

Essential Reference paper E

Planning Contravention Notices (PCNs)

PCNs are a useful tool in gathering information in relation to an alleged breach of planning control. They can be helpful in the following circumstances:

- establishing the uses of land and buildings and development timescales;
- exploring ownerships and interests in land;
- providing evidence which is robust and can be relied on later in the process if formal action is to be taken;
- to highlight the serious nature of the issue under consideration and the consequences of taking no action for the transgressor.

However, there are implications in their use:

- some time is required to ensure that questions are framed correctly so that the information retrieved is useful;
- a period of time (21 calendar days) has to be permitted in which they are to be returned;
- there are additional resource implications where meetings are required or called for to discuss notices;
- time has to be permitted to consider responses given before further action is taken;
- if no response is forthcoming, despite the requirement to do so, the authority has to decide what action to take within its limited resources.

Where alleged breaches and harm relate to physical structures then it would appear that PCNs would not normally be required (this is because sufficient information can be gathered from physical inspection).

It would appear then that PCNs would be most useful in the following circumstances:

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| 1 | When the alleged breach relates to the use of land and buildings and inspection of them does not confirm the uses taking place on the land/ in the buildings |
| 2 | When the alleged breach relates to the use of land or buildings which may be ancillary to an associated primary use |
| 3 | When it appears that the alleged breach may be close to becoming lawful due to the elapse of time prior to it being brought to the attention of the Council. In that respect, if it is within 6 months of potential lawfulness a PCN may be appropriate |

In cases which include any elements of the above situations officers will consider the use of a PCN and the outcome of this will be provided as part of the review of the implementation of the Enforcement Policy due a year after that implementation.