission.

175 South Street Highfields



A complaint was received regarding an alleged unauthorised erection of an extension to 175 South Street, Highfields.

A site visit was carried out which established that an attached garage had been built to the side of the property which after investigation was found to be permitted development. The owner was also in the process of building an extension forward of the principal building line that ran across the front of the property and was described as a porch. The owner was advised that this extension it was explained to the owner that this extension exceeded the permitted ground floor area of three square metres therefore would require planning permission.

Despite being given multiple opportunities to submit a planning application, the owner failed to apply for planning permission, therefore an enforcement notice was served on the 20th August 2022 which required the owner to:

- i. Remove from the Land in its entirety the extension on the front of the property, shown marked at A and coloured blue on the attached Site Plan.
- ii. Make good the remaining building by returning the frontage of the building to its original condition and any replacement materials match the existing building

The notice came into effect on the 30th September 2022 and they have two months to take remedial action.

Since receiving the enforcement notice the owner has subsequently submitted an appeal to the planning inspectorate and the notice will be held in abeyance until a decision is made.

Appeals.

No appeals outcomes to report in this quarter.

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 considered to adversely affect the amenity of the area.

Land off Queensgate – Waterdale – Doncaster City Centre.



Further to the previous update in the last quarterly report, the notice served on 3rd May 2022 under Section 215 of the Town and Country Planning Act 1990, requesting that the following works be carried out, has not been complied with:

- 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.

Despite allowing an extension of time to complete the works in September 2022, due to the current workload and availability of materials to erect hoarding, the contractors have failed to comply. Therefore, a prosecution case will now be considered.

57 Christ Church Road – Doncaster City Centre.

Further to the previous update in the last quarterly report, the notice served on 17th May 2022 under Section 215 of the Town and Country Planning Act 1990, requesting that the following works be carried out, has not been complied with:

- 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 28th June 2022 and the compliance date is 26th July 2022. A site visit was conducted following the expiry of the notice to check that these works have been carried out.

On the 15th August 2022, following a site inspection, it was apparent that the owner has used advertisement boards for the cladding of the structure, therefore the requirements of the S.215 notice had not been complied with. Following further communication with the owners, it was agreed that the boards would be painted a suitable colour (i.e. black). Unfortunately, the owners have failed to comply. Therefore, a prosecution is now being considered.



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



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

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 20th 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 1st August 2022 and the compliance date is 30th October 2022. A site visit will be conducted following the expiry of the notice to check that these works have been carried out.



Following a telephone conversation with the owner, at the beginning of September 2022, a site visit was carried out which established that the mismatched HERAS and

palisade fencing had been removed and replaced with 1m high wooden posts with 3 strands of wire fencing. The railway carriages have been removed from site and the land has been cut back of all the overgrown vegetation. It has been established that following these works that the condition of the land no longer looks detrimental to the amenity of the area and as such compliance of the notice has been achieved. This case has now been closed.

Markham House, 22 Market Street, Highfields, Doncaster, DN6 7JE



On 28th June 2022 a complaint was received from a local councillor via the Environmental Enforcement Team regarding an empty shop premises that has been vandalised, boarded up and looked untidy and unkempt.

A site visit established that the first floor windows were boarded with white boarding, the ground floor windows were partially boarded with brown boarding and the front door and other windows had been smashed and not boarded. The Environmental Enforcement Team were also dealing with an alleged rat infestation at the premises.

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 17th August 2022, a notice was served under Section 215 of the Town and Country Planning Act 1990, requesting that the following works be carried out:

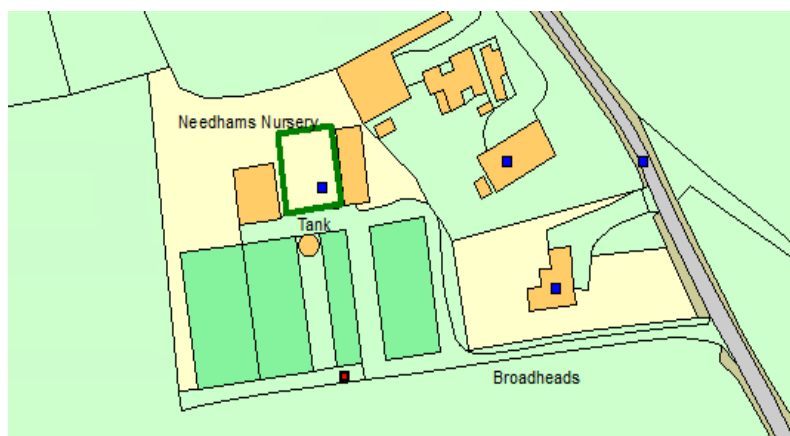
- i. Ensure that all window openings and entrances are uniformly boarded within the window recess and paint the boarding black or alternatively fit all windows and entrances with metal screening to all elevations.
- ii. Ensure that regular inspections are made to the premises and its surrounding grounds and maintain these on an on-going basis, so as not to cause further detriment to the amenity of the surrounding area.

The notice came into effect on 28th September 2022 and the compliance date is 26th 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.

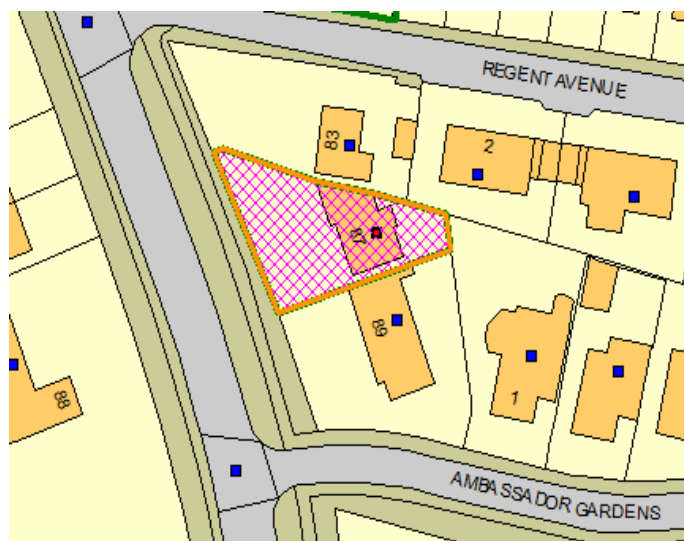
The following are a few examples of cases currently under investigation by the Planning Enforcement Team:

Needhams Nursery, Peastack Lane – Tickhill



It was reported that there were unauthorised sales taking place at Needham's Nurseries. A site visit was conducted and after speaking to the owner it was established that the business had made both public as well as commercial sales for approximately 40 years. As the period extended beyond 10 years, the alleged unauthorised use was immune from enforcement action.

87 Nutwell Lane – Armthorpe



The complaint alleged that an unauthorised beautician business was operating from a residential property. Upon checking the planning history of the property, it was found that an application had been approved in 2017. A further complaint stated that customers were parking on the grass verge outside the property. Signage was installed, which requested that customers use the parking at the property. In addition, an advisory note regarding the matter was included in customer appointment emails and bollards were installed on the grass verge.

It was considered that the owner had taken all practicable measures to discourage or prevent customers parking on the verge, and as a result had not breached any part of the approved application.

11a Tickhill Road, Balby



A complaint was received that alleged the unauthorised erection of extension to rear and replacement of windows. A site visit was carried out which found an outbuilding had been erected which measured 260cm. Consultation with the planning department found the outbuilding to be incidental to the property and as the height is only 10cm above permitted development rights and causes no negative impacts on neighbouring properties it was decided it was not expedient to take any further action.

5 Masefield Road, Wheatley Hills

A complaint was received regarding the alleged unauthorised running of business from residential property. A site visit was carried out where the owner's father was repairing his own vehicle on the property, there was no evidence to show that a business was being run from the property and the case was closed with no further action.

302 Thorne Road, Wheatley Hills

Before



After



A complaint was received regarding the alleged unauthorised siting of mobile fast food burger van, a site visit was carried out which found a takeaway vehicle placed on private land outside Wheatley Hills post office, the wheels had been removed from the vehicle and it was resting on the breeze blocks. The owner was advised that planning permission may be required as the placing of the van and the permanence of the van being in situ with the wheels being removed may consist as a change of use. It was explained a discussion would be held with the planning department and that the enforcement team would update them. A few days later the burger van had been removed from the site and no further action was required.

Banners and advertisements displayed without consent or permission.

In the Second quarter 2022, 37 companies and organisations were identified as displaying banners and advertisements within the borough of Doncaster, without consent. There was 22 banners, 8 A boards and 53 signs dealt with. Initial contact was made resulting in 33 companies directly removing their displays within the required time period (2 days). The remaining 4 companies received a verbal warning due to being their first incident and their displays were removed.

Examples of unauthorised advertisements:

Thorne Road, Doncaster and Barnby Dun Road, Doncaster

Following a check of the Doncaster area, a company's signage 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 DMBC fencing at the Town fields, Doncaster and attached to fencing at Sandall Park.

Before



After



Paddock Lane, Thorne

Whilst undertaking duties on district, signage was found, being displayed for a recruitment company on street furniture at Paddock Lane, Thorne. Two large banners were displayed on street furniture. A call was made to the company from Leicestershire, who were requested to remove their signage within 2 days, to which they complied. A verbal warning was given regarding future occurrences.

The following photographs show the advertisements on a piece of highway street furniture at Paddock Lane, Thorne, Doncaster.

Before



After



Greens Way, Mexborough

Following a patrol of the district, a fencing suppliers advertisement sign without planning permission, was identified. Following contact, with the company from Rotherham they 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 2nd quarter of 2022, 25 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 32 new displays of "for sale/to-let" boards established. In this Quarter we received a complaint that boards were an issue, in an area of Balby. We established there were 49 boards being displayed, contact was made with the relevant companies and 17 of those boards were removed.

The Enforcement Team will continue to monitor the 120 boards identified and if required, take the appropriate action, to ensure compliance with the current planning regulations and guidance.

Quarterly Enforcement Cases.

Quarter 2 (July - September 2022)	
Received Enforcement Cases	162
Total Cases Pending	438
Closed Enforcement Cases	184

Case Breakdown	
Unlawful Advertisements	12
Breach of Conditions	24
Unauthorised Change of Use	22
Unauthorised Works to Listed Building	1
Unauthorised Operational Development	100
Unauthorised Works to Protected Trees	3

Areas Where Breaches Take Place	
Adwick and Carcroft	5
Armthorpe	3
Balby South	6
Bentley	7
Bessacarr	4
Conisbrough	7
Edenthorpe and Kirk Sandall	3
Edlington and Warmsworth	7
Finningley	10
Hatfield	8
Hexthorpe and Balby North	5
Mexborough	3

Norton and Askern	10
Roman Ridge	6
Rossington and Bawtry	10
Sprotbrough	9
Stainforth and Barnby Dun	3
Thorne and Moorends	8
Tickhill and Wadworth	11
Town	19
Wheatley Hills and Intake	17

Formal Enforcement Action	
Notices Issued	7
Prosecutions	0
Injunctions	0

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