

PLANNING ENFORCEMENT

ADVICE TO THOSE REPORTING POSSIBLE BREACHES



The Need for Planning Permission

The construction of new buildings, extensions to buildings, or changes of use of land or buildings may require planning permission from the Council.

This does not mean that doing something without permission is an offence that will mean immediate action from the City Council. This is explained in more detail later on.

There are some works, which are permitted by national regulations and known as 'Permitted Development'. This commonly applies to house extensions, domestic outbuildings and minor works such as small walls and fences. Similarly not all changes of use require planning permission.

Breaches of Planning Control

Unauthorised works or changes that need planning permission may involve a breach of planning control. This can include:

- works being carried out without planning permission
- unauthorised changes of use of land or buildings,
- not keeping to conditions imposed by a planning permission,
- works significantly different from the approved plans
- works to a listed building or a protected tree without the proper consent
- Displaying certain advertisements without the necessary consent

Things That Are Not Breaches Of Planning Control

- Alterations, extensions and outbuildings to houses which are “permitted development”
- Use of someone’s own home for business use if there is no significant change of use (“working from home”)
- parking of vehicles on the road or on grass verges (unless associated with an unauthorised use of a property)

- clearing land of undergrowth, bushes and trees provided they are not subject to a tree preservation order or other protection
- disputes about boundaries, damage to private property, or the blocking of rights of way

How to Complain about a Suspected Breach of Planning Control

Contact details are given at the end of this leaflet.

When you report a breach please give as much detail as possible with relevant dates, times and other details where known.

We will need the precise location of the site or property, the exact nature of concern, and the harm being caused to you or others.

If you want your local Councillors to be aware of your concern, their names and contact details can be found by telephoning Members Services on (0116) 454 6360, or on the internet at <http://www.leicester.gov.uk/councillors-democracy-and-elections>

Confidentiality

All investigations are carried out on a strictly confidential basis and we will not reveal a complainant's details without their permission. With serious breaches of planning control, which warrant prosecution, or which result in an appeal, the complainant may be invited to give a witness statement if their evidence is considered crucial. Such involvement is on a voluntary basis.

We will also respect the confidentiality of anyone who may be involved in the alleged breach. We will therefore not be able to reveal full details of our investigation to a complainant.

Anonymous Complaints

If we do not have details of your name and address we will not be able to inform you of our findings and we will not be able to contact you to get further details.

We do not normally contact complainants by telephone; however a daytime telephone number is sometimes useful if we need to contact you for further information or arrange a visit.

If we have a name and address we can have more confidence that a report of a breach is genuine rather than malicious.

What we will do

- All non - anonymous reports of possible breaches of planning control will be acknowledged within three working days

- We will give you the name of the assigned case officer
- We will give you a case number for your complaint
- We will consider every case carefully and consider what action could be taken
- If we think that the matter could be dealt with by another part of the Council we will inform you and ask that Service to look at your concern and advise you further
- An enforcement officer will usually make a site visit and may also need to visit your property
- We will advise you of the outcome of our investigation as soon as possible – if the matter is relatively straightforward we would aim to do this in about three weeks.

When The Council Will Take Enforcement Action

The precise form of any enforcement action depends on the individual case and on legal advice.

Regardless of any harm caused, we will only be able to take action if the development is unauthorised or otherwise unlawful.

Why The Council Might Not Take Any Action

- The development or activity may not need planning permission (This is often the case).
- Planning permission is likely to be given.
- The development has been there or the activity has been going on for so long that it is immune from enforcement action (10 years for most uses, four years for buildings).
- Although in breach of planning control, the development or activity taking place is not causing enough harm to justify taking action.
- There is insufficient evidence of a breach of planning control

The Government says that Councils must only use enforcement powers where the unauthorised development is causing significant harm. The Council therefore will not take action if it considers the breach to be insignificant or that the harm caused does not justify formal action.

What happens next?

Most cases are resolved through discussion and negotiation and often it turns out that there is not a significant breach of planning control.

If there is a significant breach, we consider that planning permission would not be given and that significant harm is being caused, we would proceed with the

serving of an enforcement notice. In most cases the person responsible will be warned of this and advised to stop the activity or put the matter right.

If planning permission is required, the person involved in the breach is entitled to make a planning application. If an application is submitted you will be able to comment on the application. If you are an adjoining neighbour you will normally be sent a letter inviting you to comment on the application.

If planning permission is refused and it is decided that the development is sufficiently harmful in planning terms, appropriate enforcement action will be taken.

However, there is usually a right of appeal against enforcement action to Central Government. Most people will exercise this right and at that stage, the Council must justify its action.

If an appeal is made, any enforcement action is suspended and the use can usually carry on or the building remain until the appeal is decided.

If the person in breach does not comply with a notice the Council can prosecute those responsible.

How long will an investigation and any subsequent action take?

In many cases the City Council will not be able to ensure that any problem is resolved immediately.

The City Council must follow statutory procedures during its investigations and any formal action. The time to fully investigate a complaint varies according to the nature of the unauthorised development and the individual circumstances.

Some matters can take several months to resolve, particularly if an appeal is lodged against an Enforcement Notice.

How to contact us

The Compliance and Monitoring Team is part of the Planning Service based at the City Council, City Hall, 115 Charles Street, Leicester LE1 1FZ; however please be aware that the officer will quite often be out of the office or otherwise unavailable and is unlikely to be able to see you in person without an appointment. You should therefore contact the office by letter, phone or e-mail. The contact details will be given in our acknowledgement letter or you can contact us through the Customer Service Line (0116) 454 1000 e-mail customer.services@leicester.gov.uk or visit the City Council web site www.leicester.gov.uk