

YOUR CUSTOMER CONTRACT FOR

PLANNING ENFORCEMENT

The City of York Council is responsible for the enforcement of planning legislation throughout the City. Enforcement is necessary if the public's confidence in the planning system is not to be undermined. We want to provide a service that is fair and effective within the scope of the legislation.

This Customer Contract lets you know:

- What you can expect from us if you report an alleged breach of planning control.
- What we will require from you.
- What to do if there is a problem.

We promise to:

- Acknowledge your complaint within 5 working days.
- Treat all complaints as confidential unless otherwise agreed.
- Visit the site of the alleged enforcement issue within 10 working days.
- Let you know what we are doing about your complaint within 20 working days.
- Where formal legal or enforcement action is to be taken let you know before the action is commenced.
- When a case is concluded let you know of the outcome within 10 working days and give the reasons for the decision.

If we fail to keep our promises let us know so that we can put matters rights.

Dave Merrett
Executive Member for Planning, Transport and Environment

Roy Templeman
Director of Environment & Development Services

Some frequently asked questions

What power does the Council have to take action?

It is not an offence to carry out work without the necessary planning permission but any work is done at the owners risk and may have to be removed or reinstated as a result of the Council taking enforcement action. Parliament has given Councils the power to act where it is causing serious harm to public amenity but not where the matter would have received planning approval. The Council has discretion to decide whether it is expedient to take action given all the circumstances and the degree of harm being caused.

Where works to a listed building are carried out without consent or works done to a tree covered by a Tree Preservation Order then prosecution is an option.

Can anyone else take enforcement action?

Private citizens or other organisations cannot take planning enforcement action, although they may have some redress under civil law, e.g. through restrictive covenants.

Will action always be taken on my alleged breach of planning control?

The guidance from Government is that enforcement action should only be taken when the breach of planning control is significant. It is not usually appropriate to take formal enforcement action against a small or technical breach of control which causes no harm.

Where there is a breach of control, the Council will normally first try to persuade the owner or occupier to stop work and seek permission.

Enforcement action will be taken where the development cannot be made acceptable and the owner will not co-operate with the Council in achieving a satisfactory solution.

Action on anonymous complaints will not normally be taken unless it is considered in the Officer's opinion to cause serious harm to local amenity or public safety.

What priority will be given to my complaint?

Prioritising complaints

All complaints will be dealt with as quickly and efficiently as possible. However, the nature of each case will decide the degree of urgency and speed with which it is handled, according to the following categories.

Immediate action will be taken on:

- Unauthorised demolition or partial demolition of a building which it is considered essential to retain.
- Unauthorised works to trees covered by Preservation Orders, or significant trees within a Conservation Area.
- Other cases which have reached a critical stage.
- Action will normally be taken the same day that the complaint is received.

Priority 1 will be given to dealing with:

- Unauthorised works to a listed building.
- Unauthorised development, non-compliance with a planning condition or limitation or other planning agreement which is causing significant immediate harm.
- Cases which should be investigated in case of serious harm to a local amenity.
- Action will normally be taken within 2 working days.

Priority 2 will be given to dealing with:

- Unauthorised development or uses which have been undetected until a complaint was received, and where the time limit for enforcement action will expire within the next six months.
- Display of illegal advertisements where there is a serious harm to amenity or highway safety (unauthorised signs within the highway boundary will be dealt with by the Highway Authority).
- Action will normally be taken within 5 working days.

Priority 3 will be given to dealing with:

- Other cases not falling in any of the above categories.
- General monitoring of conditions, planning agreements and development work and cases requiring a final check.
- Action will normally be taken within 10 working days.

Why does enforcement often seem to take a long time?

There are several reasons:

- Some complaints require extensive investigation to be clear if there is a breach of control, e.g. a change of use of premises.
- The advice that Local Authorities get from Government is that they should try and get an application submitted before serving an enforcement notice unless the breach is causing real harm to neighbours. Persuading people to do this and get the application submitted and processed can and usually does take a long time.
- Even if an enforcement notice is served a person receiving it can appeal to the Secretary of State and action is held in abeyance whilst that appeal is heard.

However, we will pursue actions through the enforcement legislation where there is good cause to do so.

What will I have to do?

We do require a clear explanation of the breach of control alleged and as much supporting information as necessary. In some cases we may need to ask you to do some monitoring of the situation, e.g. keep a log of events to help us provide the facts.

Will the offender know that I have complained?

No, unless the case goes to prosecution or appeal and the Council needs to fully justify why action is being taken. In these circumstances we will discuss with you the situation and whether you are prepared to allow your complaint to be made public. If you decline, then this may have an effect on the robustness of the Council's case, but we will discuss the matter with you.

How can I contact you?

You can contact us Monday to Friday 8.30 a.m. to 5.00 p.m. (except public holidays).

By telephone on (01904)	North-East Area Team	-	551376
	North-West Area Team	-	551314
	South Area Team	-	551324
	City Centre Area Team	-	551324

By fax on (01904) 551378

By e-mail at: david.king@york.gov.uk

By writing or visiting us at 9 St. Leonard's Place, York. YO1 7ET.

Let us know

If you are not satisfied with the service we have provided, please contact Susan Heywood, Principal Development Control Officer, 9 St. Leonard's Place, York. YO1 7ET – Tel: (01904) 613161 – Ext. 1658.

If you are still not happy with the response you get, please contact the Assistant Director (Planning & Design) 9 St. Leonard's Place, York. YO1 7ET – Tel: (01904) 613161 – Ext. 1300.

We will acknowledge or reply to letters within 10 working days.