



# City of Doncaster Council

## Planning Enforcement Quarterly Report

### December 2022

#### Introduction

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

The Planning Enforcement Team now consists of 6 Enforcement Officers following a successful interview process which will see Chris Ayres join the team from January 2023.

#### **Case Updates – Third Quarter (1<sup>st</sup> October – 31st December 2022)**

Total Cases Still Under Investigation as at end of September 2022.	367
Total Cases Recorded in the Third Quarter (1st October – 31st December 2022)	118
Total Cases Closed Down in the third Quarter (1st October – 31st December 2022)	191

## **Prosecution Cases.**

No new prosecution case outcomes this quarter.

## **Notices Served.**

### **1 Madingley Close, Balby**

**Before**



**After**



As previously mentioned in the last quarterly report. 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 and as a result, an enforcement notice was served on the 13<sup>th</sup> 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 was received by Doncaster Council within the allocated timeframe and the owners had until the 24<sup>th</sup> October 2022 to comply. A site visit was carried out on the 26<sup>th</sup> October 2022, which found the enforcement notice had been complied with and the extension had been removed.

## 8 Briar Road, Skellow



A complaint was received regarding the alleged unauthorised erection of a fence to the front of the property. A site visit was conducted which found the fence to measure 1.75 metres high. The property was run by a management company, who were advised to reduce the height of the fence to 1 metre high within 28 days, the company subsequently submitted a planning application 22/01378/FUL on the 6<sup>th</sup> June 2022 which was refused on the 22<sup>nd</sup> September 2022.

An enforcement notice was served under Section 171a (1) (a) of the Town and Country Planning Act 1990 on the 27<sup>th</sup> October 2022 to either:

- i) Reduce the height of the wooden fencing and gate and concrete posts as shown in the position coloured blue on the attached Site Plan to no more than 1 metre in height on the Land; or
- ii) Remove in their entirety from the Land the wooden fencing and gate and concrete posts as shown in the position coloured blue on the attached Site Plan from the Land.
- iii) Upon completion of either i or ii above to either remove permanently from the Land all the resultant materials and debris arising from compliance with the aforementioned requirements of this Notice;

The notice came into effect on the 7<sup>th</sup> December 2022 with a date to comply by the 7<sup>th</sup> January 2023. On the 7<sup>th</sup> December 2022 an appeal was lodged with the Planning Inspectorate, the enforcement notice will now be held in abeyance until a decision has been made.

## 9 Doncaster Road, Conisbrough



A 2 metre high palisade fence has been erected around the boundary of the land adjacent to 9 Doncaster Road, Conisbrough without planning permission. Part of the fence is adjacent to Doncaster Road and therefore does not benefit from permitted development rights.

The Planning Enforcement Team sent a letter to the owners to advise that planning permission was required to retain the fence at its current height. The owners responded stating that they had erected the fence to incorporate the land as residential use with the adjacent property.

The Council received an application for the erection of palisade fencing and change of use of the land adjacent to 9 Doncaster Road to incorporate it within the residential curtilage of 9 Doncaster Road referenced 21/00652/FUL.

The change of use of the land was deemed acceptable but the application was refused as the palisade fence was not considered appropriate or acceptable for residential curtilage given the harm caused to the character and visual amenity of the area.

Following the planning refusal, the Planning Enforcement Team sent a letter to the owner to attempt to get them to remedy the breach of planning control but they failed to comply.

On 27<sup>th</sup> October 2022, an enforcement notice was served on the owner of the land requiring the part of the fence adjacent to the highway to be reduced to 1 metre so it complies with permitted development rights. The notice provides a compliance period of 1 month from the date the notice takes effect.

The enforcement notice has been appealed to the Planning Inspectorate and we are awaiting a start date for the appeal.

## 18 Carr Lane, Bessacarr



A 1.73 metre high timber fence has been erected on the side boundaries of the front garden at 18 Carr Lane, Bessacarr. The fence falls outside the relevant permitted development rights as it exceeds 1 metre in height adjacent to the highway.

Highways Development Control do not support the height of the fence adjacent to the highway as it creates a highway safety issue.

The owner was given an exceptional amount of time to reduce the fence panels adjacent to the highway to 1 metre in line with permitted development rights but they have failed to comply.

The Council therefore served an enforcement notice on the 11<sup>th</sup> November 2022 requiring the height of the fence panels located adjacent to the highway to be reduced to 1 metre. The notice took effect on 23<sup>rd</sup> December 2022 and a compliance period of 1 month has been provided.

A site visit will be carried out next week to assess if the enforcement notice has been complied with. Further updates will be provided in the Q1 2023/2024 Quarterly Report.

### 35 Berry Edge Close, Conisbrough



Doncaster Council received a complaint that a fence had been erected to the front of 35 Berry Edge Close, which was not in keeping with the open plan design of the street.

It was identified that the original permission for the estate included an open plan condition, which removed 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. As such, the erection of the fence at the front of the property is unauthorised as it doesn't have the necessary planning permission.

A Planning Officer advised that the fence would not be supported as it is out of character in the open plan area.

A letter was sent to the owners of the property on 1<sup>st</sup> March 2022 granting 28 days to remove the fence. It also advised that they had the right to submit a planning application for the fence within the same time period but it would be unlikely to receive permission given the advice from Development Management.

On 29<sup>th</sup> March 2022, the owners submitted a Permitted Development Enquiry for the fence to allow a Planning Officer to check if it did need planning permission. The Permitted Development Enquiry was determined as not permitted development thus confirming planning permission was required.

Following the Permitted Development Enquiry, the owner was granted a final 28 days to remove the fence. However, a site visit following the 28 days confirmed the fence was still in situ at the front of the property.

A breach of condition notice was served on 2<sup>nd</sup> December 2022 requiring the removal of the fence in its entirety within 1 month of the date of service. An extension of time had informally been agreed with the owner due to the delays in them obtaining legal advice during the holiday period. Subsequently, a site visit on 18<sup>th</sup> January confirmed that the fence had been removed and replaced with planters. The requirements of the notice have been complied with and therefore the case is now closed.

## The Old School - Barnby Dun.



On the 30<sup>th</sup> May 2022 a complaint was received from the Trees and Hedgerows 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 on 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 11<sup>th</sup> January 2023):

An application to discharge the conditions 22/02033/COND was received on the 2nd September 2022 for the consent, agreement or approval required by conditions 3 (Samples of materials), 4 (Drainage details), 5 (Tree protection), 6 (Tree replacement), 7 (Site surfaced and sealed) and 8 (Vehicle turning space) of planning application 20/00769/FU. This application is currently pending and a decision has not yet been determined.

## Catlow Civil Engineering – Mexborough



As covered in the previous quarterly report, an Enforcement Notice was served on 3<sup>rd</sup> August 2022 regarding the unauthorised expansion of the site for the recycling of concrete, bricks, rubble and soils and ancillary storage. The notice required the:

- (i) Cessation of the use of the expanded part of the Land for the processing and recycling of concrete, bricks, rubble and soils;
- (ii) Cessation of the use of the expanded part of the Land for all operations relating to the civil engineering business;
- (iii) Permanent removal of the blockwork barrier walls and all stored material and stockpiles, vehicles, machinery and equipment associated with the civil engineering business from the expanded area of the Land.

The Enforcement Notice was appealed to the Planning Inspectorate. The Planning Inspectorate has declined the Council's request for the appeal to be considered solely through the written representations procedure and so a hearing date is to be agreed in due course.



## Appeals.

No appeals outcomes to report in this quarter.

## Section 215 Notices.

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



Further to the previous update in the last quarterly report, the notice served on 3<sup>rd</sup> 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.

### Update – 12/12/2022

A site visit took place with the owners of the land and Scott Cardwell. It was agreed at this time that the owners have committed to comply with the Section 215 notice by the end of January 2023. A further site visit will be conducted following the expiry of this extension to check for compliance.

### Update – 19/01/2023

A site visit was conducted which established that the HERAS fencing had been removed and 2 metre high hoarding had been erected. The Section 215 Notice has now been complied with and the case has now been closed.

**After**



**After**



**57 Christ Church Road – Doncaster City Centre.**



Further to the previous update in the last quarterly report, the notice served on 17<sup>th</sup> 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 28<sup>th</sup> June 2022 and the compliance date is 26<sup>th</sup> July 2022. A site visit was conducted following the expiry of the notice to check that these works have been carried out.

On the 15<sup>th</sup> 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.

#### Update – 15/12/2022

A site visit was conducted which found that no works have been carried out to comply with the S215 notice. Legal proceedings will now be sought against the owner for non-compliance of the notice.

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



On 28<sup>th</sup> 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 17<sup>th</sup> 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 28<sup>th</sup> September 2022 and the compliance date is 26<sup>th</sup> October 2022.

### Update – 15/12/2022

A site visit was conducted which found that the ground floor front shop windows and door had been boarded and painted in black. The first floor windows had metal shuttering installed. The requirements of the notice have been complied with therefore the case has now been closed.

## **Section 215 General Cases**

### **25 Church Street, Conisbrough, Doncaster**

**Before**



**After**



On 5<sup>th</sup> September 2022 a complaint was received via a Councillor enquiry regarding the condition of a new Premier Off-License whereby the former windows had been boarded and it was having a detrimental effect on the amenity of the area.

A site visit was conducted and a letter sent to the premises owner. The owner advised that they are awaiting the correct signage from Premier headquarters but agreed to paint the boarding in black in the interim.

A further site visit was then carried out which confirmed that the boarding had been painted black which improved the condition of the premises and as such met the requirements of the initial Section 215 letter. The case has now been closed.

### **40 Park Road, Instonville, Doncaster**

**Before**

**After**



On 4<sup>th</sup> July 2022 a complaint was received regarding an empty fire damaged property that was having a detrimental effect on the amenity of the area.

A site visit was conducted and a letter sent out to the owner to outline what works were required whilst the property was left empty.

A further site visit confirmed that these works had been carried out and the front and rear windows and doors had been boarded and painted. Boarding was also installed to the front and rear garden entrances to prevent unauthorised access and vandalism. The case has now been closed.

### Former Brewery Chambers, King Street, Thorne

**Before**



**After**



On 27<sup>th</sup> June 2022, a complaint was received regarding an empty commercial premises in the Conservation Area within Thorne.

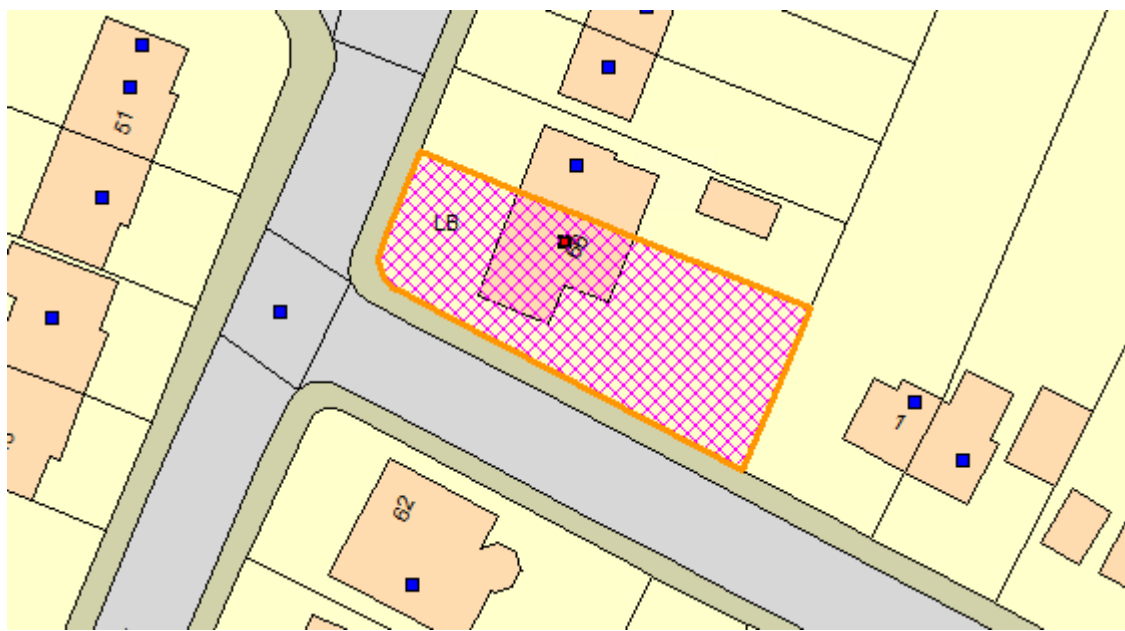
A site visit was conducted which established that its poor and unkempt condition was having a detrimental effect on the amenity on the area. A letter was sent to the owners requesting that the following works be undertaken within 21 days;

- Ensure the window openings to the front elevation are uniformly boarded within the window recess and paint the boarding black. Also paint around the edging of the boarding in white so as to look like they have a frame.
- Install boarding to the front door and paint the boarding black.
- 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.

Further site visits have been conducted over several months regarding the condition of the Former Brewery Chambers, King St, Thorne which established that the front entrance door, ground floor and first floor windows have been boarded with the boarding painted in black. Whilst it is not ideal that such a large building stands empty, there has been no suggestion by the executors of the owner's estate of future plans to sell and bring this premise back into use. The black boarding that has been installed to the door and window openings has improved the condition and it would not be proportionate to request further works at this time whilst the premises stands empty. The case has now been closed.

## General Cases

### Rear of 66 Crookes Broom Lane, Hatfield



A complaint was registered concerning the formation of a hardstanding to the rear of the property. The development was found to be preparation for the siting of a caravan, with the intention of sectioning off part of the rear garden to be used as a separate residential unit.

Upon confirmation that a caravan had been placed on site, and was being occupied, the owner was contacted and stated it was their intention to develop the site for residential purposes. Shortly afterwards a request for pre-application advice was submitted to the Local Planning Authority (LPA).

A response was issued in August 2022. The owner was contacted when no further documentation was submitted to the LPA. The response from the owner was that it was still their intention to submit an application to develop the land, but they did not currently reside in the borough and the caravan that was previously in place had now been removed. A check of the site confirmed this to be the case.

## The Old Grammar School, King Street, Thorne



A complaint was registered regarding the conversion of a grammar school to a residential dwelling and associated alterations, which included the attachment of timber fencing to the existing iron railing boundary treatment.

Upon contacting the owner, it was found that at the time of purchase, there was no indication that planning permission has not been applied for. As a result, there were a number of legal issues in addition to the enforcement complaint that had been raised.

An application was submitted under Ref No. 22/00765/FUL - Use of property as a dwelling and retention of windows and door, retention of access with dropped kerb, steel sliding vehicular access gate and proposed steel pedestrian gate (to replace timber) (RETROSPECTIVE).

The application was approved, with a condition that stated the timber fencing in place was to be removed within 2 months of the date of decision. A site visit confirmed that the fencing had been removed.



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

In the Third quarter 2022, 26 companies and organisations were identified as displaying banners and advertisements within the borough of Doncaster, without consent. There was 14 banners, 4 A boards and 43 signs dealt with. Initial contact was made resulting in 16 companies directly removing their displays within the required time period (2 days). The remaining 10 companies received a verbal warning due to being their first incident and their displays were removed. In this quarter one company received a verbal warning for displaying signs, they initially removed their signs. Later displaying signage on other various locations they received written warnings the and company removed 1 of these signs following the first written warning. City of Doncaster Council removed 7 signs that were still displayed after the 2 day timescale and 4 Charges were issued to the company for removal of the signs.

### **Examples of unauthorised advertisements:**

#### **York 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 Highway barrier fencing at the York Road, Doncaster.

Before



After



## Trafford Way Doncaster.

Whilst undertaking duties on district, signage was found, being displayed for a Gym company on council car park at Trafford way. A visit was made to the company in the city centre, 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 City of Doncaster Council car park fence at Trafford way Doncaster

Before



After



## Lakeside, Doncaster and Gliwice Way, Doncaster

Following a patrol of the district, a pet food suppliers advertisement sign without planning permission, was identified. Following contact, with the company from Balby, they removed all their signage from the highway street furniture, and City of Doncaster Council sites. A verbal warning was issued to the company.

Before



After



Gliwice Way

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 2nd Quarter of 2022 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.

In this the 3<sup>rd</sup> quarter of 2022, 27 of the boards being monitored in the Urban / Town area and Balby area 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.

The Enforcement Team will continue to monitor the 132 boards identified and if required, take the appropriate action, to ensure compliance with the current planning regulations and guidance.

## **Quarterly Enforcement Cases.**

<b>Quarter 3 (October - December 2022)</b>	
Received Enforcement Cases	118
Total Cases Pending	376
Closed Enforcement Cases	191

<b>Case Breakdown</b>	
Unlawful Advertisements	5
Breach of Conditions	38
Unauthorised Change of Use	22
Unauthorised Works to Listed Building	0
Unauthorised Operational Development	50
Unauthorised Works to Protected Trees	0

<b>Areas Where Breaches Take Place</b>	
Adwick and Carcroft	5
Armthorpe	7
Balby South	2
Bentley	6
Bessacarr	1
Conisbrough	3
Edenthorpe and Kirk Sandall	7
Edlington and Warmsworth	1
Finningley	9
Hatfield	5
Hexthorpe and Balby North	6
Mexborough	2

Norton and Askern	9
Roman Ridge	1
Rossington and Bawtry	7
Sprotbrough	6
Stainforth and Barnby Dun	9
Thorne and Moorends	2
Tickhill and Wadworth	10
Town	13
Wheatley Hills and Intake	7

<b>Formal Enforcement Action</b>	
Notices Issued	3
Prosecutions	0
Injunctions	0

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