

Enforcement Priorities?

The Council deals with around 300 planning enforcement cases every year. Cases reported may or may not require a site inspection and may be referred to other departments or agencies as appropriate. Because of the often lengthy and complex nature of planning investigations and staff resources available priority will be given to those cases where the greatest harm is being caused:

PRIORITIES

Highest Priority

- a Unauthorised demolition, partial demolition or significant alteration of a building, which it is essential to retain (e.g. a listed building or building within a Conservation Area) or any other development that causes irreversible demonstrable harm or danger.
- b Unauthorised works to trees covered by a tree preservation order (TPO) or in a Conservation area.

High Priority

- c Any unauthorised development/activity which, causes clear, immediate, and continuous harm or danger to the locality including the living conditions of adjoining residents.
- d Breach of a condition, which results in serious demonstrable harm or danger to amenity in the neighbourhood.
- e Unauthorised development in an area of European, national, or local designation of nature conservation (e.g. Special Protection Area for Birds (SPA), Site of Special Scientific Interest (SSSI) etc.).

Medium Priority

- f Any unauthorised development where the time limit for enforcement action will expire within the next 6 months.
- g Unauthorised development, which is *not* the source of significant public complaint.
- h Untidy sites.
- i Development within a residential curtilage for domestic purposes
- j The display of unauthorised advertisements.

Low Priority

- k Unauthorised development, which would be likely to receive planning permission/approval (e.g. if a planning application were to be submitted) or would not result in formal enforcement action being instigated.
- l Development that is unlikely to require planning permission.
- m Other allegations.

The timescale in which the complaint will be dealt with will depend on the category. Anonymous complaints will not normally be investigated. All reports of alleged breaches of planning control where the complainant is identified will be acknowledged within three working days and a site visit will be undertaken in accordance with the following timetable, depending on the type of report. The complainant will be updated within five working days of any site inspection to confirm the findings of the site inspection finds and what course of action is proposed.

Site Inspections

Highest Priority – same day

High Priority - 10 working days

Medium Priority – 15 working days

Low Priority - 20 working days

The Council will seek to discuss where possible with the person responsible for breach of planning control the nature of the breach and how it could be resolved. Often breaches of planning control occur as a result of a lack of knowledge of planning legislation. In many cases the breach may well be acceptable providing certain changes are undertaken. The Council will only take formal action as a last resort.

Service Delivery

Once investigations start the priorities may change following the initial site visit or on receipt of additional information. As the investigation progresses the complainant will be advised of progress and the outcome and they will receive bimonthly updates of the progress and outcome of the Council's investigations throughout the course of the Council's investigations.

The Enforcement Team aims to complete the first phase of the enforcement investigation within 8 weeks of the date the complaint was first received. The aim is to achieve this target for 70% of cases.

The first phase of investigation is complete when one of the following points has been reached:

- a) Case is closed because the investigation identifies that no breach in planning control has occurred.
- b) Case is closed because an alleged breach of planning has been identified but then resolved by negotiation.
- c) A planning application or other form of application has been submitted following the investigation.
- d) A breach in planning control has been identified and an application requested, but not submitted. Following this, an assessment has been made determining that it is not expedient to take formal enforcement action in this case at this time.
- e) A breach in planning control has been identified. An assessment has been made determining that it is expedient to take formal enforcement action in this case. Formal action may be in the form of notices issued or prosecution statements sent to the Council's Solicitors.