

sent to you when the Enforcement Notice is served. If you submit an appeal, the requirements of the Notice are suspended until the appeal is determined. If you do not appeal, or if the appeal is dismissed and the Notice comes into effect, then at the end of the compliance period an Officer will visit the site to inspect whether the requirements of the Enforcement Notice have been complied with.

What happens if you do not comply with the Enforcement Notice

It is a CRIMINAL OFFENCE not to comply with any requirements of the Enforcement Notice once the compliance period has expired. The Council may therefore instigate legal proceedings. The penalty on conviction, for being in breach of an Enforcement Notice is a maximum fine of £20,000 if tried in the Magistrates Court or an unlimited fine if tried in the Crown Court.

Immunity from enforcement action

If you consider that development is authorised you can apply for a Certificate of Lawful Existing Use or Development. The circumstances in which you may wish to consider this course of action are set out below:

- you do not agree with the Council that the works are development requiring planning permission.
- you consider that the development is immune from enforcement action because it has existed for more than 4 years in the case of a residential use, the erection of a building, an extension or other built development.

- you consider that the development is immune from enforcement action because it has existed for more than 10 years in the case of changes of use or breach of condition.

If you apply for a Certificate of Lawful Existing Use or Development, the responsibility is on the applicant to prove that the development has existed for the appropriate amount of time. You will be required to submit supporting documents, along with copies of appropriate plans and the required fee.

Other considerations

Officers will try to negotiate to resolve the problem. Most enforcement investigations are resolved without the need for formal enforcement action.

However, it is important to note that if you carry out work without the necessary consent, it may cause difficulties in the future if the land is put up for sale. All work carried out in breach of planning control will be revealed on any local authority search carried out on the property.

Contact details

Contact the Enforcement Team on:
**01543 308205, 01543 308178 or
01543 308274**

Or write to:

Development Control,
Lichfield District Council,
District Council House,
Frog Lane, Lichfield WS13 6YZ

Email:

devcontrol@lichfielddc.gov.uk

Useful planning advice can also be obtained from the Governments website
www.planningportal.gov.uk

Planning Enforcement

What happens if you carry out work without Planning Permission

Lichfield
District Council



DEVELOPMENT SERVICES

Planning Enforcement

What happens if you have carried out building works or a change of use without planning permission

If building works have taken place without permission, a Planning Enforcement Officer from the Council will investigate and you will be advised either verbally or in writing that the issue is under investigation. In some cases, other Services from the Council e.g. Environmental Health or Services outside the Council e.g. The Environment Agency, will also be advised.

Planning Contravention Notices

During the course of the investigation, it may be necessary for more information to be sought in order to decide whether there has been a breach of planning control and to be able to properly advise you. In such cases, a Planning Contravention Notice may be served. This notice asks questions about the breach of planning control and about the ownership of the land. If a Planning Contravention Notice is served, it is a criminal offence not to complete the questionnaire within the given timescale.

What happens if planning permission is required

Any works that you have carried out which are unauthorised are at risk of enforcement action. In this case, you will be advised to undertake the following action, as and when it becomes appropriate

- Remove the development or cease the use within a reasonable period, usually 28 days.
- Submit a retrospective planning application within 28 days (or other such timescale agreed). You will be given planning application forms. An application will need to be accompanied with a fee and scale drawings. Officers can advise you of what is required.

You will also be given an opinion on whether a planning application would be approved, if submitted. An Officer's opinion is an informal one. If you are advised that the development is UNACCEPTABLE then this means that it does not accord with the Development Plan policies and would be unlikely to be granted planning permission. If a planning application is submitted and refused, you can appeal to the First Secretary of State. You will be advised of the procedures involved.

If planning permission is required and you do not submit an application

If a planning application is not received within 28 days (or longer period as may be agreed) and a **breach of planning control continues** enforcement action may be authorised. Enforcement action will be recommended where the development is unacceptable and it is expedient to take action. If an Enforcement Notice is served there is a right to appeal to the First Secretary of State.

If a planning application is submitted and approved

If the planning application is approved then no further enforcement action will be taken under planning legislation, although it will be necessary to comply with any conditions attached to the approval. A Breach of Condition Notice can be issued if you do not comply with any of these conditions. There is no right of appeal against a Breach of Condition Notice, (other than to the High Court) and the Council may prosecute against failure to comply with the requirements of the Notice in the Courts.

If a planning application is submitted and refused

If the planning application is refused enforcement action may be authorised.

If enforcement action is authorised

The procedure is as follows:

1. A Requisition for Information Notice may be issued in order to identify all persons with an interest in the land. It is a criminal offence not to comply with a Requisition for Information Notice.
2. The Enforcement Notice will be served setting out the reasons for issuing the Notice, what steps are required to be taken and the time period for carrying out the requirements.

There is a right of appeal to the First Secretary of State against the serving of the Notice, but the appeal must be made before the Notice comes into effect. Information on the appeal procedures will be

