



Planning Advice Note 2

Enforcement Policy

Introduction and Aims

The Council recognises the need for effective enforcement of planning control to protect the built and natural environment.

It is accepted that offences under planning law will inevitably occur. This policy sets out the approach to enforcement and subsequent monitoring of development.

Legislation

Specific guidance on planning enforcement can be found in Welsh Assembly Govt TAN 9, 'Enforcement of Planning Control', Welsh Office Circulars and acts of Parliament.

The Council's development plan is a key document and will be used as a guide when making decisions.

Enforcement powers are discretionary and the Council will only use these powers if it is satisfied that it is in the public interest.

As part of our service

Our office is open from 8:30 to 17:00. We try to ensure that there is a member of the enforcement team available to give advice during these times. Outside these hours, you will still be seen if an officer is available.

We provide a service that is both proactive and reactive. This means we look for breaches of planning law as well as monitoring building sites and responding to complaints.

The Council will take action proportionate to the level of harm involved.

The enforcement service will be fair, transparent, consistent and accessible.

Monitoring

All planning permissions are checked to ensure all conditions are complied with. Monitoring officers will regularly visit a site whilst work is ongoing to ensure that the development is being carried out in accordance with the approved plans.

If works appear to be on stop for 3 months or more whilst being monitored, a letter will be sent to the developer requesting them to contact the Planning Office when works resume to continue monitoring until completion.

Upon completion, files are closed by a senior officer.

Handling Complaints

- Complaints can be made by a member of the public, Council Member or Officer.
- They will be accepted in writing, telephone, email or in person.
- The complainant should provide a precise location, alleged breach, offender and any other supporting information.
- The complaint will be registered and assigned to an officer within 5 working days.
- A site visit will normally be undertaken within 10 working days.
- Complaints will remain confidential at this stage.
- The complainant will be advised of the action to be taken and will be updated accordingly.
- If the complaint being investigated is permitted development, then the reason shall be noted on file, the complainant informed and the case closed.
- Closed cases are signed off by a senior officer and reported to Planning Committee for information.
- If there is a breach of planning control, officers will establish if the breach is immune from enforcement action. If it is immune, it will be recommended that an application for Certificate of Lawfulness be made to regularise matters.

- If a breach of planning control is established and it is not immune, the Council (or appropriate officer) will decide if it is expedient to take enforcement action.
- If it is found that the complaint would be more appropriately dealt with by another Section within the council, the complaint will be passed on to that team and the file closed.

Order of Priorities

1. Complaints where there is an approaching time deadline or risk of serious irreparable harm to buildings (especially listed buildings or in a conservation area) or the natural environment.
2. Ongoing breach of enforcement or other notice.
3. Serious harm affecting a wider area.
4. Other minor breaches of planning control.

NB Anonymous complaints will normally be treated as priority 4.

Possible Outcomes

Planning Committee may decide that no further action is appropriate. In this scenario, the owner and/or the developer will be advised that future local land searches will reveal that an unauthorised development has occurred. This may cause difficulties on future conveyances.

Where there is a *reasonable* prospect of a

successful outcome for the applicant, the Council will request the submission of a retrospective planning application.

The Council will seek to negotiate a resolution of the breach of planning legislation. However, when it is necessary, the Council will take appropriate enforcement action.

The Council may issue a variety of notices in order to regularise breaches; Section 16 Notice, Planning Contravention Notice, Breach of Condition Notice, Enforcement Notice, Section 215 Notice, Discontinuance Notice, Completion Notice, Temporary Stop and Stop Notices and Injunctions. For further information on these notices contact our Enforcement Team.

Notices will be served on the person responsible for the breach and other interested parties for information.

Time Scales

This will vary from case to case depending on the nature of the breach and the enforcement action taken. However the Council aims to resolve a breach either by taking formal action or receiving a retrospective application within 12 weeks of receiving a complaint.

Rights of Entry

Under the Council 's delegated powers, officers

have a specific right of entry onto land.

Appeals

All appeals will be rigorously defended.

Making a complaint about the service

We will try to address any complaint made. However if you are dissatisfied with our response please contact the Officer who dealt with your case. If you are not satisfied with the response, you should contact the Head of Service via the general enquiries number below.

Welsh Language

The Council conducts its business in the medium of English. However we treat the Welsh and English languages with equality. If you wish your complaint to be dealt with through the medium of Welsh please inform your case officer.

Contacts

- General Enquiries
01495 355555
planning@blaenau-gwent.gov.uk
- Enforcement Enquiries
01495 355513/355571
- Monitoring Enquiries
01495 355821/355814
- Web site
www.blaenau-gwent.gov.uk

Other titles in this series are...

- PAN 1** Public Speaking at Planning Committee
- PAN 2** Enforcement Policy
- PAN 3** Planning Charter
- PAN 4** Scheme of Delegation
- PAN 5** Publicity for planning applications

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