

Planning Enforcement at York



What needs planning permission?

- The development of land, defined as:-
 - ‘The carrying out of building, engineering, minor or other operations in, on, over or under land or
 - The making of a material change of use of any buildings or other land’

T&CP Act 1990

Breach of planning control

- a) carrying out development without the required planning permission, or
 - b) failing to comply with any condition or limitation subject to which planning permission has been granted
- Breach of control not a criminal offence

Limitations

- Can only act within 4 years of initial breach if operational development or conversion to dwelling
- Can only act within 10 years if change of use or breach of condition

Enforcement Powers:-

Town and Country Planning Act 1990

- Enforcement Notice S 172
- Stop Notice S 183
- Section 215 Notice
- Planning Contravention Notice S171 C
- Breach of Condition Notice S.187A
- Injunction from County or High Court S 187B
- Stop Notice for caravans S.183 &184
- Powers of Entry to land S.196 A,B,C

Planning and Compensation Act 2004

Temporary Stop Notice Regulations 2005

- Temporary Stop Notice: –
 - Can be served without an accompanying Enforcement Notice
 - Allows for 28 day cessation of activity

Expediency

- Power to take action discretionary and in the public interest
- Should be only used where it is expedient
- Appropriate to the scale and impact of the breach
- Maladministration if Council fails to take effective action where plainly necessary

Complaints- The Process

- Complaint received and logged by LPA
- Acknowledge within 3 working days*
- Check planning register and site history
- Establish facts – site visits (sometime with specialist officer), discuss with complainant/ owner
- May serve a PCN
- Decide on appropriate action
- * See website pages for detail of timescales for initial investigation

Types of Action

- Take no further action – where permission exists, development does not require consent, or breach minor with no harm to others
- Request retrospective application to regularise development, where conditions on an approval or amendment would suffice

Types of Action (Cont'd)

- Negotiate a solution to mitigate impact or secure removal/cessation



- Formal action to stop/remove/mitigate impact of a breach, with a Notice served. Notice specifies action required to correct or mitigate breach.

Factors affecting Timescales

- Need to collect relevant, sound and satisfactory evidence
- Negotiations to resolve a complaint without formal action
- Submission of retrospective application
- Submission of appeal against a formal notice

Enforcement Team in York



East

Alan Kendall

Mandy Swithenbank

West and Centre

Andy Blain

Hilary Shepherd

Enforcement Officers' Role at York

- ‘Responsible for monitoring conformity with planning conditions, agreements and obligations, investigating, following-up and resolving or recommending appropriate courses of action where breaches of planning and related controls are alleged to have occurred.’

Facts, and Stats and Issues

- 720 cases and investigations in 2007 including monitoring S106 agreement payments
- 17 Enforcement Notices, 9 Planning Contravention Notices, 1 Stop Notice served in 2007
- Timescales comparable to other Local Planning Authorities (LPA)
- No track record of Court action in York - negotiation favoured by LPA and Central Government.
- No formal out of hours service

Other Reading

- Planning Policy Guidance Note 18 - 'Enforcing Planning Control'
- CLG Publication 'Review of Planning Enforcement- Summary of Recommendations'
- Circular 10/97 - 'Enforcing Planning Control'
- CLG publication 'Planning Enforcement Good Practice Guide for Local Authorities'
- Website pages 'Planning Enforcement Service'