

This leaflet provides guidance on how breaches of planning control are dealt with.

Why does the Council have a Planning Enforcement Service?

Unauthorised development can have adverse consequences and undermine confidence in the planning system. We are committed to the effective and efficient enforcement of planning control providing a system that is fair, balanced and accessible to all.

We will:

- Investigate all reasonable complaints
- Prioritise complaints according to their urgency and the potential harm
- Take enforcement action where considered appropriate to remedy harmful consequences and when it is in the wider public interest
- Allow acceptable development to take place even if it was initially unauthorised
- Take action that is timely, proportionate, and reasonable
- Carry out all enforcement duties openly, fairly, helpfully, and consistently.



What happens when unauthorised works/uses happen?

Anyone can make an Enforcement Complaint. Alternatively we may notice unauthorised works/uses ourselves. The Planning Enforcement Team or the Planning Case Officer will investigate the complaint and in some cases other Council Services e.g. Environmental Health, or outside agencies e.g. the Environment Agency, will be advised.

We will keep the owner/occupier and all complainants (hereafter referred to as 'both parties') updated at all key stages.

What happens during the investigation?

Enforcement complaints are prioritised into High, Medium and Low and the investigation time can vary from a few days to several months if we need to monitor a site or carry out in-depth research.

We will:

- Carry out a desk top check to see if planning approval was needed or obtained
- Visit the site, sometimes with the owner/occupier
- Inform both parties of our initial findings and any actions to be taken
- Set a timescale in which to carry out any requirements
- Keep both parties informed at key stages

What is the result of the investigation?

- If planning permission is not required we will advise both parties and close the case
- If the works/use took place a long time ago (4 years for dwellings/building operations, 10 years for use) the owner/occupier may submit a Certificate of Lawfulness for legal determination and if they have sufficient proof it may be immune from enforcement action
- If planning permission is required and likely to be approved we may advise the owner/occupier to make a retrospective planning application to regularise the situation
- If planning permission is unlikely to be granted we will not ask for an application to be submitted but the owner/occupier may decide to do so anyway. We would normally await the decision of any application before commencing enforcement action. If refused we would commence enforcement action without waiting for any appeal to be made
- In serious and time critical situations we may proceed directly to enforcement action.

What Enforcement Action will the Council take?

The majority of enforcement investigations are resolved without the need for formal enforcement action. However, any unauthorised works are at risk of enforcement action which will show on any Local Search carried out on the property in the future, even if it is complied with.

The owner/occupier will be advised to remove the development or cease the use within a set period of time. If this does not happen then we may:

- Serve an Enforcement Notice setting out the steps to be taken and the time period allowed for compliance with these steps. There is a right of appeal to the Planning Inspectorate within 28 days of the date the notice comes into effect.
- If the issue relates to a condition on a planning application we will serve a Breach of Condition Notice. There is no right of appeal against a Breach of Condition notice and the Council can prosecute against failure to comply with the notice
- If the breach is resulting in serious and irreversible harm we may serve a Stop Notice or Temporary Stop Notice immediately whilst the Enforcement Notice is being issued.
- At the end of the compliance period we will visit the site to ensure the Enforcement Notice has been complied with.

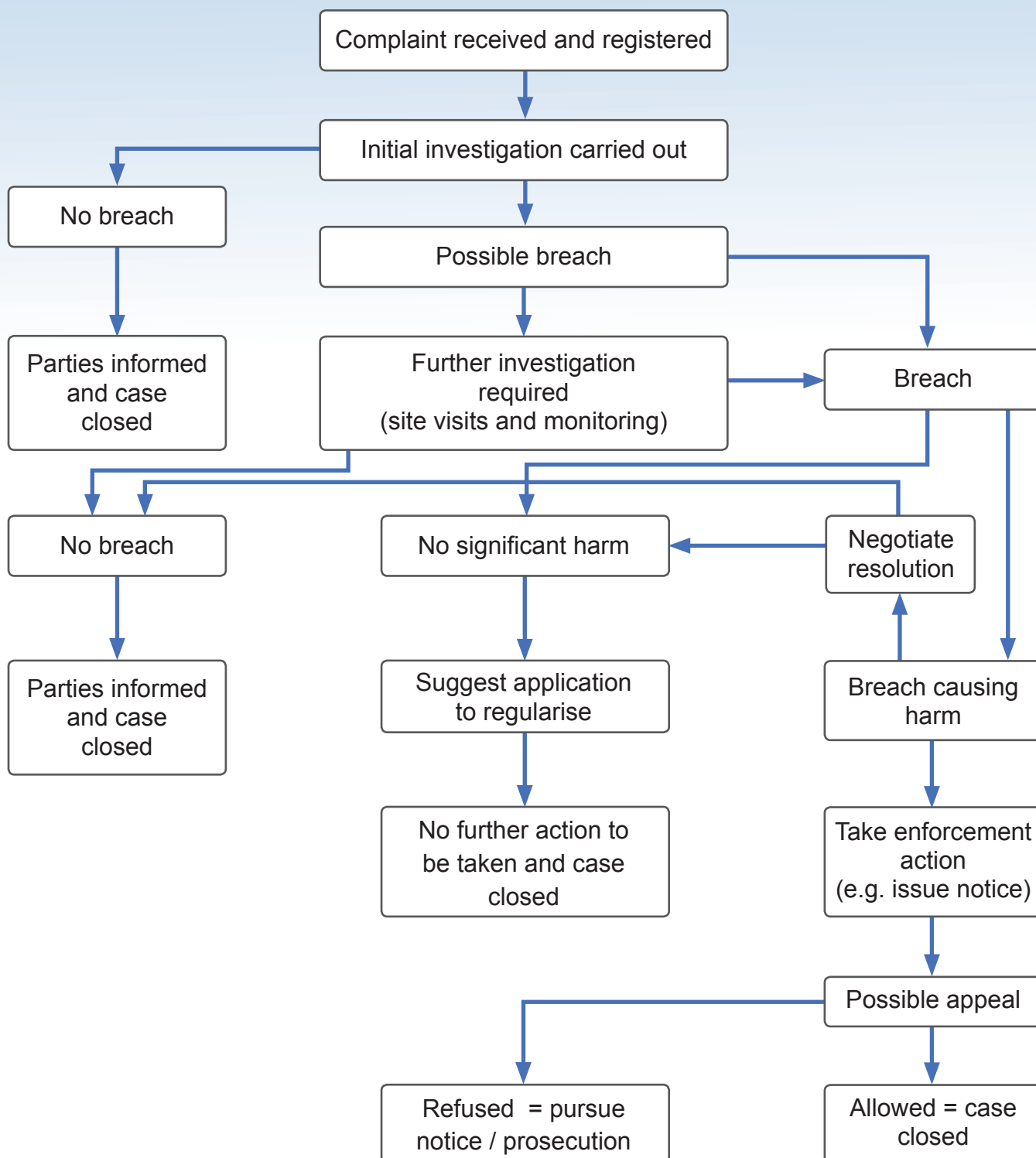
What other action can the Council take?

- Serve a Listed Building Enforcement Notice for Listed Buildings
- Serve an Untidy Land Notice for neglected land and buildings which are seriously unkempt or derelict.
- Prosecute with heavy fines for unauthorised works to protected trees
- Remove unauthorised advertisements and hoardings.

What if the notice is not complied with?

- It is a criminal offence and we may decide to prosecute with a maximum fine of £20,000 through the Magistrates Court or unlimited if tried in the Crown Court.
- The decision to prosecute will depend on the strength of evidence and the public interest served. Prosecution must be in the interests of justice and not solely to achieve a conviction
- An injunction may be sought with more severe penalties if the offence continues
- The Council may take direct action in exceptional circumstances

Planning Enforcement Process



If you have any queries regarding a planning enforcement matter:

Tel: 01626 215700

Email: planning@teignbridge.gov.uk

Web: www.teignbridge.gov.uk

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If you need this document in another language, print size or colour, braille, BSL, as an e-mail attachment, MP3 file or disc - phone 01626 215818 or e-mail info@teignbridge.gov.uk

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