

Planning Enforcement

A Guide to our approach to
Planning Enforcement.

Lichfield
District Council

Prosecution

Failure to comply with any requirement of a statutory notice is a criminal offence. The Council will always consider whether legal proceedings should be instigated in these circumstances. The circumstances that warrant prosecution will normally be characterised by one of the following:

Where the alleged offence involves

- a flagrant breach of the law which has destroyed the fabric of a historic building or involved the removal of a protected tree.
- a flagrant breach of law which is continuing to affect public amenity or the environment, for example where advertisements are displayed without Advertisement Consent, particularly in relation to where these are attached to Listed Buildings or in Conservation Areas.
- failure to comply with Enforcement Notices and the offender has been given a reasonable opportunity to comply with its requirements.
- where there is a history of similar offences related to the risk to the protection of the environment.

All general enquiries about the policy should be referred to:

The Corporate Director

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

If you wish to see a copy of the **Enforcement Policy** please contact the **Enforcement Team on 01543 308205, 01543 308274 or 01543 308178** or email devcontrol@lichfielddc.gov.uk



DEVELOPMENT SERVICES

Planning Enforcement

A guide to our approach to Planning Enforcement

The purpose of this leaflet is to provide a guide for to residents, businesses, property owners and planning agents about our enforcement standards in Development Services.

Principal Acts that relate to the policy are:

- Town and Country Planning Act 1990 (as amended)
- Listed Buildings and Conservation Area Act 1990 and subordinate Regulations.

The fundamental Principles of Good Enforcement

- We recognise the importance of establishing effective controls over unauthorised development to assist in the preservation and enhancement of the qualities of both the built and natural environment and to protect public amenity.
- Each case is unique and will be considered on its own facts and merits. In arriving at a decision to recommend formal enforcement action officers will be **fair, independent and objective**.

We will act in a way which is:

- Open about how we carry out our work
- Helpful in providing advice
- Proportional in relation to the scale and impact of the breach
- Consistent in carrying out our duties in a fair and consistent manner, in line with policies set out in the Development Plan

Unauthorised Development

The types of enquiries which can be dealt with by Development Services include building works or changes of use, advertisements, non-compliance with conditions imposed on planning approvals, the felling of protected trees and the removal of hedgerows, works to Listed Buildings and demolition in Conservation Areas. Where enquiries are received which cannot be dealt with by Development Services advice will be given on which Service area or other agencies may be able to provide assistance.

If you make an enquiry about unauthorised development

If you enquire about development which may not have planning permission your details will be kept confidential. Your enquiry will be acknowledged and you will be given advice about the enforcement process and what action can be taken. You will be advised of progress on the matter.

If you carry out development without planning permission

Our staff will ensure that you understand what you are required to do and why and explain the enforcement process.

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

You will be encouraged to discuss the matter with Officers and given advice on whether planning permission is likely to be granted for the development.

If formal enforcement action is taken

Depending upon the circumstances formal action may sometimes be necessary. Where it is necessary to take enforcement action the owner, occupier or developer will be advised in writing on the course of action to be pursued, setting out the type of action to be taken. The advice will include what rights of appeal are applicable and the penalties for non-compliance.

Where it is necessary to serve formal enforcement notices, the content of the notice will clearly state what is required and why action is being taken. Information will also be given on how to make an appeal against the issuing of the notice.

