



Enforcement of planning control

How the council will deal with your complaint about a possible breach of planning control

What happens after your complaint has been received?

We will send you, within 3 working days, an acknowledgement letter advising you that your complaint about a possible breach of planning control has been received and the action we will take.

If you have provided us with sufficient information, to clearly identify the site and building involved, a clear description of the possible breach and its effect on you, our letter will confirm that we have sufficient information for our investigation of your complaint to begin. Our letter will describe our interpretation of the possible breach of planning control you are complaining about and will give you the opportunity to confirm whether or not our interpretation is correct. Our letter will also give you the name and contact details of the planning enforcement officer who will deal with your complaint. The letter will also state the enforcement investigation number given to your complaint.

If we feel that you have not given us sufficient information to enable us to properly investigate your complaint our letter will explain what further information is required from you. When we receive the further information we have asked for we will write to you again to confirm that we now have sufficient information for our investigation of your complaint to begin. It will give our interpretation of what you are complaining about and will give you the opportunity to confirm whether or not our interpretation is correct. We will also give you the name and contact details of the planning enforcement officer who will deal with your complaint. The letter will also specify the enforcement investigation number given to your complaint.

Not every case can be given top priority so we will give priority to investigating those complaints relating to: [a] works to listed buildings; [b] unauthorised development in conservation areas; [c] felling or lopping of protected trees; and [d] development causing a substantial and significant injury to residential amenity.

Confidentiality of your complaint

Complaints received about a possible breach of planning control are not generally available to the public and we will not give any direct publicity to your complaint that will identify you as the complainant. However, in most cases it will be necessary at some stage for us to contact the person about whom you have complained in order to clarify facts and other information essential for our investigation. Where this happens the planning enforcement officer will not identify you by giving details of your name or address, although in most investigations it is quite clear that the complaint will have been made by a particular person or neighbour.

We cannot therefore guarantee your anonymity throughout the course of our investigation, especially if an enforcement notice is served and an appeal is made against it or where it is considered necessary for you to provide a witness statement in legal proceedings against a breach of planning control that you have brought to our attention.

Consideration of your complaint by the planning enforcement officer

The planning enforcement officer will check our files for any relevant planning history. The planning enforcement officer will then visit the site. Our target is to carry out a first site visit on all priority cases within 5 days of receipt of your valid complaint. In other cases our target is to carry out a first site visit within 3 weeks of receipt of your valid complaint

In many cases the planning enforcement officer will be able to carry out the investigation by looking at the site from publicly accessible areas. In some cases it will be necessary for the planning enforcement officer to assess your complaint from your property. The planning enforcement officer will contact you if access to your property is required

for the investigation. The planning enforcement officer may also seek further clarification from you about certain details of your complaint.

In most cases it will also be necessary for the planning enforcement officer to contact the person against whom you have made the complaint. This needs to be done in order to check facts and information relevant to our investigation.

The planning enforcement officer will assess your complaint against the relevant planning history, planning law, planning policies in the Council's Unitary Development Plan [UDP], other relevant planning guidance produced by the Council and Central Government and any other material planning considerations. The UDP is an important document which guides development in the Borough.

In some cases the person you have complained about will choose to submit a planning application in order to retain the building works that might have taken place or to continue a use that has already started. If this happens you will be consulted on the planning application for your views. In cases such as this the enforcement investigation will be put on hold until the planning application is decided.

When and how the decision will be made

We will try to complete our investigation and reach a decision on your complaint within 8 weeks of our letter confirming that we have begun our investigation of your complaint. However, the more complex investigations are likely to take longer and where it is decided to take formal enforcement action the process can take many more months before a final end to the matter is reached.

We will make a decision when all the relevant information has been considered by the planning enforcement officer and a report has been written. This report will set out the relevant planning history, planning law, planning policy, and any comments that you have made about how the development you have complained about affects you or the area in which you live or work. The report will include the planning enforcement officer's opinion and recommendation as to whether or not there has been a breach of planning control and, if so, what action if any will be taken against it.

The planning enforcement officer's report and recommendation will then be considered and checked by a senior planning officer. If the senior officer agrees that all relevant matters have been properly considered and that the recommendation is appropriate the report and recommendation will be passed forward for a formal decision. The formal decision will usually be made by a planning manager under Delegated Powers.

Only in exceptional circumstances will the report be considered by the Council's Development Control Committee. If your complaint is one that needs to be decided by the Committee we will notify you of the date, time and venue of the meeting. You will be given the opportunity to make representations to the Committee if you wish. We will also send you a copy of the planning enforcement officer's report and recommendation. We will also notify the person[s] against whom the complaint was made and they too will be given a copy of the planning enforcement officer's report and recommendation and the opportunity to make representations to the Committee.

We will notify you in writing of our decision. Our target is to let you know the decision within 5 working days of it being made.

If we decide that there has not been a breach of planning control, or that there has been a breach but it is not considered appropriate to take formal enforcement action, we will explain the reason[s] why.

If we decide that there is a breach of planning control and that formal action to stop it should be taken we will tell you and advise you of what will then happen.

Appeal against the council's decision

You do not have any right of appeal against our decision if we decide that there has not been a breach of planning control, or where we accept that there has been a breach but consider that it is not appropriate to take formal enforcement action.

If we decide that there is a breach of planning control and take formal action to stop it by serving an enforcement notice the person or persons on whom the notice is served do have a right of appeal to The Planning Inspectorate.