



City of  
Doncaster  
Council

# The City of Doncaster Council Planning Enforcement Quarterly Report December 2023

## Introduction

This report provides the City of Doncaster Council's Planning Enforcement performance in the third quarter of 2023/24.

<b><u>Case Updates – Third Quarter (1<sup>st</sup> October – 31<sup>st</sup> December 2023)</u></b>	
Total Cases Still Under Investigation as at end of December 2023.	360
Total Cases Recorded in the third Quarter (1 <sup>st</sup> October – 31 <sup>st</sup> December 2023)	120
Total Cases Closed Down in the third Quarter (1 <sup>st</sup> October – 31 <sup>st</sup> December 2023)	89

## Prosecution Cases.

### Section 215 - 57 Christ Church Road – Doncaster City Centre



Further to updates in previous quarterly reports, a Section 215 notice was served on the owner of 57 Christ Church Road, Doncaster for property and land adversely affecting the amenity of the neighbourhood. The notice required that the following works were 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.

Following the expiry of the notice, it was identified that the owner had used advertisement boards for the cladding of the structure, therefore the requirements of the S.215 notice had not been complied with. Further communication took place with the owners to paint these boards in a suitable colour (i.e. black). Unfortunately, the owners failed to comply and a prosecution was taken against the owner. The case was heard at Doncaster Magistrates Court whereby the owner was found guilty of the offence of failing to comply with a Section 215 Notice. A fine of £440 was given, with contribution to costs awarded for £740.13 and a victim surcharge of £176.

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



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 Council's 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 30<sup>th</sup> September 2022, 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.

Unfortunately, the developer failed to comply with the requirements of the notice and the Council filed a prosecution case at the Magistrates' Court. The developer was found guilty of failing to comply with the Breach of Condition Notice and was

sentenced with a £440 fine, £1,007.09 contribution to costs, and £176 victim surcharge

### **71 Park Drive, Sprotbrough**



As presented in a previously quarterly report, a complaint was received for the unauthorised erection of a wall at the front of 71 Park Drive, Sprotbrough.

The Council's investigation found that the wall fell outside of the confines of permitted development by exceeding 1 metre in height adjacent to the highway resulting in an adverse impact on highway safety.

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 height of the wall to 1 metre.

A follow up visit identified that part of the wall had been reduced but it remained above 1 metre in height. As a result, the requirements of the Enforcement Notice had not been met.

The Council filed a prosecution case against the developer at the Magistrates' Court. The developer's were found guilty of failing to comply with the requirements of the enforcement notice and was ordered to pay £660 fine each, £400 costs order each and a surcharge of £264 each - to pay within 28 days.



## Injunctions



Doncaster Council received a complaint alleging the unauthorised preparation of site for a Travellers caravan site which would be commencing from 27th March 2023. A site visit was carried out on the 24<sup>th</sup> March 2023, where it was found no activity was happening on the site. A further site visit was then carried out on the 28<sup>th</sup> March 2023 whereby no activity was found to be taking place.

Over the Easter bank holiday weekend of 2023, an email was received informing that work had commenced on the site, this was confirmed on the 11th April 2023, where during the site visit it was found that a new opening had been created, with the land sectioned off into 8 plots and adjoining paddocks, wooden fencing was installed around each individual plot and paddock and caravans were situated within each plot. A discussion was held with the owners of the land who explained that a planning application had been submitted on the 6<sup>th</sup> April 2023, the families had already moved onto the site and that portable toilets would be delivered that day.

A discussion was held between the Councils Planning Enforcement Team, Development Management Team and Legal services where it was decided to serve a Temporary Stop Notice and apply for an injunction on the land.

The Temporary Stop Notice was served later that day informing of no further works to be undertaken for the next 28 days. On the 13<sup>th</sup> April 2023, Doncaster Council applied for and were awarded a temporary injunction from The High Court in London, which was served on all persons on the site as well as any persons unknown, where it prohibited any further works from being undertaken.

The case was then heard before The High Court, in London on the 25<sup>th</sup> April 2023 where an injunction was awarded to Doncaster Council, which gave an extension to the timeframe that was on the temporary injunction. These documents were served on the persons residing on the land as well as any persons unknown.

(Update 25<sup>th</sup> August 2023)

A date has been set for 31<sup>st</sup> October 2023 for a hearing at the High Court in Leeds.

(Update December 2023)

On October 31, 2023, the injunction hearing took place at the Leeds High Court. All parties were present, and the defendants requested an adjournment due to the fact

that they had not obtained the necessary legal representation. The judge granted their request. In order to provide hot water and heating, the judge also approved the installation of power at the site. We do not yet have a date for the case's next court appearance in the new year.

### **Temporary Stop Notice and Enforcement Notice - Land on south side of Oldfield Lane, Stainforth**



As clarified earlier in this report, a Temporary Stop Notice (TSN) was served on 6<sup>th</sup> April 2023 informing the owners that no further works are to be undertaken on the land for the next 28 days.

(Recent Update as of the 25<sup>th</sup> August 2023)

Following the refusal of the planning application 23/00733/COU on the 22<sup>nd</sup> August 2023, an enforcement notice was served on the 25<sup>th</sup> August 2023 requiring the occupiers to;

Permanently cease the use of the Land as a residential gypsy and traveller site;

Permanently remove from the Land all mobile homes and caravans, structures and hardcore and any materials associated with the unauthorised use;

(iii) Following compliance with steps (i) and (ii) above, remove the resultant materials from the Land;

(iv) Reinstate the Land to its previous condition by reseeding with native grass seed.

#### **TIME FOR COMPLIANCE:**

For step (i) above, three months from the date upon which this Notice takes effect;

For steps (ii) and (iii) above, six months from the date upon which this Notice takes effect;

For steps (iv) above, the next available planting season (October to March) following compliance with steps (i), (ii) and (iii) above but in any event not more than 18 months from the date upon which this Notice takes effect.

This Notice took effect on 24<sup>th</sup> September 2023 and no appeal has been made against it.

This notice will be held in abeyance until the injunction has been decided at the High Court in Leeds on the 31<sup>st</sup> October 2023.

(Update December 2023)

On October 31, 2023, the injunction hearing took place at the Leeds High Court. All parties were present, and the defendants requested an adjournment due to the fact that they had not obtained the necessary legal representation. The judge granted their request. In order to provide hot water and heating, the judge also approved the installation of power at the site. We do not yet have a date for the case's next court appearance in the new year.

### **48 Jubilee Road, Wheatley**



A complaint was received regarding the alleged unauthorised conversion of a single dwelling into 3 flats. On the 29<sup>th</sup> 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 16<sup>th</sup> 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 24<sup>th</sup> January 2023, so an enforcement notice has been served on the property dated 30<sup>th</sup> March 2023, which comes into effect on the 15<sup>th</sup> May 2023 and the owners have until the 18<sup>th</sup> September 2023 to comply and revert the property back to a single dwelling house. A site visit will be carried out following the expiry of the notice to determine compliance.

(Update - 30<sup>th</sup> September 2023)

Planning Enforcement have attempted to contact the owners to carry out an internal inspection of the premises to determine whether remedial action has been taken. No response has been received at this point and enquiries are ongoing.

(Update December 2023)

Despite numerous attempts no response has been received and further investigation is required in the new year.

### **10 and 10A Ellers Road, Bessacarr**



It was advised in the previous quarterly report that the Planning Enforcement Team were dealing with a complaint, stating that the approved plans and conditions relating to 16/00225/FUL (Erection of two detached houses and two double garages on approx. 0.21ha of land following demolition of existing bungalow and garage) had not been complied with.

A breach of condition notice was served on the 30th August 2023 for the following breaches of planning control.

- The width at the entrance of the shared driveway for 10 and 10A Ellers Road being narrower than that specified on the approved plans under 16/00225/FUL.
- The failure to submit and implement a scheme for widening the dropped crossing as required by condition 4 of 16/00225/FUL.
- The failure to install block paving on the shared driveway in accordance with the plan approved in connection with the discharge of condition 3 of 16/00225/FUL.
- The failure to install bat and bird boxes in accordance with the plans approved in connection with the discharge of condition 7 of 16/00225/FUL.

The notice provided a total of 120 days for the developer to:

- (i) Increase the width of the driveway in accordance with the details shown on the approved site plan.
- (ii) Install block paving on the shared driveway in accordance with the approved scheme.



(iii) Submit a scheme to widen the dropped crossing over the footpath and verge to at least 4.5 metres wide and once approved construct the dropped crossing in accordance with the approved scheme.

(iv) Install a bat and a bird box in accordance with the approved scheme.

During the compliance period, the developer submitted a Section 73 application (reference number: 23/02628/FUL) to vary condition 2 (amended plans), 3 (Site surfaced and sealed) & 4 (Crossing over footpath/verge) of the original planning permission. The Enforcement Team are awaiting the outcome of the application before taking any further action.

### **Appeals.**

There has been no appeals during this quarter

### **Section 215 Cases**

The Council and partners including South Yorkshire Police and St Leger Homes are currently operating a joint project to deliver a sustainable regeneration in Edlington. This includes a specific focus on improving the condition of the environment and properties on Princes Crescent and Dukes Crescent. Site visits have been carried out within the area whereby 23 properties have been identified where there are concerns about the appearance of the properties and its grounds, which are seen as detrimental to the amenity of the surrounding area.

Initial Section 215 letters were sent out to the relevant properties and their owners requiring the necessary action to rectify any issues brought to their attention. Subsequent site visits were carried out and it was identified that 18 of these properties had not complied with the initial letter therefore Section 215 notices were drafted and served.

### **Section 215 Notices**

#### **Princes and Dukes Crescent, Edlington**





Following Section 215 initial letters being sent to properties in a poor condition on Princes and Dukes Crescent, Edlington, 18 notices were drafted and served on the owners requiring them to take certain steps to improve the condition. Of these 18 notices, 5 were served on Dukes Crescent and 13 were served on Princes Crescent. A positive response has been seen so far from resident's, owner's and landlords. Although Section 215 legislation cannot enforce for a property to be re-occupied, it is anticipated that the service of these notices will encourage these properties to be brought back into use.

#### Update 14/12/23

Further site visits were carried out in December 2023 which identified that 6 of these properties had complied with the S215 notices. Meetings are now taking place with the Council's Public Building Maintenance (PBM) Team in order to obtain quotes for carrying out these works in default through Direct Action.

#### Update 22/01/24

11 Properties have been identified as failing to comply with the Section 215 notices. Quotes have been received from PBM and a date will be set in due course to carry out the improvement works through direct action. Legal proceedings may be taken against the owners who have not complied based on the public interest test and any aggravating or mitigating circumstances.

## **General Cases**

### **1 Scawthorpe Cottages, York Road Scawthorpe**



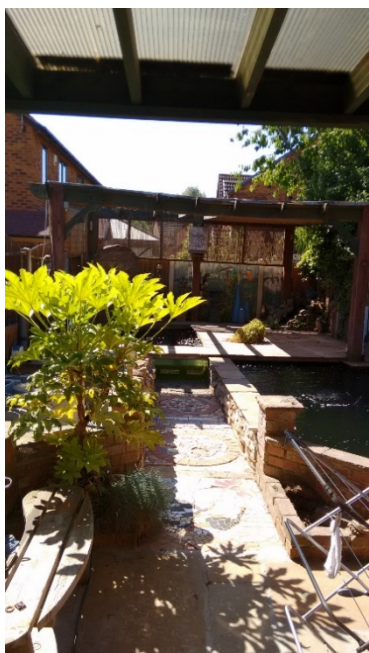
On January 16, 2023, a complaint was received regarding the alleged unlawful construction of a house as well as the desire to land grab further land and remove a hedge. A site visit was conducted, and it was discovered that no development was taking place. Interrogation of the planning system revealed that a planning authorisation 21/03121/OUT was granted on March 31, 2022, although the conditions had not yet been discharged. Following interaction with the developer and his agent, two applications were received for the discharge of conditions and remedial measures pertaining to the details of appearance and landscaping for the erection of one detached residence. Both applications were recently approved in September and December 2023.

### **14 Regent Square Doncaster**

A complaint was received on the 8<sup>th</sup> April 2022, regarding the alleged unauthorised conversion of a flat into two flats, following a site visit it was established that the flat had been subdivided into two flats without the relevant planning permission. Following several conversations with the owner, a Certificate Existing Lawful Development was subsequently submitted on the 1<sup>st</sup> February 2023. This application was refused on the 17<sup>th</sup> April 2023, on the grounds that there was insufficient evidence to conclusively demonstrate that the first floor of 14 Regent Square comprises only a single self-contained flat, for a Certificate of Lawful Development to be granted for this use. On the contrary, the weight of evidence clearly demonstrated that the first floor was being used as two self-contained flats. The owner was given an amount of time to revert the first floor back to 1 flat which was completed in December 2023.



## **5 Cosgrove Court Edenthorpe, Doncaster**



On the 19<sup>th</sup> August 2021, a complaint was received regarding the alleged unauthorised excavating of earth and the installation of a pergola style covered fish pond in the rear garden, following a site visit the owner was informed that a planning application would be required due to the size of the pond. Planning application 22/02384/FUL was submitted on the 31<sup>st</sup> October 2022 and was granted planning permission on the 3<sup>rd</sup> October 2023.

## **28 French Gate Doncaster**



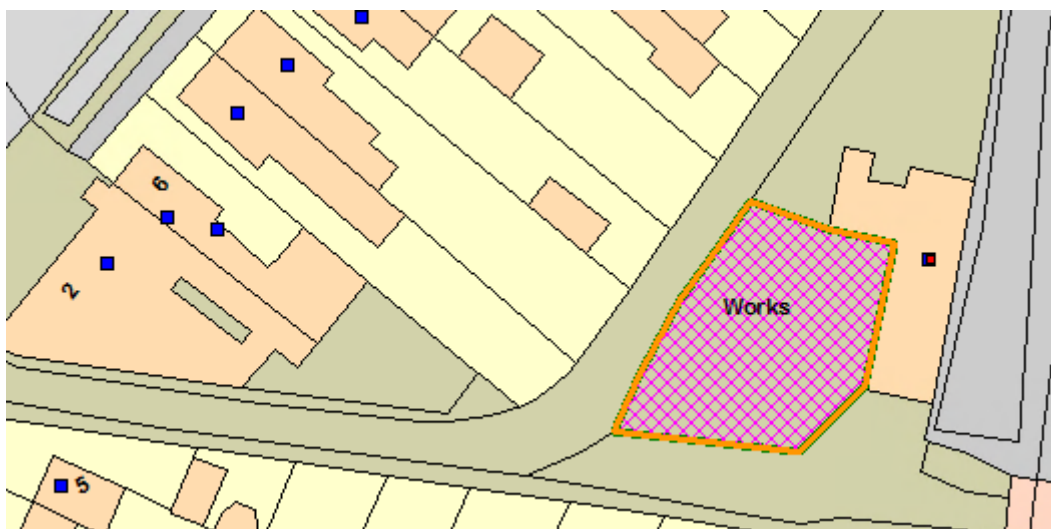
On the 15<sup>th</sup> November 2022 a complaint was received regarding the alleged unauthorised change of use and display of signage. A site visit identified that the property in question had been changed to a nail salon and advertising had been erected all without planning permission, following lengthy discussions and invalid planning applications, planning permission was finally granted for the change of use and the advertising in October 2023.



### **Workshop to rear Of 2 - 6 Thorne Road, Station Road, Bawtry**

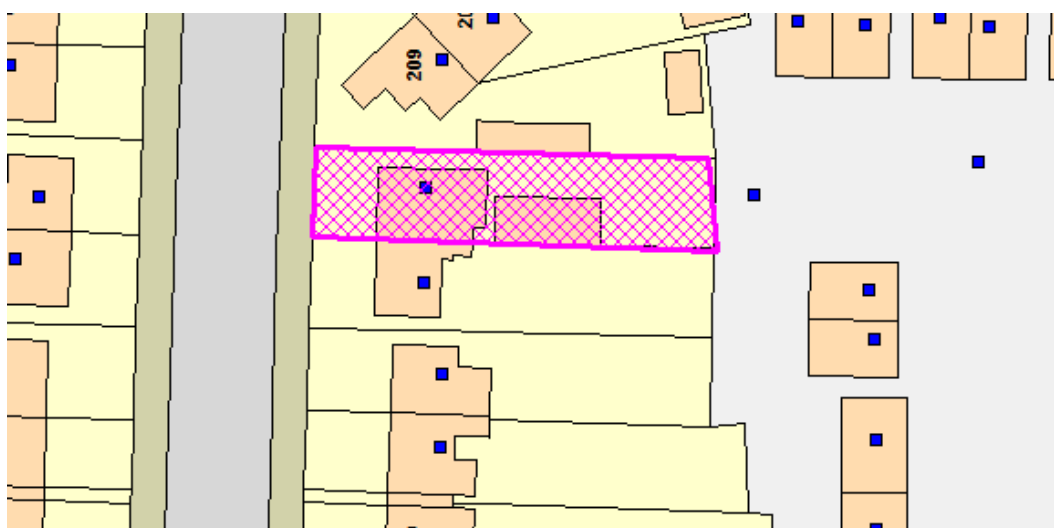
A complaint was received that a former workshop was being used as a tyre and exhaust centre. It was established that the tenant took over the running of a similar business when the owner retired and the landlord changed the agreement to a 6 month lease. As a result, the business had to relocate.

After checking the land use classifications, it was found that both Workshop and Tyre & Exhaust Centre were both in the same use of Class B2 under the Town and Country Planning (Use Classes) Order 1987 (as amended in September 2020), so no formal application was required.



### **211 Broadway, Dunscroft**

A complaint was received regarding the installation of gates to the rear of the property, onto Wren Drive, Dunscroft which forms part of the recently completed Ongo homes development. After checking the approved plans and speaking to the project manager for the development, the installation of the gates were not considered a planning breach as the opening to the rear of the property was onto allocated visitor parking spaces, which was not considered part of the highway. As a result, Ongo dealt with the matter on a civil basis.



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

In the 3rd quarter 2023-2024, 25 companies and organisations were identified as displaying banners and advertisements without deemed consent within the City of Doncaster. During this period, 7 banners, 4 'A' boards and 178 signs were dealt with. Initial contact was made resulting in 14 companies and organisations directly removing their displays within the required time period of 2 days.

There were four companies that received a verbal warning due to it being their first incident and their displays were removed.

Six companies/organisations were unable to be traced so their items were removed from display by the Council.

In this quarter, one company received written warnings and the company removed the sign within the 2-day notice timescale.

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

##### **Church Way Doncaster**

Following a check of the Doncaster area, a company's advertisement was identified on a City of Doncaster fence at the Lakeside. Following contact with officers, the company agreed to remove all items displayed in Doncaster that did not have deemed consent or planning permission. A verbal warning was also issued, regarding future occurrences. The following photographs show the advertisements on City of Doncaster street furniture. Checks were made and the company had removed the sign within the required timescale.



Before



After

### Belle Vue Avenue Doncaster.

Whilst undertaking duties on district, signage was found being displayed for a company on City of Doncaster Park furniture. Contact was made with the company, to request the removal of their signage within 2 days. A subsequent site visit showed that the signage had not been removed within the given timescale therefore the advertisement was removed by officers within the Council. The following photographs show the advertisements on a piece of City of Doncaster park furniture at Belle Vue Avenue, Doncaster.



Before



After

### White Rose Way Doncaster

An 'A' board advertisement was located on a highway verge for a local company. The advertisement sign was being displayed without planning permission or deemed consent. Contact was made with the company from Doncaster which resulted in the removal of the signage from the highway. A verbal warning was also 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/City centre area. An initial project, identified 280 locations, displaying either, "for sale" or "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 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 the 3rd quarter of 2023-2024, 133 of the boards being monitored in the Urban/City centre area and Balby area were no longer being 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 5 new displays of "for sale/to-let" boards established.

The Enforcement Team will continue to monitor the 87 boards identified and if required, take the appropriate action, to ensure compliance with the current planning regulations and guidance.

### **Developer Signs**

In the 4th Quarter 2022-2023, we have been assisting the Highways Team in relation to the yellow developer type of signs being displayed on council street furniture that were giving directions to new housing developments. These signs are allowed within



the Town and Country Planning (Control of Advertisements) (England) Regulation 2007 and the Highways Act 1980 as long as there is permission and a licence agreement from the Highways Department. Of the 50 directional signs that were identified, 35 were found to 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.

In the 2nd quarter of 2023-2024, visits were made across a wider area was carried out and 179 of these signs were found to being displayed. Checks were made to establish if they were compliant and 30 of these were found to no longer be required or have the relevant permissions in place. Contact was made with the developers and signage suppliers and at present some of these companies are resubmitting permissions to retain the signage. Two signs were removed by the companies and 5 signs were found to be old and no longer needed so were removed by Doncaster Council officers.

In this 3<sup>rd</sup> Quarter, 23 signs were removed by the companies as the signs were no longer needed. We are continuing to monitor the 153 remaining signs and will work with other colleagues within the council to ensure the signs that are been displayed have the relevant permissions and are removed when no longer required

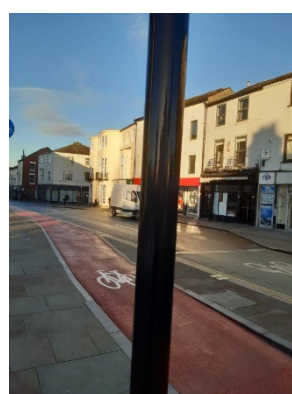
## Stickers

Officers have also been involved in removing stickers that have been attached to street furniture around the City Centre. A total of 180 stickers have been fully removed and disposed of.

Some of these examples are shown below;



Before



After

### **Quarterly Enforcement Cases.**

<b>Quarter 3 (October – December 2023)</b>	
Received Enforcement Cases	180
Total Cases Pending	360
Closed Enforcement Cases	89

<b>Case Breakdown</b>	
Unlawful Advertisements	6
Breach of Conditions	23
Unauthorised Change of Use	27
Unauthorised Works to Listed Building	2
Unauthorised Operational Development	62
Unauthorised Works to Protected Trees	0

<b>Areas Where Breaches Take Place</b>	
Adwick and Carcroft	6

Armthorpe	4
Balby South	4
Bentley	2
Bessacarr	4
Conisbrough	9
Edenthorpe and Kirk Sandall	7
Edlington and Warmsworth	1
Finningley	7
Hatfield	4
Hexthorpe and Balby North	5
Mexborough	5
Norton and Askern	4
Roman Ridge	1
Rossington and Bawtry	12
Sprotbrough	8
Stainforth and Barnby Dun	2
Thorne and Moorends	9
Tickhill and Wadworth	8
Town	9
Wheatley Hills and Intake	9

<b>Formal Enforcement Action</b>	
Notices Issued	1 x Breach of Condition Notice 4 x S215 notices
Prosecutions/Simple Cautions	3
Injunctions	0

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