



LOCAL ENFORCEMENT PLAN

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Local Enforcement Plan

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1. Introduction

- 1.1 DETR Circular 10/97 (July 1997) brings together and updates earlier guidance on how to use the amended enforcement provisions in Part VII of the Town and Country Planning Act 1990.
- 1.2 The National Planning Policy Framework (NPPF) follows the principles of the above document and sets out the Government's planning policies for England and how these are expected to be applied.
- 1.3 The NPPF states that effective enforcement is important as a means of maintaining public confidence in the planning system and Councils should use their discretionary powers proportionately in responding to suspected breaches of planning control.
- 1.4 The NPPF recommends that local planning authorities should publish a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area.
- 1.5 This document is the Council's response to the NPPF and sets out how the Council will, investigate alleged cases of unauthorised development, take action where it is appropriate to do so and monitor the implementation of planning permissions.
- 1.6 Where an enforcement role is shared with another agency, joint working may be undertaken with them, including the Police, where appropriate. This work will be subject to that agency complying with the underlying principles of this statement.

2. What is Planning Enforcement?

- 2.1 Most types of building works, changes of use, works to protected trees and advertisements require planning approval from the Council. If work takes place without the right approvals being obtained, this is called a breach of planning control and enforcement action can be taken.
- 2.2 The enforcement system is complicated. Before it is decided what action the Council can take, the Council must take into account legislation, government advice, the Council's planning policies and previous planning decisions.
- 2.3 One of the underlying principles of planning enforcement is for the Council to respond to alleged breaches in planning control in a proportionate way.

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3. Contacting the Planning Enforcement Team

- 3.1 It is Council policy normally not to respond to anonymous calls or letters and to ask that all enforcement service requests are made in writing. This helps in monitoring the number and type of cases received and may be useful later on if formal action is pursued. During an enforcement investigation, the identity of a complainant is kept confidential, so you may write to the Council with confidence.
- 3.2 However, where a telephone message is initially received relating to a potentially urgent and serious transgression that is likely to result in irredeemable harm (for example, works to a listed building or works to protected trees), it is at the officer's discretion whether or not to waive the need for a complaint to be made in writing.
- 3.3 Breaches of planning control can be made by e-mail, post, or via the Council's website:

E-Mail: planning.enforcement@dacorum.gov.uk

Councils Website: www.dacorum.gov.uk

By Post: **Planning Enforcement
Dacorum Borough Council
Marlowes
Hemel Hempstead
HP1 1HH**

4. What constitutes a breach of planning control?

- 4.1 Section 55 of the Town and Country Planning Act 1990 defines development as 'the carrying out of building, mining, engineering or other operation in, on, under or over land, or the making of any material change in the use of any buildings or other land'.
- 4.2 Section 171A of the Act establishes that the carrying out of development without the required planning permission and the failure to comply with any condition or limitation, subject to which planning permission has been granted, constitutes a breach of planning control.
- 4.3 **It is not an offence to carry out development without first obtaining planning permission for it.** Section 73A of the Act specifically provides that a grant of planning permission may relate to development carried out before the date of application. This is known as a retrospective planning application and these are dealt with in the same way as any other planning application.

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- 4.4 Exceptions include the felling of trees covered by a Tree Preservation Order, the demolition or partial demolition of Listed Buildings and contraventions of the Advertisement Regulations. These offences can lead to prosecution from the outset.
- 4.5 The Act also establishes time limits on the ability of the Council to take enforcement action over a particular breach:
- built development - the Council can take no action after 4 years from the date on which operations were substantially completed
 - change of use to a single dwelling house – the Council can take no action 4 years from date of change
 - all other changes of use – the Council can take no action 10 years after the date of change
 - failure to comply with planning conditions – the Council can take no action 10 years from the date that the condition is breached or not complied with.
- 4.6 In all of the above cases the time limits mean that a development would be immune from enforcement action provided that the Council has not taken any action within the prescribed period. However, section 171BA allows Councils to seek a ‘Planning Enforcement Order’ if deliberately concealed breaches of planning control have occurred. Planning enforcement orders can be applied for whether or not the time limits stated above have expired.
- 4.7 In considering any enforcement action, the decisive issue for the Council is whether the breach of control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.
- 4.8 Enforcement action should always be commensurate with the breach of planning control to which it relates (for example, it is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to amenity in the locality of the site). Enforcement action should usually only be taken where the development is contrary to both local and national planning policies.
- 4.9 Where the Council's initial attempt to persuade the owner or occupier of the site voluntarily to remedy the harmful effects of unauthorised development fails, negotiations should not be allowed to hamper or delay whatever formal enforcement action may be required.

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5. Types of enforcement complaint to the Council

5.1 It is important to define what is viewed as an enforcement complaint. In this context, a complaint is considered to be a notification to the Council of a possible breach of planning control. Reflecting the diverse nature of planning enforcement within the authority, breaches are likely to consist of the following:

- the carrying out of development where no planning permission exists;
- the carrying out of development which deviates from that which has been granted planning permission;
- the breach of a condition imposed under an extant planning permission;
- the unauthorised display of advertisements;
- unauthorised works to a listed building;
- unauthorised works to a protected tree; and,
- untidy land issues.

5.2 It is also important to stress that, at the outset, all complaints relate to alleged breaches of control and it is for the investigating officer to determine whether the breach exists in reality.

6. Keeping Customers Informed

6.1 Procedurally, every complaint received by the Council is logged so that a permanent record is kept. The logging of complaints enables officers to ensure that all complaints are followed up and action is taken as appropriate. It also enables officers to ensure that all complainants are kept informed of the outcome of their complaint, where this is deemed appropriate.

6.2 All complaints received from members of the public and other third parties (although not including Parish/Town Councils) shall be treated on a confidential basis, unless the complainant gives express authorisation for his/her identity to be revealed. This is subject to compliance with the requirements of The Freedom of Information Act and The Data Protection Act.

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6.3 When complaints are received the following targets apply:

- a) Within 3 working days - acknowledgement to be sent out to complainant.
- b) Within 10 working days of the first site inspection - The complainant will be notified of initial findings.
- c) When an enforcement notice or other formal action has been authorised, we will let the complainant know within 10 working days.
- d) When the case is closed - we will inform the complainant of the outcome within 10 working days.

7. Priorities and Actions

7.1 Standard response times for investigating alleged breaches of control are set out below as part of this code of practice, which are dependant on the potential seriousness of the alleged breach. This is illustrated within Table 1.

7.2 For the Council's Planning Enforcement service to be effective, its resources and action will be directed to stated the priorities as identified within Table 1..

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TABLE 1: PRIORITISATION AND STANDARD RESPONSE TIMES FOR INVESTIGATION OF POTENTIAL BREACHES OF CONTROL

| FACTORS DETERMINING POTENTIAL SERIOUSNESS | TARGET RESPONSE TIME | PRIORITY |
|--|---|-----------------|
| <ul style="list-style-type: none"> • Activities that have the potential to cause irreparable harm to the environment, especially sensitive sites such as Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty and Wildlife Sites. • Activities resulting in serious ongoing disturbance to third parties. • Ongoing unauthorised works to a listed building. • Ongoing unauthorised works to protected trees. | As soon as possible (and at least within 1 working day) | 1 |
| <ul style="list-style-type: none"> • Activities resulting in some disturbance and loss of amenity to third parties. • Activities that are likely to be adversely affecting the environment, but not irreparably. • Unauthorised works to listed buildings or protected trees where those works have ceased. | Within 10 working days | 2 |
| <ul style="list-style-type: none"> • Minor breaches of condition. • Activities causing minimal disturbance to third parties, if any. • Unauthorised advertisements. • Untidy land issues. | Within 15 working days | 3 |

7.3 Should a complainant disagree with the priority allocated to their complaint, there is a right to request a review. All requests for a review into the priority allocated to an investigation must be put in writing to the Investigating Officer or Assistant Team Leader Development Management (Enforcement).

7.4 Once a request for a review is received by the Council the complainant will be informed, in writing, of the Council's decision and reasons within 10 working days. All reviews will be conducted by the Group Manager (Development Management and Planning) in consultation with the Assistant Team Leader Development Management (Enforcement).

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8. The investigation of alleged breaches

- 8.1 The first stage of any investigation is to determine whether or not there has, in fact, been a breach of control. If there is no breach of planning control, the investigation can be concluded with no further action being necessary. However, if there is a breach of control, further considerations need to be made.
- 8.2 Under the Town and Country Planning Act 1990, it is **not** an offence to carry out development without first obtaining planning permission. Negotiation should always be the first step in addressing the situation where a breach of control has been identified. However, there are going to be certain cases where negotiation does not work or where it is unrealistic from the outset to pursue this line.
- 8.3 The Initial assessment for investigating alleged breaches is as follows:
- a) On the day that either a complaint or information is received about a possible breach of planning control it will be passed to a member of the planning enforcement team. An officer will review the information and decide whether or not it is a planning matter. If it is not an issue covered by planning legislation then it may be possible to pass it to another department of the Council or external agency for attention.
 - b) If it is established that the matter is planning related then an enforcement file will be created and research carried out concerning the planning history of the land/building in question. This may often be enough to satisfy the Council that a breach has not occurred. For example, if planning permission had already been granted for the alleged works.
 - c) Once a new enforcement file is opened a site visit will be undertaken by an enforcement officer within the specified time period as set out in table 1 above. If it is decided that no breach of planning control has taken place the file will be closed.
- 8.4 If a breach is found to have taken place then a number of options are available depending on the nature of the breach.
- a) Negotiate/mediate with the individual or business. This may result in the submission of a planning application if it is considered that the breach can be resolved in this way. If it is clear that unauthorised development is unacceptable when judged against the policies of the development plan and other material factors, and therefore unlikely to be supported by officers, submission of a planning application will not be appropriate and the Council may then take formal action. This should be made plain to the transgressor.

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- b) Send warning letters **within 10 days of site visit** – usually to confirm verbal advice.
- c) If a planning application is received in response to a visit from an enforcement officer it will be passed to a planning officer to deal with it. The complainant and other interested parties will be consulted on the planning application in the normal manner. Approval of the application may result in no further action being taken, however any conditions attached to a permission will be closely monitored to ensure compliance.
- d) If no planning application is received **within 30 days of requesting it** the Council will then consider whether the option of taking formal action is expedient and proportionate. If it is not then no further action will be taken. If a submitted planning application is refused then a negotiated settlement will be attempted prior to commencing formal enforcement proceedings.
- e) If negotiation to try and remedy a breach fails following receipt of information requested (through a Planning Contravention Notice) or a planning application has been refused and enforcement action is considered to be expedient then an appropriate statutory notice will be prepared **usually within 28 days of receiving authority to proceed**.
- f) Statutory notices relating to enforcement action will vary in timescale depending on the complexity and importance of the matter. The enforcement team will then serve Notice on the offender either by recorded delivery post, by the erection of the notice on site, or in person, whichever is deemed to be appropriate to the case.
- g) An appeal can be made by the offender to the Secretary of State (via the Planning Inspectorate). The Inspectorate appoint an independent Inspector to deal with the matter in much the same way as a planning appeal against the refusal of planning permission is dealt with. If an appeal is lodged then the Notice is suspended while the appeal is being determined
- h) If an appeal has been lodged and is dismissed by the Inspector or if the offender has not chosen to appeal, then the Council will monitor the breach during the compliance period. If full compliance is achieved then no further action will be taken. However, if the offender does not comply with the Notice by the expiry of the compliance period then work will commence on preparing evidence to support prosecution, direct action or an injunction.

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9. The reporting of breaches of planning control

- 9.1 To reiterate, the taking of formal enforcement action is at the discretion of the Local Planning Authority and all action must be proportionate to the breach that has taken place. Therefore, where there is a clear identified breach of planning control, which a developer does not wish to regularise through carrying out remedial works or seek to regularise by way of an application, the investigating officer must assess the expediency of taking formal enforcement action. The same considerations must be made in respect of retrospective applications that have been refused, although it follows that the planning merits of such cases would have already been considered.
- 9.2 It is ultimately the decision of the Group Manager- Development Management and Planning (with referral, where appropriate, to the Assistant Director (Legal, Democratic and Regulatory)) to take or not to take enforcement action, under the Council's Constitution at Part 3, para 2.3.3 of the Scheme of Delegation to Officers.
- 9.3 In cases where planning permission has been granted at the Development Control Committee, it will be for DCC to determine whether it is expedient or not to enforce against any unauthorised deviation in the development. It is also open to the Group Manager- Development Management and Planning to refer matters to DCC for determination where the post holder considers this to be in the public interest.

10. Expediency of Enforcement Action

- 10.1 In considering the expediency of taking formal enforcement action, the investigating officer must consider whether such action would be in the public interest. The investigating officer must judge the overall impact of the unauthorised development, doing so with reference to national and local planning policies as set out in the Development Plan and to any other material considerations. If a breach does not result in 'demonstrable harm', (because planning permission would be likely to have been granted for the development in any event) then a report must be prepared for the consideration of the Group Manager - Development Management and Planning, fully justifying this approach with reference to the relevant planning policy and clearly setting out why it is proportionate to take the action proposed.
- 10.2 Where development is considered to be inappropriate and cause 'demonstrable harm' in planning policy terms, a report seeking authority to take formal enforcement action is prepared for the consideration of the Group Manager - Development Management and Planning. It is important to note that Enforcement investigations vary in complexity and as a result time scales given to transgressors for completing remedial works varies significantly.

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- 10.3 If the Investigating Officer concludes that there has been a breach of planning control the Officer will contact the owner of the site immediately and inform him/her of the situation. An enforcement notice should be the last resort. Before issuing an enforcement notice the Investigating Officer will consider alternative options such as the submission of a planning application, demolition or stopping the use on site etc.
- 10.4 In some cases it may not be expedient to issue an enforcement notice. If development has taken place without the benefit of planning permission the Group Manager - Development Management and Planning will make the decision not to issue a notice and determine that it is not expedient to take action and no further action is necessary. All interested parties are informed if this decision is taken.
- 10.5 Where the Council's initial attempt to persuade the owner or occupier of the site voluntarily to remedy the harmful effects of unauthorised development fails, negotiations should not be allowed to hamper or delay whatever formal enforcement action may be required to make the development acceptable on planning grounds, or to compel it to stop (the statutory time limits for taking enforcement action must be considered).

11. Taking action

- 11.1 If it is decided to issue an enforcement notice there is strict time limit for service of copies of the enforcement notice. The legislation states that the service of a notice shall take place:
- (a) not more than 28 days after its date of issue; and
 - (b) not less than 28 days before the date specified in it as the date on which it is to take effect
- 11.2 The enforcement notice must specify the date on which it is to come into effect; after which date no appeal can be submitted. Once the notice takes effect the owner of the site will have a specified time limit (usually between 28 days and 12 months) to carry out the required works.
- 11.3 It should be noted that an enforcement notice can be appealed; it is the responsibility of a Planning Inspector (appointed by the Secretary of State for Communities and Local Government) to hear/determine appeals. If an Enforcement Notice appeal is submitted to the Planning Inspectorate, a member of the Planning Enforcement Team will represent the Council. If a member of the public has expressed an interest in an Enforcement Case they would be informed of the appeal and how to participate in it.
- 11.4 If the owner of the site fails to comply with the requirements of the notice they are liable to prosecution. The Council has two available options: prosecution or injunction to aid in enforcing planning control. Any member of the public

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failing to comply with the requirements of an Enforcement Notice within the prescribed time would be informed prior to the Council commencing legal proceedings. It should be noted that it is very rare for the Council to apply to the Courts for an injunction; a prosecution usually succeeds in ensuring that the requirements of the notice are met.

12. Enforcement Options

There are a number of different notices and/or actions that are able to be taken by the Local Planning Authority. These can be summarised as follows:

- Enforcement Notice
- Breach of Condition Notice
- Stop Notice
- Temporary Stop Notice
- Section 215 Notice
- Injunctive Action
- Formal Cautions
- Planning Enforcement Order

13. Enforcement Notice

13.1 An Enforcement Notice is issued in the majority of cases where formal enforcement action is taken. It specifies the breach and sets out prescriptive steps, with specific timescales, for remedying the breach. A notice can be served in respect of:

- operational development
- material change in use of land,
- breach of a condition attached to an extant planning permission.

13.2 Such a notice must be served on the owners, occupiers and all other parties with an interest in the land that is materially affected by the service of the notice. This notice is also entered onto the local land charges, and is disclosed in the event that the land is sold or changes ownership, as the notice remains in place.

13.3 An Enforcement Notice must come into effect not less than 28 days after its date of issue. There is a right of appeal to the Planning Inspectorate, as set out under Section 174 of the Town and Country Planning Act 1990 (as amended) and such an appeal must be lodged before the notice comes into effect. Where an appeal is submitted, the requirements of the notice are held in abeyance until the appeal has been decided. It is normal procedure for the Assistant Team Leader (Development Management) to act as the lead officer when an appeal has been lodged under Section 174 of the Act.

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- 13.4 Failure to comply with the requirements of an Enforcement Notice is a criminal offence which is liable, on summary conviction, to a fine not exceeding £20,000 per offence, or on conviction on indictment to an unlimited fine.
- 13.5 Section 173A of the Town and Country Planning Act 1990 gives Local Planning Authorities the power to withdraw an Enforcement Notice issued by them. Equally, the Planning Authority may relax or waive any of the requirements of the notice or extend the time for compliance. This can be done both before and after the notice has taken effect and all parties to the Notice will be informed.
- 13.6 The withdrawal of an Enforcement Notice does not limit the Council from re-issuing or serving a further notice.

14. Listed Building Enforcement Notice

- 14.1 This is very similar to the Planning Enforcement Notice in that it specifies the unauthorised works to the relevant listed building, specifying requirements to take to remedy the harm within a set timescale. It can be served on its own – for example, where unauthorised works to a listed building only required listed building consent and did not require planning permission – or it can be served in conjunction with a Planning Enforcement Notice. As with the planning notice, there is a right of appeal against the Listed Building Enforcement Notice, with the appeal having to be made before the notice takes effect.
- 14.2 Works to a listed building without the appropriate consents is a criminal offence. A local planning authority has also been given an express power to apply to the court for an injunction where it considers it necessary or expedient to restrain any actual or apprehended breach of planning control. The power is available whether or not the authority has exercised or is proposing to exercise any of its powers to serve an Enforcement Notice.

15. Stop Notice

- 15.1 A Stop Notice can only be served with an Enforcement Notice, although the latter can be served on its own. The service of a Stop Notice is essential where the local planning authority considers it expedient to stop an activity before the associated Enforcement Notice comes into effect. It is used as a means of stopping development that is likely to result in irreparable harm to the environment or where ongoing activities are causing a major adverse impact on the amenity of adjoining landowners.
- 15.2 There is no right of appeal against a Stop Notice. An appeal against an Enforcement Notice will hold the requirements of that notice in abeyance, but the requirements of the Stop Notice to cease a particular activity remain effective. However, because a Stop Notice is preventing an activity from continuing, there is a risk that a claim for compensation could be made

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against the local planning authority. The Planning Enforcement Team will carry out a cost/benefit assessment to identify such a risk prior to the service of the notice. This will be based on the Council's Risk Management methodology.

- 15.3 Non-compliance with the requirements of a Stop Notice is an offence, punishable by a maximum fine on summary conviction of £20,000 and, on conviction on indictment, to an unlimited fine.

16. Temporary Stop Notice

- 16.1 This notice can be served before the issue of an enforcement notice and only lasts for 28 days after which it must be followed up by an Enforcement Notice and if required a full Stop Notice, the notice has a minimum period of 3 days to take effect and is usually used as an emergency measure to cease development that poses immediate harm to its local amenities. Non compliance with this notice is an offence and can result in prosecution.

17. Breach of Condition Notice

- 17.1 A Breach of Condition Notice (BCN) may be served where there has been a breach of a condition that is attached to an extant planning permission. There is no right of appeal against the service of such a notice, although it can be challenged by way of applying to the High Court for judicial review. The BCN will set out the necessary remedial action to ensure compliance with the condition being breached, with a minimum period of 28 days for compliance.
- 17.2 There are advantages and disadvantages to serving a BCN over an Enforcement Notice, and these are set out in detail within 'Enforcing Planning Control: Good Practice Guide for Local Planning Authorities'. However, where there is concern about the validity of a condition, the local planning authority is best advised to issue an enforcement notice that cites a breach of condition, therefore allowing the transgressor a right of appeal. This would prevent the need for a judicial review.
- 17.3 The penalty for breaching the requirements of a BCN is a maximum fine on conviction of £2,500.

18. Section 215 Notice

- 18.1 Where the Local Planning Authority is concerned about the condition of land or buildings, and where that condition is considered to be adversely affecting amenity, the Council is able to issue a notice under Section 215 of the Town and Country Planning Act 1990. This is sometimes known as an 'untidy land' notice. Not only can it require land or buildings to be tidied, it can also require the demolition of derelict buildings. It should be noted that the land in question should be visible from public vantage points and have an adverse

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impact on the amenity of the area for a Section 215 Notice to be served. There is a right of appeal against such a notice, but this is made to the Magistrates' Court.

19. Prosecution

19.1 The Council recognises the use of the criminal process to institute a prosecution as an important part of enforcement. It uses discretion in making such a decision because other approaches to enforcement may equally or more effectively resolve the matter. Where circumstances warrant, the Council will, however, pursue prosecution.

19.2 The Local Planning Authority will consider prosecution when one or more of the following applies:

- it is appropriate in the circumstances as a way to draw general attention to the need for compliance with the law;
- there is a risk to public health and safety as a consequence of the breach;
- the offence was as a result of a deliberate act or following recklessness or neglect;
- the approach of the offender warrants it, eg, repeated breaches, persistent poor standards;
- the breach is considered to seriously affect public amenity.

19.3 The decision to prosecute will also take account of the evidential and public interests and tests set down in the Code for Crown Prosecutors. These include:

- the age and evidence of the state of health of the alleged offender
- the likelihood of re-offending; any remedial action taken by the alleged offender.

19.4 Before an enforcement notice and/or prosecution is taken, the alleged breach or offence will be fully investigated and a report compiled by the investigating officer who will make a recommendation as to the appropriate course of action to be taken. This will be presented to the Development Control Committee for authority to proceed. Enforcement matters are dealt with in private. All Defendants will be notified of the decision.

20. Injunctive Action

20.1 Where the local planning authority deems it expedient to restrain any actual or apprehended breach of planning control it may apply to the High Court or the County Court for an injunction. Such an application can be made whether or

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not the local planning authority has exercised, or proposes to exercise, any of its powers to enforce planning control. The taking of such action is not to be taken lightly, but is critical where ordinary enforcement powers are unlikely to stop unauthorised activities.

20.2 Failure to comply with the terms of an injunction is in contempt of court. The court has discretion to imprison anyone found to be in contempt, or to administer an unlimited fine.

21. Formal Caution

21.1 The Local Planning Authority will consider Formal Cautions as an alternative to prosecution. Examples of where they may be appropriate are:

- to deal quickly and simply with less serious offences;
- to divert less serious cases away from the court process;
- to deter repeat offences.

22.2 Before a caution is administered the officer will ensure:

- there is evidence of the offender's guilt sufficient to sustain a prosecution;
- the offender admits the offence;
- the offender understands the nature of the formal caution and agrees to be cautioned for the offence.

22.3 Formal cautions are administered in accordance with Home Office guidelines.

23. Planning Enforcement Order

23.1 Section 171BA of the Town and Country Planning Act 1990 allows a local planning authority that discovers an apparent breach of planning control to apply to a magistrate's court for a planning enforcement order, within six months of discovery. That order allows the authority an 'enforcement year' in which to take enforcement action, even after the time limits in section.171B of the *Town and County Planning Act 1990* have expired.

23.2 Planning enforcement orders can only be made by a magistrate. In assessing the local authorities application for a planning enforcement order the magistrate's court may make a planning enforcement order only if it is satisfied, on the balance of probabilities, that the "actions of a person or persons have resulted in, or contributed to, full or partial concealment of the apparent breach or any of the matters constituting the apparent breach. The court must also consider the application just to make the order.

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24. Procedure for issuing notices

- 24.1 Once authority has been granted to take formal enforcement action, it is for the Investigating Officer to draft the appropriate notice and to prepare all of the necessary paperwork.
- 24.2 The issue and service of all Enforcement Notices is the responsibility of the Planning Enforcement Team. Where the matters being enforced against are complex in their nature, this will involve liaison with the Council's legal department.
- 24.3 All other notices are drafted by the Investigating Officer, but are actually issued by the legal department.
- 24.4 A copy of the relevant notice is retained and is logged on the Council's Enforcement Register, which is held and maintained by the Planning Enforcement Team.

25. Monitor the Implementation of Planning Permissions

- 25.1 Once planning permission is granted, you may need to get formal approval of any details required by conditions. It is therefore imperative that land owners carefully read their permission once it is received ensuring that works do not commence on site in breach of planning conditions.
- 25.2 The onus is on the land owner or developer to make sure that all the necessary consents are in place before work starts, and to make sure that all the conditions are complied with. The Development Management department will not write to you reminding you of your responsibility to discharge conditions.
- 25.3 There is currently no requirement to inform the Development Management Team when work will start on site, however, you will have to notify our Building Control Service that you are going to start building works.
- 25.4 Commencement Lists are produced weekly by the Council's Building Control Department setting out what developments are scheduled to commence that week. A copy of these lists are checked by the Planning Enforcement Team against planning application decisions ensuring that;
- All pre commencement conditions have been discharged and;
 - All financial contributions that formed part of a section 106 agreement required prior to commencement of development have been received by the Council.

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25.5 If conditions have not been discharged or contributions paid, a new investigation is opened and conducted in accordance with the process set out above.

26. Review of the Local Enforcement Plan

26.1 The Council will review this plan from time to time and at least every three years, in response to changes in legislation, relevant enforcement guidance and the Council's procedures.

26.2 This document is not subject to formal public consultation. However, comments on this document will be welcomed and will be considered as part of the review process, (please email comments to planning@dacorum.gov.uk).

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