

The priorities for taking enforcement action are:

1. Alleged unauthorised works to trees protected by a Tree Preservation Order or trees within a Conservation Area.
2. Alleged unauthorised works to a Listed Building.
3. Any alleged unauthorised development/ activity within the Green Belt.
4. Any alleged unauthorised development or activity causing, or which could cause, irreparable harm and which could be halted by prompt action.
5. Any alleged unauthorised development or activity within a Conservation Area.
6. Any alleged unauthorised development, breach of planning conditions or activity which has caused or may cause a considerable harm to neighbours' living conditions, the appearance of an area, or is unacceptable in itself and is unlikely to be granted planning permission.

What action can the Local Planning Authority take?

Once the Council is satisfied that a breach of planning control has taken place there are a number of options available, one or more of which may happen at the same time:

- Try to negotiate a solution – perhaps relocation or an amended design (of unauthorised building works).
- Ask for a planning application to be submitted to regularise the breach.
- Issue a Planning Contravention Notice requiring information about the breach of planning control
- To consider issuing an enforcement notice to remove or modify the breach.
- To serve a breach of condition notice.

- When extreme harm is being caused, possible services of a stop notice to cease the activity immediately.
- To consider seeking an injunction.

If the breach cannot be resolved voluntarily and more formal action is required, matters will be considered by the elected members of the appropriate committee.

How long will it take?

Planning Enforcement is one of the most technically complex parts of development control. Dealing with enforcement cases can be a lengthy process. If enforcement action is necessary and prosecutions follow it can take many months and, on occasions, years to complete.

In part, this is because there are rights of appeal against some forms of action and certain periods which must be allowed for compliance with notices. Where notices are not complied with, a criminal offence is committed and prosecution can be brought in the Magistrates or Crown Court.

If you have lodged a complaint, we will endeavour to keep you informed on a regular basis.

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WHAT IS PLANNING ENFORCEMENT?

Your guide to planning enforcement



London Borough
of Hounslow

What is Planning Enforcement?

Most people are affected by planning decisions in one way or another. If development is carried out without planning permission or without properly following the detailed plans that have been approved by the Local Planning Authority, serious harm can sometimes be caused to the way in which people live. Residents and businesses have a right to expect that harmful activities, where there is a breach of planning control, are dealt with effectively.

The purpose of this leaflet is:

- To explain how the Local Planning Authority can help and;
- To explain how you can help the Local Planning Authority in dealing with possible planning breaches.

What is the role of the Local Planning Authority?

Parliament has given responsibility for dealing with breaches of planning control to the Local Planning Authority. Hounslow Council is your local planning authority. The decision whether to take enforcement action is at the discretion of the Local Planning Authority. The Authority will not always be able to take action and any decision will depend on the particular circumstances of the case.

Carrying out work or changing the use of land or buildings without planning permission is not a criminal offence. In many cases the Local Planning Authority may invite applications for retrospective planning permission in order to consider the development and gauge the views of those affected. However, in certain cases where serious harm is being caused, the Council will take immediate action.

When should the Local Planning Authority take action?

In some cases there may not be a breach of control because:

- The activity or use falls within the limits allowed by Government legislation and is "Permitted Development" i.e. the Council's express permission is not required for the development or activity. In this instance an application for a Certificate of Lawfulness may be invited to confirm this formally.
- Planning permission or a Certificate of Lawfulness has already been granted for the development or activity.
- The development or use does not fall within the definition of development and therefore cannot be dealt with under planning legislation.

The Local Planning Authority must have regard to Government advice when dealing with enforcement issues.

This means that:

- The decisive issue for the Local Planning Authority must be whether the breach of control unacceptably affects public amenity.
- It is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to amenity.
- Action should not be taken against acceptable development that would otherwise be granted planning permission.

What information will the Local Planning Authority need?

At all stages of enforcement, the Local Planning Authority will depend on your local knowledge to supplement its official records and notes of inspections. When you first approach the Local Planning Authority it would be useful to supply as much information as you can (**ideally in writing and, where appropriate with photographs**) about the current and previous situation including:

- What the activities are and the exact address and location of the building or site.
- When the activities started, and whether they are still continuing.
- The approximate dimensions of any new building works.
- The names and addresses/phone numbers of any owners, occupiers or builders involved.
- Details of any problems caused e.g. noise, traffic, smells.
- In the case of possible unauthorised use, the frequency of the activity.

All enquiries are kept confidential, your name will not be disclosed

What happens after I have made my enquiry?

Every enquiry is recorded. If the development breaches regulations an officer will:

- Try to contact the owner or occupier to discuss the alleged breach.
- Make an initial site visit and;
- Let you know in writing what action can or cannot be taken.

Each case will be individually assessed to determine what harm is being caused. This will help us decide whether it should be dealt with as a priority.

What are Planning Enforcement's Priorities

Planning Enforcement each year receives over 1000 enquiries. Because of the cost of an action against a breach of planning control, which may require a lengthy investigation, site surveillance and legal action over many months, the Council has to give priority to those cases where greatest harm is being caused.