

# Essential Reference Paper B

## Planning Enforcement

### What is Planning Enforcement

Development includes both building works and the use of land and buildings. The planning enforcement service deals with development which does not have the necessary consents.

The service is provided by the District Council. The full details of the service are set out in the Councils Planning Enforcement Policy. This is available on the Councils website, at the Council Offices, or can be posted to anyone who requests a copy.

The over-riding principle of the service is that, if the development is acceptable and is causing no significant harm, then it should be allowed to proceed. The service is not there simply to prosecute people who haven't followed the rules – it is there to ensure that development which is having an unacceptable impact is not allowed to continue.

### How does the service operate?

Normally an individual will inform the Council that development appears to be taking place which is causing harm and which may not have the benefit of the necessary consent.

The first step the Council will take is to classify the case as either an 'urgent priority' or 'normal priority' case. Urgent priority cases include those where the development is affecting listed buildings, buildings in Conservation Areas, is having a significant impact or is harmful to highway users.

Checks are undertaken to see if consent has in fact been given for the works that are taking place. Further investigations include a visit to inspect the site where the development is taking place.

### What happens next?

It is very difficult to predict the outcome of investigations as there are a number of possible options. The following are some of the most common:

- the development taking place has consent and is proceeding according to plan. There would be no need for further intervention;
- the development taking place is of a very modest nature, or the change from an approved plan is very modest. No significant harm is being caused and there is no need for further intervention;
- development is taking place that is more than very modest, or a more significant change to an approved plan is being made. However, overall it would have no significant harmful impact. The owner of the

- site could be invited to apply for planning permission or to seek an amendment to approved plans (to regularise matters);
- the development is more significant and does have some harmful impact. The owner would be invited to cease and/or remove/reverse the development. If this does not occur then the Council will determine what formal action is to be taken.

### **Timescales**

Because of the uncertainty of the outcome it is very difficult to predict timescales – other than in the initial stages. For urgent priority cases the Council will normally expect to visit the site within 2 working days. This should happen within 15 working days for all other cases.

If landowners are invited to submit applications to regularise matters, or to cease/remove development, then a reasonable time does have to be allowed by the Council for these steps to occur.

### **Formal Action**

This involves the service of a formal notice on landowners and others setting out the steps the Council considers are required to ensure that the situation on a site is acceptable. If it appears to the Council that formal action is required, it also has to decide in what timescale it considers the formal steps it has set out should be achieved.

The landowner has a right of appeal against this formal notice. Such appeals (along with the timescale for them) are dealt with by the Planning Inspectorate.

If the landowner either does not appeal, or submits an appeal which is dismissed, then they must undertake the steps required within the timescale set out. If they do not, the Council will decide either to prosecute the landowner, or to undertake the specified steps itself.

### **Further questions**

Planning enforcement is a complex area of planning legislation. The above is intended only as a very simple guide. If you have further questions or queries then please contact the Councils Planning enforcement team. If you are involved in any planning enforcement case and want to know about progress then please contact the team and quote the enforcement case number.

### **Contact Details**

Phone: 01279 655261 - ask for Planning Enforcement  
E-mail: [planning@eastherts.gov.uk](mailto:planning@eastherts.gov.uk)