How long does the Enforcement Process take?

This section describes the procedure followed when the council has to take formal action following a breach of planning control.

The Government advises that any decision whether or not to take formal action is within the council’s sole discretion. We must base our decision purely on rational factors. And taken with full and proper consideration of the relevant facts and planning issues.

We will only use enforcement action as a last resort.

Therefore, in line with this advice, the person(s) responsible for a breach of planning control will be advised of what action needs to be taken to remedy the breach. We will also advise them of the council’s powers should they fail to do so.

Following the initial investigation, if you have made a complaint, we will advise you of its findings. And of the course of action it has suggested the persons concerned should follow.

We’ll do this within twenty working days of deciding on a course of action.

The possibilities

If we find a breach of planning control we will advise of this accordingly.

And if we receive a retrospective planning application, we’ll let you know. We will inform you of the application reference number. You will be able to inspect the plans. And also have an opportunity to comment on the application. This is in line with the council’s routine neighbour notification procedures.

The business unit manager of the council’s Development Control service has delegated powers.

This means that he/she can authorise enforcement action. These powers are available if negotiation doesn’t resolve the breach or if immediate action is needed for serious breaches.

If the breach doesn’t result in serious harm, we’ll let you know that it’s not always suitable to take formal action. And we’ll explain to you why this is the case. We’ll do all of this within five working days of the decision.

If we issue an enforcement notice, or any other form of notice, we’ll let you know within five working days.
**Right of appeal**

An enforcement notice must allow a period of at least five weeks before it comes into effect. This is in order to allow for the statutory right of appeal.

If no one appeals during this time, the notice comes into effect. There will be a period for compliance.

This can vary from one month for minor works to six months for certain changes of use or land restoration.

Sometimes we allow more than six months. But these are only in exceptional cases. The recipient of the notice has the right to appeal against it. Appeals can be made via the Planning Inspectorate website. The notice does not come into effect until the appeal is determined.

You should beware though that some appeals can take up to a year to be heard. This is especially so if there’s a public inquiry.

**Prosecution**

Prosecution proceedings can only take place after the notice has come into effect and there is continued failure to comply with its requirements.

In rare cases we can take direct action to solve a breach of planning control.

In these cases a report would normally go to the Planning Committee. Time would then get allocated for all the arrangements to be made. Such as engaging contractors to demolish buildings or remove materials from the site.

Because this procedure involves entering and removing private property against the owner’s will this power is subject to legal constraints and is rarely appropriate.