



Doncaster
Council

Doncaster Metropolitan Borough Council Planning Enforcement Quarterly Report March 2023

Introduction

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

<u>Case Updates – Fourth Quarter (1st January – 31st March 2023)</u>	
Total Cases Still Under Investigation as at end of March 2023.	141
Total Cases Recorded in the fourth Quarter (1 st January – 31 st March 2023)	132
Total Cases Closed Down in the fourth Quarter (1 st January – 31 st March 2023)	330

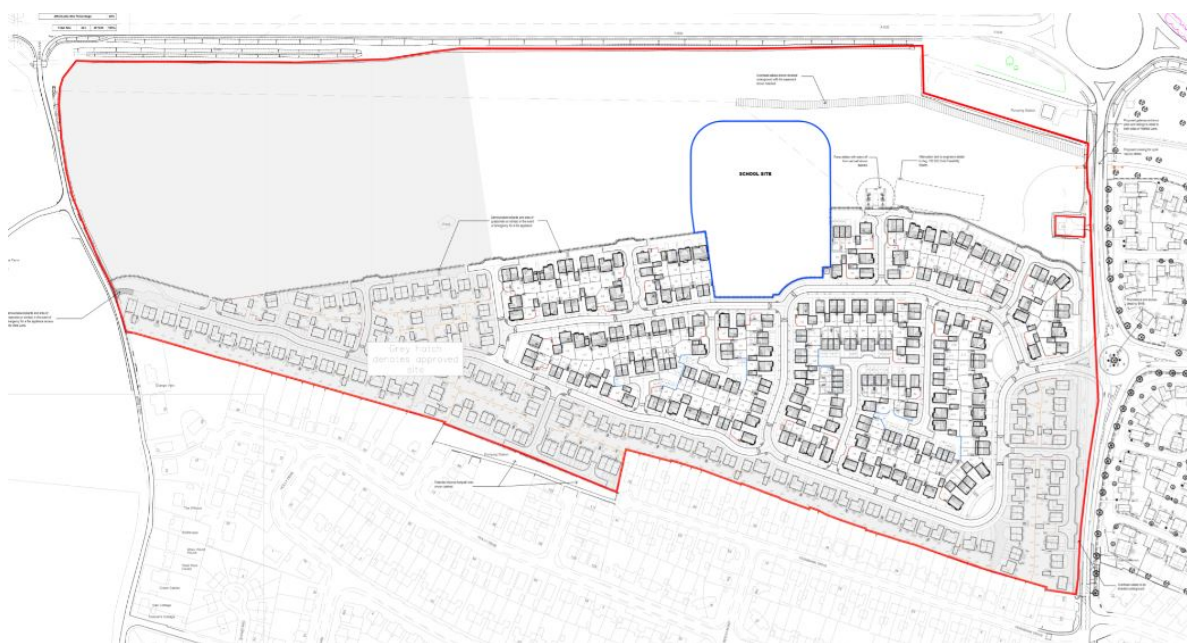
Prosecution Cases.

The Corner Pocket

As mentioned in previous quarterly reports, a complaint was received regarding the erection of a building to the side of the Corner Pocket, Bank Street, Mexborough. After the owner failed to comply with two enforcement notices a prosecution file was submitted to the courts and the case was heard at Sheffield Crown Court on the 10th February 2023. Mr Eyre was found guilty and fined £6,500 for breach of the enforcement notices and ordered to pay £7,000 prosecution costs. Mr Eyre has subsequently submitted a planning application to replace the wall at the front boundary which is currently remains invalid.

Notices Served.

Land North West of Hatfield Lane, Armthorpe



A case was registered following a report from Highways Enforcement that mud was being deposited on the highway when vehicles were exiting the part of the site currently being developed by Stonebridge Homes. Pre-commencement conditions had not been implemented relating to a previously application 16/02224/OUTM - Outline application for the erection of residential development of up to 400 dwellings, Primary School, Open Space including green wedge, formal open space and children's play areas, landscape works including retained and new woodland planting, principle of access from Hatfield Lane, internal road network, cycle and pedestrian network, provision of utilities, drainage and necessary diversions and demolition and any engineering and ground remodelling works (All Matters Reserved).

It was decided that there was sufficient concern that the mud deposits would prove harmful to the highway network. A Temporary Stop Notice (TSN) was served on 19th

January 2023. The notice was effective when served on the developer for a period of 28 days, which expired on 16th February 2023. The requirements of the notice were:

“Cease any and all vehicular movements associated with construction activities on the Land which result in mud and debris being deposited onto the highway from vehicles entering or leaving the Land.”

During the period that the notice was effective, a number of site visits were undertaken by both Planning and Highways Enforcement to check that compliance with the notice was being achieved.

18 Carr Lane, Bessacarr



As stated in previous quarterly reports, a 1.73 metre high timber fence was erected on the side boundaries of the front garden at 18 Carr Lane, Bessacarr. The fence fell outside the relevant permitted development rights as it exceeded 1 metre in height adjacent to the highway.

Highways Development Control were not supportive of the height of the fence as it restricted visibility onto the highway.

An enforcement notice was served on the 11th 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 23rd December 2022 and a compliance period of 1 month was been provided.

(Update 03/03/2023)

A site visit was undertaken on 3rd February 2023, which found that the fence panels adjacent to the highway have been reduced in compliance with the enforcement notice and the case has now been closed.

15 Stable Gardens, Sprotbrough

It was highlighted in a previous quarterly report that a care business was operating from 15 Stable Gardens in Sprotbrough, which had resulted in an unauthorised change of use from a dwelling house to an office.

A planning application for the retrospective change of use was refused as it was identified to have an adverse impact on residential amenity.

An Enforcement Notice was served on 28th September 2022 requiring the use of the property as a care business to cease. The notice took effect on 26th October 2022 from which the owner had 3 months to cease the commercial use of the property as an office.

An internal inspection of the property on 6th March 2023 confirmed that the commercial use of the property had ceased as required by the enforcement notice.

The Old School - Barnby Dun.



On the 30th 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 30th 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.

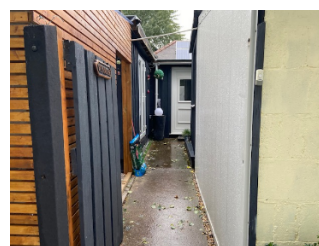
Despite Planning Enforcements warning, work commenced on the site and a Temporary Stop Notice and a Breach of Condition Notice were served on the developer and on the site, on the 10th June 2022. All activities were to cease immediately until the conditions have been discharged. The Temporary Stop Notice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

(Recent Update 13th April 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. Condition 4 of this application has been discharged however the remaining conditions have not yet been determined for discharge.

Wynmoor, York Road, Bentley



A complaint was received on the 22nd August 2022 regarding the alleged unauthorised erection of sheds, to the rear of the property. A site visit was conducted where officers established that the owners had erected a number of wooden structures as living accommodation in order to extend the property. The extensions took up most of the rear garden and the owner was advised that it was over development of the land and that it would require planning permission. Though it would be unlikely to be supported. The owner subsequently submitted a retrospective planning application 22/02517/FUL for the retention of part of the extension on the 15th November 2022, which was granted on the 27th March 2023.

Following this approval an enforcement notice was served on 30th March 2023, which comes into effect on the 18th May 2023. The compliance date is 18th August 2023 where the owner is required to remove all remaining structures.

Bethel House, Moss Road, Moss



A complaint was received regarding the alleged unauthorised selling of caravans and display of advertisements, at Bethel House, Moss Road. A site visit was carried out where it was identified that a large number of caravans were for sale at the front and the rear of the property. On the 4th March 2022, a letter was sent to the owner giving 28 days to remove the caravans as an application would not be supported as the property and land sit within the Countryside Policy area. On the 6th May 2022, a retrospective planning application 22/01034/FUL was received. This application was refused on the 30th November 2023. This decision has been subsequently appealed through the Planning Inspectorate AP23/00005/REF and awaiting a decision.

An enforcement notice was served on the 30th March 2023, which comes into effect on the 18th May 2023, though this will be held in abeyance until the Planning Inspectorate has made their decision on the appeal for the refused planning permission.

48 Jubilee Road, Wheatley



A complaint was received regarding the alleged unauthorised conversion of a single dwelling into 3 flats. On the 29th April 2022, a letter was sent to the owners, informing them that planning permission is required as the property sits within the Article 4 Directive area. On the 16th May 2022, a retrospective planning application 22/01194/COU was received for the change of use from a residential property to self-contained flats. This application was refused on the 24th January 2023, so an enforcement notice has been served on the property on 30th March 2023, which comes into effect on the 15th May 2023 and the owners have until the 18th September 2023 to comply and revert the property back to a single dwellinghouse.

Appeals.

No appeals outcomes to report in this quarter.

Section 215 Notices.

74 Westerdale Road, Scawsby



On 27th June 2022 a complaint was received regarding the poor condition of the residential property.

A site visit was conducted which established that all the wooden windows to all elevations were either rotten or have flaking white paint, the front wooden door was rotten in places and paint flaking off. The rear garden was also heavily overgrown with 3 vehicles on the drive which were unused and had detritus around the windows and brake pads. All other properties on the street are well maintained therefore this property is having a detrimental effect on the amenity of the neighbourhood.

Standard letters were sent out requiring works to be completed to improve the condition however these requests were not complied with. On 17th March 2023 a Section 215 Notice was served on the owner which required them to carry out the following works;

Windows and Doors

- i. Rotten sections of timber on the windows to the front and rear elevation should be removed and repairs carried out to match the existing appearance. If found to be beyond economic repair, then replace the windows in their entirety to exactly match the existing windows in design, detail and material.

- ii. The window frame, cills, lintels and front door should be cleared of loose and flaking paint to a sound base and redecorate in accordance with the paint manufacturer's instructions using an external gloss paint to match the existing (or otherwise agreed) colour scheme.

Rear Garden

- iii. Clear the rear garden of all overgrown vegetation and dispose of the resultant materials in an appropriate manner. iv. Prune overgrown trees and hedges in the front and rear garden and dispose of the resultant materials in an appropriate manner.
- iv. Ensure that regular inspections are made to the premises, the land within the residential curtilage and maintain these on an on-going basis, so as not to cause further detriment to the amenity of the surrounding area.

The Notice comes into effect on 20th April 2023 and the owner has until 19th June 2023 to comply. A site visit will be carried out following expiry of this notice to check for compliance.

99 Allenby Crescent, Rossington



A complaint was received on 20th June 2022 regarding the poor condition of the front and rear garden to a residential property.

A site visit was conducted which found that the front garden was overgrown however the rear garden was heavily overgrown with vegetation and trees which had caused the boundary fence to the neighbouring property to become damaged and partially collapsed. The rear garden could also be seen from the highway due a side access road. All other properties on the street are well maintained therefore this property is having a detrimental effect on the amenity of the neighbourhood.

Standard letters were sent out requiring works to be completed to improve the condition of the front and rear garden. The vegetation to the front garden was cut back however the rear garden remained the same. On 1st February 2023 a Section

215 Notice was served on the owner which required them to carry out the following works;

- i. Cut down all overgrown vegetation, weeds, and shrubs from the rear garden. Dispose of the resultant materials in an approved manner.
- ii. Reinstate boundary treatment to the side of your property to secure the site by either repairing the current fencing or replacing with close boarded timber fencing no higher than 2 metres.
- iii. 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 8th March 2023 and the owner has until 5th April 2023 to comply. A site visit will be carried out following expiry of this notice to check for compliance.

General Cases

2 Montague Avenue, Conisbrough

The Council were receiving complaints of a vehicle repairs and spray painting business operating at 2 Montague Avenue.

After speaking to the owner and monitoring the site, the Council established that the vehicle repairs and spray painting at the property constituted an unauthorised change of use within the residential area.

The owner was instructed to cease the unauthorised use of the property for car repairs and spray painting otherwise more formal action would be taken. Subsequent monitoring visits have found no unauthorised activity occurring and no further complaints have been received.

Banners and advertisements displayed without consent or permission.

In the Fourth quarter 2022-2023, 14 companies and organisations were identified as displaying banners and advertisements within the borough of Doncaster, without consent. There was 9 banners, 2 'A' boards and 31 signs dealt with. Initial contact was made resulting in 11 companies directly removing their displays within the required time period (2 days). The remaining 3 companies received a verbal warning due to being their first incident and their displays were removed. In this quarter one company received a written warning. City of Doncaster council removed the sign that were still displayed after the 2 day timescale and a Charge was issued to the company for removal of the sign.

Examples of unauthorised advertisements:

North Bridge 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 North Bridge Road, Doncaster.



Before



After

Windmill Avenue Doncaster.

Whilst undertaking duties on district, signage was found, being displayed for a company on adopted highway land against Street Furniture. Contact was made to the company from Bradford, who were requested to remove their signage within 2 days, to which they complied. A verbal warning was given regarding any future occurrences. The following photographs show the advertisements on a piece of City of Doncaster Highway land at Windmill Avenue Doncaster.



Before



After

Brodsworth Way Doncaster

An 'A' board type sign was located on a highway roundabout, for a property maintenance company advertisement sign without planning permission. Following contact, with the company from Doncaster, they removed their signage from the highway roundabout A verbal warning was issued to the company.



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 4th quarter of 2022 2023, 57 of the boards being monitored in the Urban/ City centre 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 51 new displays of "for sale/to-let" boards established.

The Enforcement Team will continue to monitor the 138 boards identified and if required, take the appropriate action, to ensure compliance with the current planning regulations and guidance.

Developer Signs

In this Quarter we have been assisting the highways team in relation to Yellow developer type of signs on Street furniture that were for directions to housing developments. These signs are allowed within the, Town and Country Planning (Control of Advertisements) (England) Regulation 2007 and the highways act with permission and a licence agreement from the highways department. 50 items were identified 35 were found not to have a current agreement. Contact was made to 6 companies and 13 of the signs were removed. City of Doncaster council removed 27 of the signs that did not have permission due to the companies no longer been in business or the sign not being compliant. We will monitor the 10 remaining signs and work with other colleagues in City of Doncaster council to ensure the signs that are been displayed have relevant permissions and are removed when no longer required.

Fieldside, Thorne



Before



After

Quarterly Enforcement Cases.

Quarter 4 (January - March 2023)	
Received Enforcement Cases	132
Total Cases Pending	141
Closed Enforcement Cases	330

Case Breakdown	
Unlawful Advertisements	8
Breach of Conditions	13
Unauthorised Change of Use	32
Unauthorised Works to Listed Building	0
Unauthorised Operational Development	78
Unauthorised Works to Protected Trees	1

Areas Where Breaches Take Place	
Adwick and Carcroft	4
Armthorpe	3
Balby South	4
Bentley	8
Bessacarr	5
Conisbrough	7
Edenthorpe and Kirk Sandall	1
Edlington and Warmsworth	0
Finningley	8
Hatfield	7
Hexthorpe and Balby North	10
Mexborough	2
Norton and Askern	13

Roman Ridge	9
Rossington and Bawtry	10
Sprotbrough	6
Stainforth and Barnby Dun	2
Thorne and Moorends	3
Tickhill and Wadworth	6
Town	17
Wheatley Hills and Intake	7

Formal Enforcement Action	
Notices Issued	4
Prosecutions	1
Injunctions	0

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