

Section 215 Notices (Untidy Land): if the condition of a site is causing serious harm to the amenities of an area we have the power to serve a notice requiring steps to improve its appearance.

Injunctions: powers granted by the Courts in special instances to restrain an actual or expected breach of control. Failure to comply is a serious offence.

Penalties: *Any failure to comply with the above notices is an offence which can lead to a prosecution and fine. In many cases we also have the option of taking direct action*

Useful contacts

Information on the need for permission, how to apply and on Enforcement can be obtained from our site or by contacting the Planning Division, as shown below.

The Government **Department of Communities and Local Government** has overall responsibility for planning. Their web site includes planning guidance and advice notes together with links to other relevant sites.

<http://www.communities.gov.uk>

To obtain a copy of this leaflet on tape or in large print please telephone (01296) 585679

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AYLESBURY VALE
DISTRICT COUNCIL



**Planning
Enforcement**

**Our
powers**

Planning Division

Planning Enforcement

Our powers

This leaflet briefly explains the planning enforcement powers that are available to AVDC. It is not intended to be exhaustive and further detailed information can be obtained from the contacts listed at the end of the leaflet.

How we use the powers

Initially, we normally try to resolve a breach of control through negotiation. Where this is not successful we consider using formal powers. Use of these powers is discretionary and we only use them when we consider that significant harm has occurred that warrants protection in the public interest.

Development without planning permission

Planning Contravention Notice: requires a land owner or occupier to give us information about works or the use of land where it appears that a breach may be taking place. This power enables us to quickly establish whether a breach has occurred.

Section 330 Notice: commonly used before the issue of an enforcement notice to require provision of information about legal interests in land, including ownership and occupation.

Enforcement Notice: requires a breach to cease or be remedied. The notice explains the alleged breach, the reason for its issue, the steps required and the period within which they should be taken

A notice takes a minimum of 28 days to come into effect, unless an appeal is lodged.

Stop Notice: can be served at the same time as the enforcement notice where the alleged activities are causing serious and/or irreversible harm. The effect of the Stop Notice is to place an almost immediate ban on those activities.

Temporary Stop Notices: can be used where there has been a breach of planning control and it is essential that an activity is stopped immediately. The notice lasts for a maximum of 28 days during which time we must decide whether to issue an Enforcement Notice with or without a Stop Notice. There is no right of appeal.

Breach of Condition Notice: requires an owner or occupier of land to comply with conditions imposed on a grant of planning permission. There is no right of appeal.

Other types of planning breaches

Trees: when a tree is covered by a Tree Preservation Order or in a Conservation Area it is an offence (unless exempt) to carry out work or to fell it without consent or a notification. This can lead to a prosecution and a fine and, in serious cases, prison.

Where a tree is removed without consent or notification there is a duty to plant another tree of an appropriate size and species in the same position as soon as possible. We can enforce this by serving a Tree Replacement Notice.

Listed Buildings: any works to a listed building that affect its architectural or historic interest require listed building consent. Carrying out works without consent or at variance to a consent is an offence.

To remedy unauthorised work we can issue a Listed Building Enforcement Notice, which is similar to a planning enforcement notice. There is also an option to prosecute which can lead to a fine and, in serious cases, prison.

Where a listed building has fallen into disrepair we can serve an Urgent Works Notice and/or a Repairs Notice which outline works considered necessary to protect the building.

Advertisements: displaying an advertisement without consent is an offence which can lead to a prosecution and a fine. In special cases we can also seek approval for the removal of an advertisement which has had consent.

Hedgerows: removing a hedgerow (unless exempt) without prior approval is an offence, and can also lead to the issue of an Hedgerow Replacement Notice, against which there is a right of appeal.

High Hedges: we can act as an arbiter to resolve unsettled neighbour disputes.