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Document Name: Appendix 2-Planning_Enforcement_Policy_pre Cabinet June 2016



PLANNING ENFORCEMENT POLICY

London Borough of Hackney

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1 Introduction

- 1.1 The purpose of this document is to set out the planning enforcement policy of the Hackney Council. It sets out what the service does, and how we deliver the service to the community. It is not a legal document and does not provide advice on individual cases.
- 1.2 The Council is firmly committed to protecting the environment from unauthorised and harmful development, preserving public amenity, protecting the amenity of individuals, and improving people's surroundings. Planning enforcement is a necessary and important element of the planning process. The absence of an established enforcement policy and an effective enforcement system locally can quickly undermine confidence and the credibility of the whole planning system.
- 1.3 This document outlines the clear objectives, priorities and values for the planning enforcement function. It is intended to benefit both complainants and those responsible for a breach of planning control to ensure that planning enforcement operates in a consistent, balanced and proportionate manner and provides an efficient, effective and fair service.
- 1.4 It is the duty of the property owner, occupier or business operator to ensure all necessary consents have been obtained in order to carry out the work or activity they are considering, and it is important to engage with the Council as early as possible. Permission from the Planning Service (such as planning permission, listed building consent, or advertisement consent) is not the only consent that may be needed for a development. Dependent upon the nature of the development, Building Regulations Consent may be required for building works, or an alcohol licence, food registration certificate or HMO (Houses in multiple occupation) licence may be required for changes of use. This policy relates only to issues relevant to planning matters.
- 1.5 Planning enforcement decisions are taken within the context of Government legislation, guidance and Council Policy. Further information can be found on our website (www.hackney.gov.uk/planning) and also the Government's Planning Practice Guidance (www.planningguidance.communities.gov.uk/).

2. The Main Objectives

2.1 The main objectives of the planning enforcement process are: -

- To investigate and remedy the undesirable effects of unauthorised development.
- To prevent breaches of planning control by proactive enforcement where appropriate with other Council departments.
- To co-operate with the public in tackling breaches of planning control.

2.2 The Council is committed to providing an effective planning enforcement service and it understands that the planning system can be undermined if unauthorised and unacceptable development is allowed to proceed or remain without any action by the Council

2.3 Planning can be complicated and the Council understands that people may not always be clear on what consents they need to obtain before starting their development or if consent is actually needed for their proposal. In order to help understand such requirements, information can be found on the Planning pages of the Council's website and the Planning Portal website: www.planningportal.gov.uk/permission

2.4 In addition, a Duty Planning Officer service is available to discuss whether a proposal requires planning permission.

2.5 A paid pre-application advice service is also available to assist those considering undertaking works to their property.

3. What is a breach of planning control?

- 3.1 The Council is committed to investigating all reported breaches of planning control. Breaches of planning control are defined in the Town and Country Planning Act 1990 as *“the carrying out of development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted.”* In addition, other unauthorised works such as those to protected trees or listed buildings or advertisements (covered by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town & Country Planning (Tree Preservation)(England) Regulations 2012), also fall within the control of the local planning authority,
- 3.2 Breaches of planning control can include undertaking the following types of work where they need consent, without the necessary permissions (although this is not comprehensive):
- Building work requiring planning consent i.e. extensions, new homes, conversion to flats;
 - Works to a listed building without Listed Building Consent;
 - Demolition taking place in a Conservation Area, when it is required;
 - Works to, or removal of, protected trees;
 - Not building in accordance with the approved plans;
 - Advertisements being displayed without consent;
 - Breach of conditions on a planning permission;
 - Construction of high fences;
 - The neglect of land and/or buildings that adversely affects the amenity of the neighbourhood, and
 - Fly posting.
- 3.3 With the exception of some works (for example, amongst others, works to a statutory listed building, demolition within conservations area, protected trees (whether covered by a Tree Preservation Order (TPO) or where it lies within a conservation area), or the display of advertisements where they do not benefit from deemed consent), it is not an offence to carry out development without first obtaining planning permission or consent. Unauthorised works become a criminal offence once an enforcement notice has been served, the works have not been remedied before the compliance period, and there is no outstanding appeal against the enforcement notice. The Town and Country Planning Act 1990 (as amended) contains provisions within it (Section 73A) that allow for planning permission to be granted retrospectively. Not all unauthorised development is considered to be bad development. It is for this reason that formal enforcement action will not be pursued where, in planning terms, the development is considered to be acceptable.
- 3.4 A breach of planning control becomes immune from enforcement action if the local planning authority has failed to take formal enforcement action against it within the time limits set out in the Town and Country Planning Act 1990. The relevant time limits are: -

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- **Four years** from the substantial completion of operational development and from the change of use of any building to a single dwelling house, including use as flats; and
- **Ten years** for all other breaches i.e. change of use or breach of conditions other than those related to single dwelling houses.

There are no time limits laid down in relation to operational works to a listed building.

3.5 There are a number of issues which require consent from a landowner or third party but do not normally require planning permission, or where the issue is a private civil matter or covered by other legislation. Whilst these issues may be important and cause concern, they are not issues where the local planning authority can intervene unless restrictive conditions have been imposed upon the granting of a planning permission. Common examples are:

- Boundary disputes, deeds and covenants – these are a private matter
- Internal works to a non-listed building – although Building Regulations may be required
- Party wall agreements
- Obstruction of the highway
- Removal of trees, bushes etc. (unless located in a Conservation Area or covered by a Tree Preservation Order (TPO))
- Operating a business from home where the primary use remains residential
- Competition from other businesses
- Permitted development

4. The principles that govern how we will respond to an alleged breach of planning control

- 4.1 The Council is committed to protecting the environment and the amenity of individuals from unauthorised development and will investigate all alleged breaches of planning control that are reported to us. We will not, however, investigate complaints that have been received from anonymous sources.
- 4.2 It appreciates that breaches of planning control can cause harm to the local neighbourhood. Therefore, the Council aims to act promptly and fairly to ensure that appropriate and proportionate steps are taken to remedy breaches of planning control to its satisfaction.
- 4.3 In carrying out its duties the Council must also be fair to the person(s) who may be responsible for the unauthorised activity. The Council aims to assist by providing clear information that indicates what needs to be done to address the breach of planning control and what the reasonable timescales are to do that. The Planning Service will also set out what actions the Council may take if the suggested actions are not undertaken within the time frames given.
- 4.4 It is important to note that: -
- A breach of planning control is not in itself a reason to take enforcement action.
 - The Council will decide whether or not action will be taken (and the extent of that action). It will only take action when the Council considers it is expedient to do so having regard to the provisions of the relevant plans and any other material considerations.
- 4.5 All breaches of planning control will be assessed against the relevant policies contained within the Council's Development Plan (including the Core Strategy 2010, Development Management Local Plan 2015, adopted Area Action Plans and the London Plan 2015), other material considerations, as well as the local Enforcement Policy. An analysis of the harm that the breach is having on the local environment and on the amenity of individuals will also be made. This will determine whether or not it is expedient to continue to take enforcement action.
- 4.6 In most instances breaches of planning control can be rectified without the need to resort to formal enforcement action. The Council will have to consider, depending on the nature and scale of the breach and the harm that such a breach is causing to residential or local amenity, whether it is appropriate to work with the contravener to resolve the breach, or whether immediate enforcement action is required.
- 4.7 In general, unless the harm arising from the identified breach of planning control is so severe that immediate enforcement action is required, the local planning authority Council will endeavour to work with the contravener. Any negotiation will be undertaken within strict timescales to ensure that an effective and timely solution is

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achieved, having full regard to the policies contained within the Hackney Development Plan.

- 4.8 The Council will normally allow 28 days from the date of its warning letter to the contravener for the submission of a retrospective planning application where appropriate.

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5. How the Council will investigate an alleged breach of planning control

5.1 The Council receives around 700 complaints every year about alleged breaches of planning control. The majority of planning enforcement complaints are received from the general public. Complaints are made in writing direct to the Council or using the planning enforcement online complaints form.

5.2 The principles that will apply to investigations into an alleged breach of planning control:-

- **Prioritising** – Due to the number of complaints the Council receives, the Planning Service will prioritise the use of its resources so that the breaches that cause the most harm are dealt with first. The Service will also prioritise reactive enforcement investigations over proactive work.
- **Fairness** – The Council recognises its role as an arbiter of disputes and will ensure that, in investigating and resolving alleged breaches of planning control, both parties (complainant and the person responsible for the alleged breach) are treated fairly, by doing the utmost to provide clear advice that is free from errors.
- **Proportionality** – The Council's actions will be reasonable and will reflect the gravity of the breach of planning control under investigation.
- **Transparency** – Officers will communicate openly with all users of the service (complainant and the person(s) responsible for the alleged breach). They will be mindful of the Council's duties to abide by the Data Protection Act and ensure that complainants' details remain confidential.
- **Confidentiality** - All investigations into alleged breaches of planning control will be carried out on a strictly confidential manner. At no time will officers involved in the investigation reveal the source of the complaints that they are investigating. In addition, files that relate to Planning Enforcement matters will not normally be made available to any member of the public for inspection. Under these circumstances, there is a requirement that all complainants provide their name and contact details at the time of lodging a complaint. Anonymous complaints will not be accepted for investigation. It must be noted that, on rare occasions, complainants' details will need to be provided in court proceedings.

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Initial Prioritisation of Complaints

- 5.3 On receipt of a complaint alleging that there has been a breach of planning control, the complaint will be initially assessed by the Planning Service to determine the degree of urgency that the matter should be given in line with the Council's priorities.

Site Visit

- 5.4 It is intended that all sites (irrespective of the nature of the complaint) will be visited by an officer within ten working days of receipt of the complaint. Complaints concerning alleged irreparable damage to a statutory listed building or felling of a protected tree will normally be attended to within 24 hours of receipt.
- 5.5 The officer will normally make an unannounced visit to the site to gather information regarding the breach of planning control that has been reported. If the officer is unable to access the site, a further site visit may be arranged for a mutually convenient time. If the owner/occupier refuses to permit entry to the site/premises, the Planning Service will issue a Right of Entry Notice which will give advance notice of a site visit (at least 24 hours if the matter relates to a residential property).
- 5.6 If the Officer is still unable to enter the land after issuing a Right of Entry Notice, the Council will apply to the Magistrates' Court for a warrant to enter the premises. In such circumstances, after obtaining a warrant, Officers may be accompanied by the Police on their site visit.
- 5.7 Once the initial site visit has been undertaken, the findings will be assessed so that a decision can be taken on how the matter will progress. There are four possible courses the complaint can take:-
- i) No breach of planning control has been identified
 - ii) A breach of planning control has been identified but it is not expedient to take action
 - iii) A breach of planning control has been identified and the matter needs to be addressed
 - iv) Further investigation is required

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- 5.8 The table below outlines what actions we will take according to the status of the investigation.

Status of the Investigation	The Council's Actions
No Breach of planning control has been identified	The Council will write to the complainant to advise them of our findings and the investigation will be closed.
A breach of planning control has been identified where it is not expedient to take action	The Council will write to the complainant to advise them of its findings and provide an explanation as to why no action will be taken in this instance. The investigation will be closed.
A breach of planning control has been identified and retrospective planning application may regularise the breach.	<p>The Council will write to the person responsible for the breach of planning control and explain why the works/use require planning permission and provide advice on how that permission can be obtained.</p> <p>The Council expects a planning application to be submitted within 28 days. If an application is not submitted, the Council will decide whether it would be expedient to take enforcement action.</p>
A breach of planning control has been identified and the matter needs to be addressed.	<p>The Council will write to the complainant to advise them of its findings. The case will be assigned a priority (High/Medium/Low) and will be assigned to an enforcement officer to resolve the matter.</p> <p>The Council will also write to the person(s) responsible for the breach to advise them what steps they need to take to address the breach of planning control and the timescales within which those steps must be taken. The Council will also advise of the consequences of not complying with its request.</p>
Further investigation is required.	<p>The Council will write to the complainant to advise them of its initial findings. The case will be given a priority level and will be assigned to an Enforcement Officer to complete the investigation.</p> <p>The Council will write to the person(s) responsible for the breach to advise of the information that it needs. This may involve issuing a Planning Contravention Notice (PCN) which must be completed and returned to us within 21 days. A PCN may also be issued in the above circumstances.</p>

5.9 Further to the site visit and once an alleged breach of planning control has been identified, and a decision that it is expedient to take action has been made, the case will be assessed and placed into 'high', 'medium' or 'low' priority categories. A list of examples include:

High Priority:-

- Breaches of planning control that the Council deems to cause major harm or loss of amenity to individuals in terms of light, outlook, privacy or noise nuisance;
- Breaches of planning control that involve works to a listed building;
- Breaches of planning control that involve unauthorised pruning or removal of a tree in a conservation area/ or a protected tree.

Medium Priority:-

- Breaches of planning control through unauthorised changes of use or conversions of properties to flats or a house in multiple occupation (unless in instances where the Council deem the breach of planning control results in major harm to the amenity of individuals in which case it will be a high priority);
- Breaches of planning control that relate to either the erection of a fence, roof extension or a rear extension (unless in instances where the Council deem the breach of planning control results in major harm to the amenity of individuals);
- Breaches of planning control that involve non-compliance with approved plans or conditions (unless in instances where the Council deem the breach of planning control results in major harm to the amenity of individuals);
- Breaches of planning control that involve the untidy appearance of a site or premises.

Low Priority:-

- Breaches of planning control that relate to the erection of a satellite dish or an advert where it does not cause major harm to a listed building;
- Breaches of planning control involving estate agent's boards.

Updating the complainant after the site visit

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- 5.10 Once a site visit has been undertaken and the priority has been assigned, the Council will write to the complainant giving the name of the case officer or explaining any delay in allocating the case.
- 5.11 Enforcement investigations can be protracted and complex and there may not be any significant progress to report on a regular basis. However, during the course of the investigation the Council will aim to contact the complainant at each important stage of the proceedings, or when circumstances have changed, and quarterly in all other circumstances. Updates for those periods where there has been no significant change in circumstances, for example whilst a retrospective application is being considered, or during the appeal timetable will also be provided.

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6. How the Planning Service will respond when it has been unable to establish whether or not a breach of planning control has occurred

- 6.1 If the Council has been unable to establish whether or not a breach of planning control has occurred, officers will make further enquiries of the person(s) responsible for the alleged breach. This may involve making enquires with other Council departments and/or government agencies. The Council may also issue a Planning Contravention Notice (PCN) to the person(s) it believes responsible for the alleged breach.
- 6.2 A Planning Contravention Notice is a legal document which can be served on any person(s) suspected of being responsible for an alleged breach of planning control. The document contains a number of questions relating to the alleged breach that must be formally responded to within 21 days. Failure to respond to a PCN is a criminal offence and can lead to prosecution in a Magistrates' Court.
- 6.3 In certain circumstances the Council may request a complainant's assistance to complete the investigation, (for example ask for a log of alleged noise nuisance).

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7. How the Council will respond to a confirmed breach of planning control.

- 7.1 Once the Council has confirmed that a breach of planning control has occurred officers will write to the person (s) responsible to advise them.
- 7.2 The Council may seek to address the breach by working with the contravener, by providing clear information to the person(s) responsible for the breach on what steps they need to take to resolve the matter within a specified timescale, and informing them what the repercussions would be should the breach not be rectified. This approach accords with government guidance, which advises Councils to initially seek to remedy the majority of cases through negotiation.
- 7.3 However, the Council will not allow discussions to become so prolonged that it may delay the commencement of formal enforcement action.
- 7.4 Examples of discussions include: -
- Asking to cease an unauthorised activity
 - Asking to submit a retrospective planning application or an application for a certificate of lawfulness
 - Asking to provide information to the Council regarding the unauthorised activity.

8. Formal powers available to the Council to address a breach of planning control

- 8.1 Where the Planning Service has been unable to resolve a breach of planning control through negotiation or where a negotiated approach is not possible, the Council may decide to use more formal action using powers under the Town & Country Planning Act 1990 (as amended) where the Council deems the impact of the harm to be significant. In such instances, one or more of the following courses of action may be pursued: -

Stop Notice and Temporary Stop Notice

- 8.2 These notices require unauthorised activity to cease either at three days' notice or immediately and are used where the breach of planning control identified has a seriously detrimental effect on local amenity or on the amenity of individuals. The Temporary Stop Notice seeks the immediate halt to the development and it does not have to rely on the simultaneous serving of an Enforcement Notice.

Serving a Stop Notice

- 8.3 In instances where the Planning Service considers that the breach of planning control identified has a seriously detrimental effect on local amenity, a Stop Notice may be issued. Serving a Stop Notice requires the development to cease within a period, which shall commence not less than three days from the service of the Notice. Stop Notices can only be issued at the same time as an Enforcement Notice.
- 8.4 Whereas an Enforcement Notice can be appealed against and has a considerable time period before it comes into effect, the Stop Notice does not. If an appeal is lodged against the Enforcement Notice, the issuing of a Stop Notice can freeze the unauthorised development in its present state until such time that the Planning Inspector has determined the appeal against the Enforcement Notice.
- 8.5 When it is expedient to issue a Stop Notice, the Council will:
- Ensure that it refers to the Enforcement Notice that is applicable to the same unauthorised development
 - Specify the date when it becomes effective (at least three days after the date of service)
 - Ensure that it is served on any person who the Council believes has an interest in the land or who is carrying out any activity on the land which will be forbidden or prohibited by the Notice.

Serving a Temporary Stop Notice

- 8.6 In instances where it is considered expedient to issue a Temporary Stop Notice, the Council will:

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- Ensure that it refers to the nature of the activity that it considers is a breach of planning control;
- Specify the reasons why the Council considers that the Temporary Stop Notice should be issued;
- Ensure that a copy of the Temporary Stop Notice is displayed on the site (outlining the date on which it has been served, the activity that has to cease and the fact that failure to comply with the Notice is an offence);
- Ensure that it is served on any person who the Council believes has an interest in the land, or who is carrying out any activity on the land, which will be forbidden or prohibited by the Notice.

Serving an Enforcement Notice

- 8.7 This is the most common form of notice served where the development undertaken is considered unacceptable in planning terms and it is expedient to take formal action.
- 8.8 The notice will outline the nature of the alleged breach; identify the land on which the breach is occurring or has occurred, and identify the steps required to remedy the breach of planning control, together with the precise timescales within which these steps should be taken.
- 8.9 Where the Council determines that it is appropriate for an Enforcement Notice to be served, the following timescales for compliance will normally be applied:

Breach	Action	Compliance Period
Minor building works (e.g. rear extension, roof terrace/extension etc.)	Completely remove or make amendments.	1 - 3 months.
Extensive building works (e.g. roof extension).	Completely remove or make amendments.	4 – 6 months
Change of use of land or buildings (affecting residential amenity).	Cease use	1 - 3 months
Change of use of land or buildings (not affecting residential amenity but contrary to policy).	Cease use	3 – 6 months
Conversion into flats/bedsits (Occupied)	Revert premises to a single family dwelling house or its original use	6 months

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Conversion into flats/ bedsits (Unoccupied)	Revert premises to a single-family dwelling house or its original use.	3 months
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8.10 The timescales given in this table are a guide only. There may be instances where it is considered that the breach necessitates a period that is markedly different to that indicated above (usually this would be a shorter period). This could be either due to the precise nature of the breach and its consequent impact on amenity or due to the fact that the unauthorised development would become lawful if the timescales above were adopted.

8.11 There is a right of appeal to the Planning Inspectorate against an Enforcement Notice which may lengthen the process as the notice will not take effect until the appeal has been determined.

Serving a Breach of Condition Notice

8.12 Planning permission is usually granted with conditions and a Breach of Condition Notice is usually issued where a condition attached to a planning permission has or is not being complied with. The power to serve a Breach of Condition Notice relates to the failure to comply with conditions during the development stage or during the life of the development. The Notice gives the recipient a minimum of 28 days within which to comply. There is no right of appeal against this Notice. Failure to comply can lead to prosecution in a Magistrates' Court.

8.13 There are circumstances when it is not possible to serve a Breach of Condition Notice, for example, where a condition has been breached for more than ten years. The breach is then immune from enforcement action.

Serving a Section 215 Notice

8.14 A Section 215 Notice requires works to be carried out to clean up land and or buildings when its condition and or appearance adversely affect the amenity of the area. The Section 215 Notice can be used to deal with derelict buildings ranging from run-down houses, shops and vacant factories to semi-complete development or unsightly land, including over-grown gardens, in the interests of improving the appearance of the local environment.

8.15 When it is considered expedient to serve a Section 215 Notice the notice will:

- Specify the land to which the Notice relates
- Specify the steps that are required to improve the situation
- Specify the time period when the Notice shall come into force (not less than 28 days after it has been served)

Seeking an Injunction

8.16 An injunction is usually obtained from the High Court or the County Court and in instances where the Planning Service considers that a breach of planning control

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presents or may present a serious an immediate risk to public health and safety or cause significant undue harm to residential or local amenity.

- 8.17 If successfully obtained, an injunction can seek to prevent the continuation of a specific act. It can also be used to require a specific act to be carried out e.g. the requirements of a S106 legal agreement.
- 8.18 When it is considered expedient to seek an injunction the Council will provide 24 hours' notice (where possible) to persons known to it (the owner and or the occupier) as having an interest in the site of its intentions.

Serving a Tree Replacement Notice

- 8.19 Trees that are the subject of a Tree Preservation Order and all trees that are located within a conservation area are commonly known as "protected trees". All works to a protected tree (including felling, pruning, lopping or topping) require the prior consent of the Planning Service before they are carried out.
- 8.20 In instances where a protected tree has been removed or felled without consent, or because it is dead, dying or has become dangerous, the Planning Service can require that the tree is replaced with another tree of an appropriate size and species at the same place as soon as is reasonably practical.

Serving a Discontinuance Notice

- 8.21 The Discontinuance Notice requires the removal of an advertisement that has been displayed with the benefit of deemed consent (an advertisement that would not normally require consent from the Council prior to its display).

Seeking a Planning Enforcement Order

- 8.22 A planning enforcement order can be used in instances where a breach of planning control has become immune from planning control by way of deliberate concealment of the breach. The Council applies for a Planning Enforcement Order at the magistrates' court and, once this is obtained, allows the Council to take action against the breach of planning control.

9. **The Council's actions after taking formal enforcement action**

Appeals against Enforcement Notices

- 9.1 When an Enforcement Notice is served, the Council will always advise the person(s) responsible for the breach of their right to appeal. However, there is no right of appeal against a Breach of Condition Notice.
- 9.2 Appeals are submitted to the Planning Inspectorate (a government agency). The Council will defend its position when an appeal is submitted against any Enforcement Notice. As part of the procedure for defending appeals, the Council will consult with the occupants of neighbouring and surrounding properties. It may also liaise with other Council departments and external agencies for assistance.
- 9.3 Once an appeal is submitted, the requirements of the enforcement notice are suspended until the Planning Inspectorate has formally considered and determined the appeal. The Council will not normally take any further action until the Planning Inspectorate has determined the appeal.
- 9.4 The Planning Inspectorate will decide whether the enforcement notice should be upheld or quashed. If the enforcement notice is upheld, the requirements of the notice (including the timescales) will become effective from the date of the Planning Inspectorate's decision. The Inspector may in some instances uphold the enforcement notice but vary its requirements (for example, to extend the time period in which the contravener must comply with the enforcement notice). If the Planning Inspectorate decides to quash the enforcement notice, the appeal will succeed on the grounds on which the appellant has made the challenge, for example, the Planning Inspectorate would quash the enforcement notice and grant planning permission if the appeal was made on grounds that planning permission should be granted.

Prosecution

- 9.5 The Council may prosecute in respect of an alleged breach of planning control. The procedures for doing so fall into two broad categories:
 - i) Failure to comply with the requirements of any type of Enforcement Notice is an offence. Where a failure to comply with requirements of any form of Enforcement Notice has been identified, the Council will pass on details of this matter on to its solicitors for prosecution to be considered.

In instances where it is considered that prosecution is necessary, the Council will ensure that it writes a letter of intention to the alleged contravener to inform him/her of the Council's intention to commence prosecution

- ii) The display of unauthorised advertisements. To display an advertisement without the required consent is an offence. It does not require the serving of a formal Enforcement Notice. The Council can choose to prosecute immediately in such instances.

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Direct Action

- 9.8 Section 178 of the Town and Country Planning Act 1990 (as amended) grants Council's powers to take 'direct action' to remedy a breach of planning control where an enforcement notice has not been complied with. Similarly, the Council will use direct action to tackle unauthorised advertisements and fly posting.
- 9.9 Where the Council has had to use Direct Action to secure compliance with any Enforcement Notice or to remove advertisements, it will seek to retrieve the costs from the landowner.

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10. **Other Planning Enforcement Matters**

Proactive Enforcement Investigations

- 10.1 Whilst priority will be given to responding to reported breaches of planning control; the Council may also, subject to adequate resources being available, randomly monitor sites which have planning permission for compliance with relevant conditions or initiate theme – based enforcement investigations. Such monitoring may also apply to Section 106 agreements.
- 10.2 All temporary planning permissions will be forwarded to the Planning Enforcement Team for monitoring. To assist with the monitoring of temporary planning permissions, the Planning Service will ensure that temporary planning consents expire on the last day of the calendar month.
- 10.3 The principal responsibility for ensuring that planning permissions are correctly implemented rests with the developer/landowner. Notwithstanding, the Planning Service may randomly check any planning permission granted. The Planning Service may also check those planning consents that are being supervised at a building stage, by Approved Inspectors.