

It is a criminal offence not to comply with any requirement of an enforcement notice and in the event of non-compliance the Council can take legal proceedings in the Magistrates Court who can impose a fine of up to £20,000 on summary conviction. More serious cases can be heard in the Crown Court.

In addition, where there is a serious breach of control that could lead to serious harm, the Council can serve a STOP NOTICE alongside an enforcement notice. This means an activity or works must cease as soon as the notice is served and cannot continue whilst an appeal is being heard. As there is a right for recipients of such a notice to claim compensation this type of notice is only used where there is evidence that severe harm will be caused if a use or works continue.

Breach of condition notices

This type of notice can be served where a condition imposed on a planning permission has not been complied with. The notice sets out which conditions have not been complied with, states what action is required and gives a period for compliance. It takes effect immediately it is served and it is a criminal offence not to comply with any requirement. The only right of appeal is to the High Court. In the event of non-compliance the Council can take legal proceedings in the Magistrates Court who can impose a fine of up to £1,000 on summary conviction.

Injunctions

Where there is a threat that a serious breach of planning control could occur, for example in relation to a Listed Building or the removal of protected trees,

the Council can consider issuing an injunction, which is a private action taken by the Council, after demonstrating to the County Court that someone is intending to carry out works which could have serious consequences.

Listed building and conservation area enforcement notices

These can be served where there is a breach of Listed Building or Conservation Area legislation. Again there is a right of appeal to the First Secretary of State.

Control of Advertisements

The Advertisement Regulations set out what type of advertisements require consent. Where an advertisement is displayed without consent this is a criminal offence. Officers will negotiate with those responsible for the display of the sign to either get an application for consent submitted or to get the sign removed. Of particular importance are signs displayed on Listed Buildings and illuminated signs in Conservation Areas.

Where negotiations fail to achieve a satisfactory solution the council will take legal proceedings in the Magistrates Court where a fine of up to £1,000 can be imposed.

Contact details

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

Or write to:
Development Control,
Lichfield District Council,
District Council House, Frog Lane,
Lichfield WS13 6YZ.
Email:
devcontrol@lichfielddc.gov.uk



Planning Enforcement

This leaflet is to inform customers about the planning enforcement process in the event that they enquire about development which may not have planning permission.

Town Planning legislation sets out types of development which require planning permission. It should be noted that not all types of development require planning permission and when you make an enquiry you will be advised on whether this is something which can be pursued through the planning enforcement process.

Enforcement action can relate to unauthorised building works, unauthorised changes of use, unauthorised advertisements, non-compliance with conditions on an existing planning permission and the unauthorised felling of protected trees.

It is **not** a criminal offence to carry out works or change the use of land or buildings without planning permission. If it is found that work has been carried out without planning permission, the council will give the individual the opportunity to rectify the situation or apply for retrospective planning permission. If serious harm is being caused, the Council will take firm action quickly. If it is necessary to serve a formal enforcement notice it is a criminal offence not to comply with it.

How do I make a complaint?

If you suspect a breach of planning control you should either:

- contact the Enforcement Team on the telephone numbers given in this leaflet
- send a letter outlining your concerns to the address given in this leaflet

- ask your Ward Councillor or Parish Council to take your enquiry.

What information will the council need?

When you first approach the Council you should supply as much information as possible about the current and previous situation, including:

- The exact location of the building or site
- The approximate dimension of any new building works
- When the activity started or when it occurs
- The names and addresses of any owners, occupiers or companies involved.

Your details will be kept confidential and will not be disclosed without your knowledge or consent.

What happens after I have made my enquiry?

Each enquiry is recorded and given a reference number. If you give an address you will be sent an acknowledgement letter. If you put details of your enquiry in writing an initial site visit will be made within 10 working days and you will be advised within 20 working days on what action the Council can take.

What action can the Council take?

The Council's power to take enforcement action is discretionary and where it seems that unauthorised development could be acceptable, for example, where conditions could be imposed to remedy any detrimental effects of the development, the Council will encourage the

submission of a planning application. If an application is submitted, complainants will be consulted on the application. Enforcement action will not be initiated whilst the application is prepared and under consideration.

Enforcement action will not be taken simply to remedy the absence of a planning application.

Time limits for enforcement action

Enforcement action must be taken within **4 years** in relation to the erection of buildings and within **10 years** in relation to changes of use and breaches of conditions. There is no time limit for the enforcement of breaches of Listed Building legislation.

Enforcement notices

If an enforcement notice is served it will set out what the breach of planning control is, the reasons for taking enforcement action, the steps required to remedy the breach of planning control and the compliance period. The notice must be served on every person with an interest in the land and therefore it can take some time to prepare the notice. Once served, there is a period of 4 to 6 weeks before it takes effect and during this time anyone who has been served with a copy of the notice has the right of appeal to the First Secretary of State. The appeal process can take from 4 to 12 months, depending on the type of appeal lodged. If no appeal is submitted or if an appeal is dismissed the requirements of the notice must be complied with as set out in the notice, or as varied by the Planning Inspector hearing the appeal.

