

What is Planning Enforcement?

A breach of planning control is the carrying out of development or other works without the permission or consent of the Council. The breaches of planning control the Council deal with include:

- *Erection of buildings, extensions or alterations to buildings.*
- *The material change of use of land or buildings.*
- *The breach of a condition imposed on a planning permission.*
- *The failure to comply with plans approved as part of a planning permission.*
- *Advertisements.*
- *Works to or the removal of a Hedgerow or a Protected Tree.*
- *Works to a listed building.*
- *Untidy land and buildings.*

Planning enforcement is the process of identification, investigation and consideration of a breach of planning control, the pursuit of a resolution to that breach of planning control and the possible service of formal Enforcement Notices under the relevant planning legislation. This action is pursued with the aim of removing the harm caused by a breach in the interest of the public.

It is worth noting that, whilst a breach of planning control is unauthorised, most are not a criminal offence (although criminal liability is ultimately involved if a formal notice is served). The exceptions to this are advertisements, works to protected trees and important hedgerows, and works

to listed buildings. It is also important to note that the enforcement of planning control is a discretionary function of the Council. The Council, as the Local Planning Authority, will always consider the expediency of pursuing action in respect of every breach identified before action is pursued.

Making a complaint

If you suspect a breach of planning control has taken place, you must either:

- *Complete the online complaint form at: <http://voqonline.planning-register.co.uk/EnfReport.aspx?AspxAutoDetectCookieSupport=1>; or*
- *Send a letter outlining your concerns to the address given below.*

When you first approach the Council you should supply as much information as possible about the site and your concerns, including:

- *The exact location of the building and the site - the full address and post code is most useful.*
- *A full description of the activity or works and approximate dimensions of the development subject of your complaint.*
- *When the works or activity started.*
- *The names and addresses of any owners, occupiers or companies involved.*

You must also provide your name and contact details. In most cases anonymous complaints will not be investigated. Whilst the Council will endeavour to keep your complaint confidential, it may be necessary to disclose it if the matter reaches an appeal or a request is made under the Freedom of Information legislation.

What happens after I have made my complaint?

An Enforcement file will be opened and will be allocated to one of the Enforcement Team. The Council will endeavour to acknowledge your complaint within 5 working days of receipt and advise you of the name of the allocated officer and the priority your complaint has been given. This priority will depend on the type of alleged breach and the harm caused to the local environment or amenity of the area. New enforcement cases are generally prioritised as follows:

- *Priority 1 (Urgent) complaints include works to listed buildings, protected trees, sites with statutory designations, sites with protected species, and works that have an immediate threat to public safety. Officers will aim to visit such sites within 1 to 5 working days of the receipt of the complaint.*
- *Priority 2 (Medium) complaints are usually those that are numerous, works that result in continuous noise or disturbance, works to sites with local designations, breaches of conditions and advertisements. Officers will aim to visit such sites within 5 to 15 working days of receipt of the complaint.*
- *Priority 3 (Low) complaints include those in respect of minor development, activities that do not impact upon the amenity or allegations where there is a suggestion of boundary/land ownership disputes. Officers will aim to visit such sites within 28 working days of the complaint being received.*

What happens next?

Once the site has been visited and the facts have been established, there are three possible outcomes:

1. *That there is no breach of planning control.*
2. *That there is a breach of planning control, but it is not expedient to pursue action in respect of this breach.*
3. *That there is a breach of planning control and further action is required.*

The Council will advise you of the ultimate outcome of our investigations. However, if you would like to be updated on the progress of the case you should contact the Enforcement Officer directly.

What happens if there is no breach of planning control?

Whilst planning legislation controls the activities listed in this leaflet, the same legislation also deems certain works to be permitted or exempt from needing the consent of the Council. These include minor extensions to dwellings, certain changes of use, some advertisements, and certain works to protected trees.

Consequently, whilst these works may well have been carried out without your, or the Council's knowledge, they may not necessarily have resulted in a breach of planning control.

Similarly, there are certain activities or works that are so minor in their nature that they are not considered to even come under the control of planning legislation. Again, such matters are not considered to be a breach of planning control.

In these cases you will be notified that there is no breach of planning control and given the reasons why the Council came to this conclusion.

What happens if there is a breach of planning control?

If there is a breach of planning control the person responsible for the breach will always be given the opportunity to voluntarily resolve the matter. This can be attempted via the following methods:

1. *The removal of the breach or cessation of the activity. In such cases you will be advised that the case is closed.*
2. *The submission of an application for retrospective consent in an attempt to regularise the breach. If we have your postal address, you will be notified if an application is submitted and given the opportunity to comment.*
3. *The submission of an application in an attempt to prove that the breach is lawful. This third option is only available for certain breaches of planning control.*

What happens if the person responsible does nothing?

If the person responsible for a breach of planning control does nothing to voluntarily resolve the matter, the Council must consider its options.

At this point it should be noted that the enforcement of a breach of planning control is not a mandatory function of the Council. If an unauthorised development is acceptable in planning terms, i.e. the development is in line with Council Policy, there is no harm being caused, and it is

not necessary to control the activity by way of a planning condition, then Government guidance suggests that the Council should not pursue formal enforcement action. In such cases you will be notified of the Council's decision and the reasons for that decision.

A breach of planning control may well be acceptable in planning terms, but it is necessary to control certain elements of the development, OR a breach may be considered wholly unacceptable and must be removed in its entirety. In these circumstances authorisation will be sought to serve an appropriate Enforcement Notice, depending on the type of breach. Again, if we have your contact details you will be notified of the Council's decision, the requirements of the notice and any further action pursued. This further action may result in an appeal against the notice, prosecutions for non compliance with the notice and, in some extreme cases, injunctions.

Contact Details

The Enforcement Team can be contacted on 01446 704691

Or write to:
Planning Enforcement
Vale of Glamorgan Council
Dock Office, Barry Docks, Barry,
CF63 4RT

Email: planning@valeofglamorgan.gov.uk