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[City Of York Council](#)

Planning Enforcement Service

> [Online planning breach investigation form](#)

Enforcing planning control is vital to safeguard the quality of the landscape and buildings in the City of York. This guide has been published to provide you with further information on the enforcement process and to give a clear statement of the Authority's approach and procedures for enforcing planning control in the City of York. It also outlines what you can do if you are concerned that a development is proceeding without the necessary consent or is not in accordance with a consent already granted; and explains the level of service you can expect from us.

Our approach to enforcement

In assessing possible breaches of planning control, the Authority has to exercise a careful balance between the rights of the developer, user or owner of the land or buildings and the wider public interest. It is important to note that the power to take formal enforcement action is discretionary and is to be used by the Authority only when it is 'expedient' to do so. This means that the Authority must make a judgement in each case as to whether the unauthorised development harms the amenities of nearby residents and/or the special qualities of the landscape and buildings in the vicinity to the extent that formal action should be taken. Government advice is that any action taken should be appropriate to the scale and impact of the unauthorised development.

This guide lets you know:

1. What you can expect from us if you report an alleged breach of planning control
2. What we will require from you
3. What you can expect if you are responsible for breaking planning regulations.

Our commitment to you is that we will:

4. Treat all complaints as confidential
5. Acknowledge your complaint within 3 working days
6. Act upon your complaint within 1 working day if it is category A, 10 working days if it is category B and 15 working days if it is category C.
7. Let you know when formal action is to be taken
8. Inform you when and why a case is closed.

What happens to your complaint

To deal with any enforcement complaint we may:

9. Check the planning register to make sure that planning permission has not been granted for the development and that it is not permitted development
 - Establish the facts. We will make a site visit, and if necessary hold discussions with the owner and/or complainant
 - We may also serve a Planning Contravention Notice (PCN) which requires the developer to provide further information to the Authority
 - Try to get a full picture of the situation by investigating the planning history of the site, photographs and information from other agencies
 - Pass on any relevant information to other agencies such as the Highway Authority or Environment Agency who may have an interest in the case

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- Decide on an appropriate course of action.

If we establish that there has been no breach of control you will be advised in writing.

Priorities for investigation

Investigating complaints is often complex and time consuming. In order to make most effective use of staff resources, it is usually necessary to give priority to those cases where the greatest or irreversible harm is being caused. The following is a guide to how cases are prioritised:

Category A; Within 1 Working Day

(If works are in progress and there is someone on site)

- Unauthorised demolition, substantial or irreversible alterations are being made to a Listed Building.
- Unauthorised works to protected trees or trees within a Conservation Area
- Unauthorised demolition within a Conservation Area causing irreparable harm

(Where these unauthorised works are not in progress or they have been completed, they will be dealt with in accordance with Category B. This does not however reduce the level of enforcement action that may be taken against the breach)

Category B; Within 10 Working Days (Normally 5 - 10 days)

- Unauthorised removal of protected Landscaping Features
- Minor alterations to a Listed Building
- Ongoing unauthorised engineering works
- Non-compliance with approved plans
- Breaches of Planning Conditions

Category C; Within 15 Working Days (Normally 10 - 15 days)

- Material Change of Use, e.g. a business is being operated from a dwelling
- Unauthorised Development which is complete.
- Adverts
- Satellite dishes
- Untidy land
- Any other breach of planning control

Please note that these timescales are subject to formal approval by the Council.

What action can the Council take?

It is a criminal offence to carry out unauthorised works to a Listed Building or to a tree protected by a Tree Preservation Order. Prosecution will always be considered for any breach of this type and can ultimately lead to a conviction in the Criminal Courts.

It is not a criminal offence to carry out other works or changes without planning permission (unless a formal Notice has been served). However any unauthorised work is carried out at the owner's risk, and if there is proven harm, enforcement action may be pursued to rectify the breach of control.

Type of action

There are several courses of action available to the Authority where a clear breach of control is established:

10. Take no further action, for instance where the breach is minor in nature and does not harm the amenities of adjoining occupiers or the landscape or buildings in the City of York

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11. Request a retrospective application to regularise the development where the breach could be made acceptable by amendment or the imposition of conditions
12. Negotiate a solution to mitigate the impact of the development or secure its removal altogether
13. Formal action to stop and/or remove the development, which involves serving a notice on the relevant parties. The Notice specifies what action is required to correct the breach and by when. A register giving details of all Enforcement Notices served is available for inspection at the Planning Department Offices.

To view copies of enforcement notices on request please phone: (01904) 551709. It is not always possible to anticipate how a particular case will develop and the timescale for resolving a complaint can be difficult to predict. Factors that can delay progress include:

1. Collection of relevant and satisfactory evidence
2. Negotiation to resolve a complaint without using formal enforcement powers
3. The submission of a retrospective application, or
4. An appeal against a formal notice.

How to make an enforcement complaint

If you are concerned that a development or activity is taking place without planning permission or does not comply with a consent that has already been granted, you can report this to the enforcement team in writing, by telephone, email or using our online complaint form.

You should provide:

- Clear details of what is causing you concern
- Details of the location and address of the land or property
- Your name, address and telephone number in order that we can contact you regarding the investigation
- If known, details of the landowner/developer's name and address.

Anonymous complaints will be only be recorded on file and investigated where it appears that there could be significant harm to the special qualities of the City of York and/or residential amenity.

Your details are confidential and will only ever be given out with your agreement. This is a requirement of the Local Government Act 1972 which protects informants details.

Contact Enforcement Officers

Contact Enforcement officers using the contact details on the right hand side of this page. Any case raised this way will need to contain sufficient detail to allow us to log it and acknowledge it without delay. You can contact us by phone or by email on the following numbers and addresses:

East (S) Area: (01904) 551376

East (N) Area: (01904) 551324

West/Centre Area: (01904) 551314 or (01904) 551647

Download the form

You can download the planning breach investigation form from the right hand side of this page at the top.

Return your completed form, by post, to the contact address also at the top right hand side of this page.

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Online

You can also raise your complaint using the planning breach investigation online form. Please give as much detail as possible particularly about the location.

[Online planning breach investigation form](#)

If you are not satisfied with the level of service you receive you can contact the Head of Development Control at the same planning contact address.