

Planning enforcement

The District Council receives many requests to investigate concerns that development may have taken place without planning permission.

Concerns may be raised by the general public, Town or Parish Councils, local organisations etc. An investigation may also arise from other work being undertaken by the Council.

This leaflet helps explain the way in which an enforcement investigation may be handled.

What does the Council do first?

All queries about alleged breaches of planning control are investigated. A Planning Officer will pay an initial visit and may ask to enter the site. Sometimes an investigation is resolved without the need to contact the owner/occupier of the land.

How will I be informed of any concern?

If the Council needs to ask you for information the Enforcement Officer will inform you of the nature of the concern which has been received. You may be asked to discuss the matter on site. The identity of individual complainants will not, however, be disclosed. The Council will first wish to establish whether there has been a breach of planning control and will seek your co-operation in this. Occasionally,

it may be necessary to confirm certain facts through the service of a Planning Contravention Notice, which is a more formal questionnaire.

How do I decide what to do?

Many investigations are resolved without the need to take formal action through discussion and the Enforcement Officer will wish to establish with you whether this is likely. If this involves retaining the development in some form, you will normally be given an opportunity to submit a retrospective application for the Council's consideration. In certain situations there may be a case for submitting an application for a Certificate of Lawful Use or Development. Any application should normally be submitted within 28 days. Where a planning application is not submitted or planning permission has been refused, the Council will need to decide whether enforcement action should be taken.

Why make a retrospective application?

It is the fairest way by which the Council can make a decision where unauthorised development has taken place. Any views expressed by interested parties can be taken into account and you are able to explain your proposals properly. If an

application is considered by the Development Control Sub-Committee you also have an opportunity to address the Members at the meeting. You may believe that the Council has no grounds to refuse permission or to take enforcement action, and that there is therefore no point in making an application. You should, however, consider that problems can develop in the later disposal of property if a necessary planning permission has not previously been obtained. The absence of a planning permission may also lead to the Council continuing with an investigation, particularly if further complaint is received from the public.

Further guidance

The Council has adopted an Enforcement Policy to act as a guide in making decisions about unauthorised development. A copy of this policy can be obtained on request or by visiting the Council's website. The Council has adopted the Government's Enforcement Concordat which defines best practice in the consideration of enforcement matters. A copy of the Concordat can be obtained from visiting the Enforcement or Council's website. You should feel able to discuss the investigation with one of the Council's Enforcement Officers at any stage of the process. If you have

any concerns about the conduct of an investigation, you should contact the Principal Planning Enforcement Officer.

How are enforcement decisions taken?

Decisions about enforcement action are based on the level of any harm caused by the development in planning terms. The Officer dealing with the matter will be in a position to advise of their assessment when sufficient information is available. Officers usually require access to a site in order to offer advice. If there is difficulty in obtaining access the Council can exercise a right to enter onto land.

When the Council is satisfied that no planning harm is caused by the development, further action is unlikely. Where a planning objection remains unresolved, enforcement action is likely to be taken. An enforcement notice may require development to be removed or a use of land to cease.

A breach of condition notice may require compliance with a condition on a planning permission. Decisions about the issue of an enforcement notice and other formal notices may be taken by officers without reference to the Council's Development Control Sub-Committees. Details of how to contact your local Councillor are available on request or via the Council's web site. You may appeal to the Secretary of State against an enforcement notice and you

will be advised how this may be exercised. There is no right of appeal against a Breach of Condition Notice. If you have not already done so, you may wish to consider engaging professional assistance or contact Planning Aid at www.planningaid.rtpi.org.uk/ depending on which stage the investigation has reached.

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Planning Enforcement

A Guide for Owners and Occupiers

