

Appendix A – Current Local Enforcement Plan

CHORLEY COUNCIL PLANNING SERVICE LOCAL ENFORCEMENT PLAN

Introduction

The National Planning Policy Framework (the Framework) recommends that local planning authorities publish a local enforcement plan to manage enforcement proactively and in a way that is appropriate to their area. This Local Enforcement Plan sets out priorities for investigation, explains what will be investigated and what will not and outlines the Council's general discretionary powers with regard to planning enforcement. The plan sets out the priorities for responses to complaints and clarifies the timescales for response by enforcement officers. This document also sets out the Council's approach to handling planning related enforcement matters and compliance checking.

AIMS OF THE SERVICE

The aims of the enforcement service are to:-

- To protect amenity
- To safeguard the built environment
- To uphold local planning policy
- To provide a high quality service to our customers
- To provide a speedy and effective service

HOW TO MAKE A COMPLAINT

We can accept a complaint about an alleged breach of planning control in writing, by email, by reporting on line via our website, or in person at our offices.

Our contact details are:

Chorley Council
Civic Offices
Union Street
Chorley
PR7 1AL

Tel 01257 – 515151

Web: www.chorley.gov.uk

e-mail: dcon@chorley.gov.uk

Office Hours: Monday – Friday, 8:45am to 5:00pm

If you call us to complain about an alleged breach of planning control, we ask that you contact us during office hours wherever possible. Outside of those hours, you can call our emergency number, but this should only be for something you consider to be a category A matter (see below).

We reserve the right to refuse to accept anonymous complaints.

WHAT WILL HAPPEN TO A COMPLAINT

First of all the Council must investigate the alleged breach of planning control by carrying out a site visit &/or undertake an initial assessment to establish whether a breach of planning control has occurred. Sometimes establishing whether a breach of planning control has occurred can revolve around complex legal interpretations and planning judgements. If no breach has occurred then the Council will be unable to take any further action.

In the majority of cases where a breach has taken place, the Council will seek to negotiate compliance rather than take formal enforcement action. The Council may also seek the submission of a retrospective planning application. If such an application is made, then neighbours and the person who made the complaint will be consulted on that application.

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Please note that the Council often has to rely on the help of the person reporting the breach to provide the evidence required in order to establish whether a breach of planning control has occurred and take appropriate enforcement action.

Receipt of Complaints

- Details of alleged breach of planning control will be logged and the case will be allocated to an enforcement officer within 3 working days of receipt. If the alleged breach falls into a high priority (category A), we will assess whether the matter should be investigated immediately.
- We will acknowledge the complaint in writing within 5 working days, identifying an officer contact name, reference number and how you can view our Local Enforcement Plan (this document)
- Anonymous complaints will not generally be investigated.
- The details of any complainant are kept securely and confidentially.

OUR RESPONSE

We will initially place a complaint in one of the following categories of priority so that we can manage our caseload as efficiently and effectively as we can. Our initial assessment of the level of priority will be dependent upon the information provided at the time the complaint is made. Once investigations commence, the priority level may change following the initial site visit, after an initial assessment is made, or on receipt of additional information.

Category 'A'

- Unauthorised works in progress to a tree (or trees) covered by a Tree Preservation Order or to trees in a Conservation Area, where trees are likely to be seriously damaged or removed.
- The unauthorised works of demolition or alteration to a listed building or the unauthorised demolition of a building within a Conservation Area.
- Unauthorised development, which may lead to substantial and/or permanent damage to Sites of Special Scientific Interest or Scheduled Ancient Monuments.
- Works being undertaken in contravention of the requirements of an extant Enforcement and/or Stop Notice.
- Major unauthorised building, engineering operations or uses of land likely to cause serious harm to amenity or the character of the area.

Category 'B'

- Any continuing breach of planning control where formal enforcement action is considered to be expedient but a notice has not been issued.
- Breaches of Tree Preservation Orders or works to trees in a Conservation Area, which have already taken place.
- Breaches of planning conditions where the condition is designed to protect residential amenity/highway safety or other significant considerations.
- Any breach of planning control which is detrimental to have the potential to cause harm to residential amenity.

(Within Category B the level of harm that is being caused will be considered and officers have discretion to progress an investigation with greater urgency and officers will aim to visit and progress an investigation within a maximum of 5 working days)

Category 'C'

- Untidy Land
- Unauthorised householder developments
- Fences

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- Advertisements
- Any other alleged breach of planning control not included within Categories A or B.

We will assess whether a site visit is necessary. If we consider it necessary to do so – we aim to visit in accordance with the following timescales:

- **Category A:** Same day or next working day
- **Category B:** Within 10 working days (5 days if harm is considered substantive)
- **Category C:** Within 20 working days

Timescales

We aim to complete our investigation within 8 weeks of receipt. If we do not complete our investigation within 8 weeks, we will advise the complainant further on the current position of the case &/or the likely timescale for resolution. We will advise the complainant of the outcome when we complete the investigation. You can contact us to enquire about progress if you wish.

Dealing with persons responsible for the alleged breach

The important point to understand that it is not an offence to start building works or make a change of use without planning permission. Therefore, just because something has not got planning permission it does not necessarily mean that we will take action to stop it.

Before determining what action is to be taken in respect of an enforcement enquiry, the person responsible for the alleged breach of planning control will be given the opportunity to explain his/her position and to put forward any mitigating circumstances. Usually, we will interview the person responsible who will be advised in writing of the Council's intended course of action.

There are three principal courses of action available:

- **Negotiate a Solution** - In many cases breaches of control can be rectified through negotiation rather than by more formal action and such an approach will be taken when this is seen to be the most reasonable way of dealing with a breach.
- **Submission of a 'retrospective' application for permission**- In some cases it may be expedient to seek the submission of a retrospective application.
- **Formal Action** - Where it appears justified, any relevant evidence will be gathered and a report presented to the Development Control Committee seeking a decision on whether or not to take formal action.

We aim to be proportionate in our response to breaches of planning control, and in deciding what action to take, we will consider whether it is expedient to do so.

How we decide if an investigation is 'complete'

We consider our investigations to be "complete" when one of the following points has been reached:

- The case is closed because the investigation identifies that no breach in planning control has occurred.
- The case is closed because an alleged breach of planning has been identified but then resolved by negotiation.
- A planning application or other form of application has been submitted following the investigation.
- A breach in planning control has been identified and an application requested but not submitted. A report has been prepared and is on an agenda for Councillors to determine that it is not expedient to take formal enforcement action in this case at this time.

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- A breach in planning control has been identified. Authority to take formal enforcement action and/or issue a notice has been given.

If any formal action is proposed it must normally be authorised by the Development Control Committee. When formal action is authorised, a notice is served on the relevant parties (anyone with a legal interest in the site) specifying what action they are required to take to correct the breach.

Depending on the circumstances, a notice may require the unauthorised use to cease, the unauthorised building works to be removed, or for the unauthorised use or building works to be changed to make it acceptable, and in extreme cases to prevent unacceptable development continuing.

In cases involving listed buildings, protected trees and adverts an offence may have been committed and fines may be imposed on conviction by the Courts.

If a notice is not complied with, the Council may consider progressing a prosecution.

Compliance Checking

In order to maintain public confidence in the planning process, national planning guidance asks local planning authorities to consider a pro-active approach to enforcement. The Council will therefore identify a sample of planning applications &/or developments and check for compliance.

The outcome of the compliance check will be reported to the applicant, agent or landowner. Any non-compliance will be addressed through usual enforcement practice.

We ask all our Customers

to be courteous, patient and honest; and to help us by:

- making any comments on enforcement cases in writing or by email;
- recognising that the enforcement service exists to protect the public interest and not private interests or rights of individuals;
- acknowledge that there are many cases under investigation at any one time;
- accepting that some enforcement matters are complex and may take a long time to resolve.

If you wish to complain about our service

Complaints about the way in which enforcement complaints have been handled will be dealt with through the Council's Complaints Procedure details of which can be found on the Council's web site.

It is possible that initial complaints made over the telephone and/or in writing can be resolved on the spot. Where it is not possible to resolve the complaint on the spot then this should be put in writing (letter or e-mail) and will enter the Council's formal Complaints Procedure.