

How will I be kept informed ?

We will write to update you on progress throughout the investigation, and in particular when appropriate at the following key stages:

- We acknowledge receipt of complaints within 3 working days, giving the name and telephone number of the case officer
- On completion of the initial investigation to advise of the conclusion reached, the reason and/or the action to be taken
- On receipt of an application
- The authorisation and issue of enforcement action
- The closure of the investigation with the reason

You may also ask the case officer for the current position at any stage.

How can I find out more?

Information on the need for permission, how to apply and on Enforcement can be obtained from our web 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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Planning
Enforcement

How we
investigate
your
complaint

Planning Applications

How we investigate your complaint

This leaflet explains how we carry out an enforcement investigation. There is a separate leaflet on how to complain

What do we do first?

We carry out an initial investigation to collect all the relevant facts to establish whether a breach of planning control has occurred, and if so, the nature and degree of harm caused.

In most instances this will involve:

- A site visit
- Researching planning history
- Speaking to the person responsible for the suspected breach
- Search of other council records e.g. aerial and archive photographs
- Liaising with other council services
- Checking against planning policies
- Checking against current planning laws and regulations

In some cases we may need to come back to you for further information or to view the breach from your property so that we can assess its impact on you.

After the initial investigation we may also need to carry out further enquiries e.g. take legal advice, before we can reach a conclusion.

In around a half of the cases we investigate there is no breach of control, commonly because the development is covered by a general permission granted by parliament.

Our priorities

We investigate all complaints as quickly as possible but it is important that we deal urgently with serious breaches. We prioritise complaints as follows:

1. *Ongoing works to listed buildings, trees or hedgerows:* we aim to
 - visit the site within 1 day
 - complete initial investigation in 3 days
 - decide on a line of action in 6 days
2. *Building work in progress and uses causing serious harm:* we aim to:
 - visit the site within 5 days
 - complete initial investigation in 10 days
 - decide on a line of action in 15 days
3. *All other planning enquiries:* we aim to:
 - visit the site within 10 days,
 - complete initial investigation in 20 days
 - decide on a line of action in 30 days

NB “days” are working days

What happens if there is a breach?

Initially we try to resolve the matter through negotiation. This may involve:

- Asking the owner to remove or cease the breach
- Discussion with the owner on how the harmful effects of the development could be addressed

- The owner submitting an application for permission. This allows us to fully and openly consider the planning merits of the breach, in the same way as an application for proposed development

If negotiation proves unsuccessful, we consider using formal powers. We use these powers at our discretion when we consider that serious harm has occurred and it would serve a useful planning purpose to require remedial action. The test is essentially “if an application had been made would it have been refused, or only granted subject to conditions?”.

If there is no planning objection to the breach concerned we will not take formal action solely to remedy the absence of a permission.

There are a number of powers available to us and these are outlined in another leaflet.

Please note that most breaches of planning control are not a criminal offence.

How long will it take?

- The time taken to resolve a breach varies depending on the nature of the development and the action required. In order to control the time taken, we set and monitor targets for action in our dealings with developers and other parties.

In most cases we determine whether there is a breach within 4 weeks. However, where there is a breach it may take many months to resolve should an application be submitted or if enforcement action is taken, particularly if an appeal is lodged.