



# PLANNING HOUSE

Listed below are a series of notices and other actions which can be imposed by a Local Authority.

**Enforcement Notices** can be served on unauthorised development where the development can be remedied by alteration, complete demolition or the unauthorised use to cease. For these notices there is a right of appeal to the Planning Inspectorate.

**Breach of Condition Notices** require compliance to a condition attached to a planning permission already granted. These notices deal with specific breaches of planning control and generally require a party to correct the breach within a specified deadline. There is no right of appeal for these notices.

**Stop Notices** would normally only be served in a small number of cases where the unauthorised development is considered to be so harmful that the outcome of the enforcement process could not be waited for. These must be served together with an Enforcement Notice. There is no right of appeal for these notices.

**Temporary Stop Notices** are served where significant and harmful unauthorised development has occurred and the authority considers there to be a need to be stopped temporarily (for up to 28 days). This allows time for negotiation between the Council and alleged offending parties. There is no right of appeal for these notices.

**Section 215 Notices** can be served on any interested party where land or building(s) have become untidy and are considered to be adversely affecting the amenity of the area. There is a right of appeal to the Magistrate's Court for these notices.

**Planning Contravention Notices** can be served on any known interested party where it is suspected that a breach of planning control has occurred. They contain a number of relevant questions relating to the alleged breach of planning control and limitations to any planning permission granted on the land. Failure to respond within a specified timescale is a criminal offence which can result in prosecution in the Magistrates Court.

**S330 Notices** require information from any occupier of land asking what their interest is in it. Failure to respond within a specified timescale is a criminal offence which can result in prosecution in the Magistrates Court.

**Discontinuation Notice** can be served to secure the removal of unauthorised advertisements.

### Notice of Intended Entry

This notice is formal confirmation of the local authority's intention to enter land without a warrant. If entry to the land (or any part of it) is refused, that person obstructing the officers will be committing an offence and the council will obtain a warrant to gain entry. There is no right of appeal against a notice of intended entry.

### Tree Replacement Notices

Where a protected tree is removed, uprooted, or destroyed without prior consent, the local authority can serve a tree replacement notice requiring, within a specified period, the replanting of a tree of a specified size and species. There is a right of appeal against a Tree Replacement Notice.

Other actions which can be taken by a Local Authority:

**Prosecutions:** can be undertaken by the Council in incidences such as unauthorised works to listed buildings, protected trees, some advertisement displays and complete demolition in conservation areas, as well as non-compliance with the notices listed.

**Direct Action:** can be used as an effective alternative to prosecution so that the Council can ensure remedial works are undertaken to secure satisfactory compliance with an Enforcement Notice.

**Injunctive Action:** is used where a breach of planning control is very severe, or there is a threat of it becoming severe, which can be halted by the successful application to the High Court for an Injunction. This is normally considered as a last resort.

### Planning Enforcement Order

If a local authority suspects a planning breach has been concealed, they can apply to the Magistrates Court for a PEO to allow a further year to investigate the potential breach.

