

A number of powers are available to us. These are outlined in a separate leaflet.

In cases where we consider that it would not serve a useful purpose to take formal action, the breach of planning control will remain unaddressed but may cause harm to any future sale of the property.

How will I be kept informed ?

We will contact you if appropriate at the following key stages:

- If we need to visit the site or to request information to establish whether a breach has occurred
- On completion of the initial investigation to advise of the conclusion reached, the reason and/or the action to be taken
- If enforcement action is authorised

You may also discuss the matter with the case officer 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.

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

November 2014



Planning Division
AYLESBURY VALE DISTRICT
COUNCIL
The Gateway Gatehouse Road
Aylesbury
Bucks HP19 8FF
Tel: (01296) 585421. Text relay: prefix
phone number with 18001
E-mail: devcon@aylesburyvaledc.gov.uk
www.aylesburyvaledc.gov.uk

AYLESBURY VALE
DISTRICT COUNCIL



**Planning
Enforcement**

**If you are
suspected of
breaching
planning
controls**

Planning Division

Planning Enforcement

If you are suspected of breaching planning controls

This leaflet explains how we handle planning enforcement investigations and the implications for those involved.

We receive many requests each year to investigate possible unauthorised development. We recognise that some breaches of planning control are genuine mistakes where people don't know they needed permission.

What is a Planning breach ?

It is a breach to carryout without consent:

- Building works & changes of use*
- Works to protected trees#
- Works to listed buildings#
- Demolition in a conservation area#
- Display of advertisements*#
- Works to countryside hedgerows#

* N.B. some extensions, alterations, adverts or uses can be carried out without the need for consent.

these breaches are criminal offences and may be handled differently.

The following are also breaches:

- Non compliance with conditions attached to a consent
- Departures from approved details
- Untidy land or buildings which seriously harm amenity

Investigating a complaint

The purpose of our investigation is to collect all the relevant facts so that we can establish whether a breach of planning control has in fact occurred.

In most cases this involves our visiting the site and explaining the purpose of the call. If no one is present, and we cannot readily see, we will contact you to arrange a site visit. Our officers have legal rights of entry onto private land in connection with their investigations.

If we contact you for information you should respond as soon and as fully as possible. This will enable us to decide quickly whether a breach has occurred and minimise inconvenience to you.

Sometimes we can resolve investigations without contacting the owner/occupier.

The identity of complainants is confidential, and will not be disclosed, without their agreement.

When a breach has occurred

When a breach has occurred, we clearly explain the reason, together with the planning issues raised.

In some cases we will ask you to stop work and advise you of the implications of continuing. If the breach is serious we have the power to serve a notice to legally stop any further work.

Initially, we try to resolve the matter through negotiation. The key question is "if an application had been made would it

have been refused, or only granted subject to conditions?". This will depend on the nature and degree of any planning harm i.e. impact on neighbours, highway safety, appearance etc.

- We will invite an application to regularise the work unless we consider that there is no prospect of permission being granted. We will handle the application in the same way as one for proposed development
- If we consider that permission would not be granted we will ask you to remove or cease the breach
- Alternatively, we may discuss with you how the harmful effects of the breach could be addressed, which may lead to the submission of an application for an amended scheme
- The breach may be so minor that no action is warranted

We will set clear targets for action to ensure that the matter is brought to a proper conclusion. Where these targets are not met, in the absence of an acceptable explanation, we will consider taking formal enforcement action.

We use discretion and only take action where we consider that it would serve a useful planning purpose to remedy planning harm in the public interest. Any action taken will be proportionate to the harm caused.