

LOCAL ENFORCEMENT PLAN (PLANNING)

The Council's policy towards dealing with unauthorised development

Planning and Housing Strategy
Spelthorne Borough Council
Council Offices
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Local Enforcement Plan (Planning)

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Introduction

This document aims to assist you get the best out of the Enforcement Service. It sets out the main service areas and explains how Spelthorne Borough Council carries out its enforcement activities. In order to give the best possible service, it is vital that the Council gives clear guidance on what we can do and what we cannot do, and how we balance demands on our services against the resources available to us.

From the information provided below, we hope that you will be able to measure our performance and decide if we have met our own demanding standards. Should you not be satisfied with our performance to date, we hope that Council officers can rectify any relevant problem you have experienced, or explain why we cannot meet your expectations.

The Council have also published a separate list of frequently asked questions which cover other matters areas related to Planning Enforcement. This can be viewed on our web site.

What you can expect from the Council

We will consider the full range of powers when conducting investigations (including appropriate negotiations and retrospective planning applications) and where appropriate take immediate action.

We will minimise the costs of compliance by ensuring that any action we require is proportionate to the risks.

We will take particular care to work with small businesses and voluntary and community organisations so that they can meet their legal obligations without unnecessary expense, where practicable.

Generally we will prosecute individuals or organisations who do not comply with any formal notice served on them, and when appropriate will take direct action, having regard to degree of harm and public safety.

We will carry out our duties in a fair, equitable and consistent manner.

We will consider each individual matter on its merits. There will be a consistent approach to enforcement action against breaches of similar nature and circumstance.

Information and advice will be provided in plain language on the rules that we apply and we will publish this as widely as possible.

We believe that prevention is better than cure and that we should work with customers to advise and assist with compliance.

Officers will provide a courteous, prompt and efficient service and letters will provide a contact point and telephone number for customers to contact when seeking advice and information.

Officers will not tolerate abusive language or behaviour either in person or in correspondence.

Definition of unauthorised development

Planning permission is needed for the erection of many types of buildings and for the making of a material change in use of land or buildings. Permission is also required to erect many forms of advertisements and there are controls to protect Listed Buildings and trees with a Tree Preservation Order. Unauthorised development in the main therefore constitutes the following

- The erection of buildings or the making of a material change of use without the necessary planning permission
- The carrying out of development at variance to that given in the planning permission (and shown on the approved plans)
- The carrying out of development not in accordance with the conditions on the permission or subsequent breach of those conditions which do not relate to the initial construction of the development
- The display of advertisements without advertisement consent
- Felling of, and works to, trees included in a Tree Preservation Order or trees of a certain size in a Conservation Area.
- Demolition of Listed Buildings and of certain buildings in Conservation Areas, and works to Listed Buildings which affect their historic status, without the necessary consent.

The Council's approach to unauthorised development

Enforcing against unauthorised development is a discretionary power and the Council is not legally bound to act. The Council however consider it is essential that where unauthorised development occurs which has harmful consequences either to the environment or to people living nearby that swift action is taken to prevent it continuing.

The nature of the harm which arises from the unauthorised development will be the primary factor which influences the course of action the Council will take to deal with the issue. The Council will also prioritise addressing those cases which cause most harm. The purpose of planning enforcement is not punitive but to enforce and resolve breaches in planning control and unauthorised development which cause harm to public amenity and the environment.

Some unauthorised development occurs intentionally and on some occasions the person carrying out the work is not aware that it needs permission, or does not comply with the terms of any consent given. The Council will respond sympathetically to those situations where a breach of planning control has genuinely occurred unintentionally (particularly in relation to household development) but will take the necessary steps to resolve any harm arising from the work.

In all, but the most serious of cases, the Council will seek to first resolve the matter through discussion with the owner/person carrying out the work. The Council will seek to avoid any formal legal action coming “as a bolt out of the blue”. Where this approach fails the Council’s general approach will in the case of development significant harm (see categories 1 and 2 below), to serve a Temporary Stop notice. This has the effect of stopping the construction of the development, or the activity continuing for a temporary period of 28 days. This will give the owner the opportunity to resolve the issue. It may however be necessary to serve an Enforcement Notice after that period expires.

The Council will generally seek to prosecute those people who have felled or damaged a preserved tree , or demolished or damaged a listed building .

The Council wish to support activities which contribute to economic growth and will have regard to the impact of any enforcement action on businesses. In particular the Council will ensure that the periods of compliance in any Notice are sufficiently long enough to minimise any disruption to the business and if possible avoid any permanent loss of employment.

Priorities

To make the most effective use of resources, all reports of suspected breaches of planning control will be investigated and progressed in accordance with the priority rating below. This is not an exhaustive list.

Category 1: Serious harm – this includes:

- Unauthorised demolition of Listed Buildings, ancient monuments and demolition of locally Listed Buildings.
- Felling or lopping of a preserved tree or tree in a Conservation Area.
- Where development has started and is subject to planning conditions which are required to be agreed before commencement (e.g. contamination, archaeology, nature conservation or trees).
- Development or breach of conditions likely to cause serious harm/danger to people or amenity
- Harmful unauthorised development which is about to become immune from any action being taken against it because of the passage of time periods set in legislation

Category 2: Significant and widespread harm to local amenity:

- Unauthorised development causing significant or widespread harm.
- Breaches of planning conditions causing serious nuisance to adjoining residents.
- Breaches that are contrary to well established planning policies such as Green Belt
- Unsightly buildings or untidy land that is causing serious harm to the amenity of neighbours

Category 3 – Other – these may include:

- Breaches of a technical nature and not in significant conflict with planning policy
- Breaches which are temporary and unlikely to result in any long term harm
- Advertisements not included above
- Breaches of other planning conditions
- Other changes of use
- High hedges
- 1. Unauthorised pitching of caravans
- 2. Businesses being operated from home
- 3. Development not in accordance with the plans during the build process

Individual cases may be re-prioritised as the investigation progresses and as new evidence comes to light.

To ensure that an adequate overall service is provided, the allocation of resources will be periodically reviewed. The quality of evidence and support provided by complainants can also have a significant bearing on the outcome of an investigation and where such support is likely to increase the chances of a successful outcome, the matter will be prioritised.

Investigation of suspected breaches of planning control

Receipt of complaint

To start a planning enforcement investigation, please contact us by:

- email at planningdm@spelthorne.gov.uk
- filling out the standard form on our web site
- over the phone on (01784) 451499
- by letter to Planning Enforcement, Spelthorne Borough Council, Council Offices, Knowle Green, Staines Upon Thames, Surrey, KT18 1XB
- or in person at the Council Offices, opening hours are 08:45 – 17:00 Monday to Thursday, 08:45 – 16:45 Friday

When a complaint is received it is recorded on our database so it is important that we have the following information:

- name and contact details of complainant
- full address of the alleged breach of planning control
- nature of the breach and the harm it may be causing

All enforcement complaints are logged onto our computer system with a unique reference number so that each complaint can be monitored and the complainant updated on progress.

To avoid the unnecessary use of resources, anonymous reports of suspected breaches of planning control will not normally be pursued unless other evidence suggests that the breach is causing serious harm to the environment or the amenities of residents. Confidentiality of a complaint's identity will be safeguarded unless it is necessary for the complainant to give evidence at an appeal.

We will:

Acknowledge receipt of any complaint within five working days

Provide an initial response within 10 working days on the actions we are taking

Time frame for a site visit

A site visit will be required to establish whether or not a breach of planning control has occurred and there will need to be some research around the case prior to the site visit.

The initial site visit (where necessary) will be conducted within the following timescales. There will be exceptions to this, particularly in very urgent matters.

- High priority cases – within two working days
- Medium priority cases – within five working days
- Low priority cases – within ten working days

We will aim to meet these timescales in all cases investigated to ensure cases progress without undue delay from the outset.

These targets allow officers to carry out research before visiting a site. If carrying out the initial site visit within these time frames is problematic on a specific case the officer will notify the complainant. On completion of the initial site visit, the findings will be assessed and a view taken as to how the investigation will proceed. This may include taking legal advice about the case.

If no breach of planning control is established

A significant number of investigations are closed as there is no breach of planning control established. For example:

- there is no evidence of the allegation
- development has taken place but planning permission is not required, usually because it is permitted development
- it already has planning permission

Where this is the case the complainant will be notified either verbally or in writing within 10 working days of the initial site visit that no further action will be taken. We will also provide an explanation why.

Where further investigation is required

There are cases where the initial site visit does not provide sufficient evidence to prove whether a breach of planning control has taken place. Examples of these can include:

- business operated from home. This will often depend on the level of intensity and this may not be immediately apparent from the initial site visit
- alleged breaches of working hours conditions. If the operator denies the activity further investigations will be required

- building works are taking place but the owner claims it is to repair a previously existing structure.

The officer will need to establish what, if anything, previously existed. In these cases the complainant will be notified within 10 working days of the initial site visit that further investigation is required. Further investigation may involve additional site visits, documentary research, seeking advice from other services or agencies, or the owner or other persons responsible for the land or building. In some cases, we may ask the complainant for further details. If they are unwilling to help, we may not be able to take further action due to insufficient evidence.

We will also consider serving a Planning Contravention Notice to obtain information relating to the suspected breach. Drafting such a notice correctly can take time. Equally a person on whom it is served has 21 days to respond. Therefore it may be several weeks until the appropriate evidence can be collected.

Where there is a breach of planning control

When we receive a complaint, the case officer will check to see if there is a breach of planning control and that legislation allows us to take action. Each case is judged on its individual merits. In some cases whilst a breach of planning control has been identified it is not possible for the Council to take action against it because it has been occurring, or in existence, for a long period of time and is immune from Enforcement action. In most cases it is not possible to take action against buildings and structures which have been erected without consent if they have been in existence for more than four years. Similarly, a change of use of a building or land without permission, or the breach of a planning condition imposed on a permission, will be immune from enforcement action if it has occurred for more than 10 years.

Negotiation

Where it is considered that the breach of planning control is unacceptable, officers will initially attempt to negotiate a solution without going straight to formal action, unless the breach is causing very significant harm. Negotiations may involve scaling down or stopping an unauthorised use or activity, or changing or removing the unauthorised development.

In carrying out negotiations officers will look at the specific circumstances of the case (e.g. where there is an unauthorised business activity officers will consider whether relocation is possible and if so will seek to put a reasonable timescale in place).

Where initial attempts at negotiation fail, formal action will be considered on a case by case basis. We will also consider whether it is appropriate to serve a temporary stop notice to prevent the breach becoming worse.

Where we are unable to negotiate an acceptable solution within a reasonable timescale, or it is clear at the outset that the breach is not capable of being resolved through negotiation, we will proceed with formal enforcement action where it is expedient to do so.

In most cases relating to the loss of, or damage to, preserved trees and listed buildings there will usually be little need to negotiate and the Council will take whatever action is considered necessary through the Courts.

Not expedient to pursue formal action

There are some cases where it would not be 'expedient' or worthwhile for the Council to take enforcement action. Expediency is a test of whether the unauthorised activities are causing serious harm. The planning enforcement officer investigating the case will consider this and seek advice as appropriate. The outcome of this consideration will generally inform the course of the investigation. Taking formal enforcement action is only one option with other courses open to the Council. Some examples of where it may not be expedient to take action are as follows:

- It may be the case that whilst a technical breach of planning control has been found the breach is so minor that it has no or very little impact on amenity. Such a breach would be considered 'de-minimus' in planning terms and no formal action would be taken in this respect.
- In some case it may not be expedient to take action because the work carried out is only marginally larger than that allowed under permitted development and that increase causes no harm. An example of this might be a fence which has been erected and is only a few centimetres above the normal allowance of 2m (where it does not front a road),
- There may also be cases where building work or a change of use has taken place but it is clear following an assessment, that retrospective planning permission is likely to be granted. The Council's approach to when a retrospective application is encouraged and how that application is dealt with is set out in the next section of this document.

It is clearly unsatisfactory for anyone to carry out development without first getting planning permission. However, an enforcement notice should not be issued solely to regularise development which is acceptable in planning terms, but for which permission has not been sought. In these cases the Council will ask for an application.

It is generally regarded as unreasonable for a Council to issue an enforcement notice solely to remedy the absence of a valid planning permission if there is no significant planning objection to the building works/use.

Where officers conclude that it is not expedient to take action the case will be closed (with a reasoned justification).

As a Council we also need to ensure that any action is proportionate to the breach. We investigate many technical breaches of planning control (e.g. a fence or a rear extension slightly higher than permitted development). In these cases it would clearly not be reasonable to require the removal of an entire building or fence where a slightly lower structure could be put up without permission.

We will work with owners to resolve the situation but ultimately it is highly unlikely that formal action could be warranted in the case of a technical breach.

Retrospective planning applications

In some cases, an unauthorised development may be acceptable by the imposition of conditions on a planning permission or consent. For example, a change of use to a restaurant may be acceptable in principle but give rise to concerns about late opening hours. In such a case rather than take formal action against the use, it would be appropriate to request a retrospective application. If that application was found to be acceptable having assessed the detail and taken into account the views of consultees. We could grant permission subject to a condition restricting hours of use.

A retrospective application is processed in the normal way. This allows third parties to be formally consulted and make their views known. In addition to all those adjoining the site, the Council will notify anyone who originally complained about the unauthorised work. The fact that the development has been carried out in part or full has no bearing on the decision the Council makes on the application.

The Council will specify a time period in which a retrospective application needs to be submitted. The period given will vary from case to case but will reflect the complexity in preparing such a submission. Periods of 28 or 56 days are often given. If no application is submitted the Council will consider the expediency of taking further action having regard to the harm which arises from the breach (and lack of conditions imposed on a planning permission to control it). It may become necessary to serve an Enforcement Notice.

If the development is unlikely to receive permission the Council will not encourage the submission of a retrospective application although there remains a right to make such an application. Unless the Council has served an enforcement notice prior to the submission of the retrospective application (which relates to those matters sought permission in the application) the Council is duty bound to consider it.

The Council will, generally, refuse to process retrospective applications which are submitted after the serving of an enforcement notice unless by entertaining the application is likely to enable the proposal to be amended to overcome the reason for the serving of the notice.

Material and non-material amendments to planning permissions

The Council expect development to be completed strictly in accordance with the approved plans which form part of the planning permission. Following the grant of permission applicants often wish to make variations. This sometimes occurs because of problems during the construction process, or a change in the client's wishes. The Council's approval is required for any changes from the approved plans and this should be sought before work is carried out. Sometimes, however, changes occur without the Council's prior approval.

Where these alterations are materially different from the permission a new application for the whole development will be required.

Where the scale and nature of the alterations results in a development that is not substantially different from the one that has been approved, a "minor material

amendment application” will be invited. This in effect seeks permission for the changes proposed rather than the whole scheme again. The Council will consult adjoining properties in the consideration of these types of application and take into account any representations submitted.

Where the changes proposed are extremely minor (such as the omission of a window or reduction in the size of an extension) the Council will request a “non-material amendment”. This is also subject to a fee, but will usually be considered by exchange of letter and without notification to neighbouring properties.

Monitoring of Planning Permissions

It is not practical or proportionate to monitor all planning permissions granted by the Council, and all development carried out as permitted development. Most of the development occurring in the Borough is in built up areas close to adjoining properties. Indeed the majority of alleged breaches of planning control are reported by people living close to the development. Most of the Council's planning enforcement officers time is spent dealing with resolving these reported breaches.

However, the Council do monitor proactively the larger scale and the more sensitive schemes in the Borough. Working in liaison with building control, and following notification of commencement of work, critical dimensions in the setting out of new buildings are checked. Compliance with pre commencement conditions is also checked. In addition, planning officers will, as resources allow, check sensitive development at key stages of construction and on completion of the development.

In addition to this, solicitors acting for prospective purchasers of land, regularly seek confirmation from the Council that the work has been completed in accordance with the planning permission/permitted development allowance.

Taking formal enforcement action

Enforcement notice

Councils are able to serve an enforcement notice where development or a change of use has taken place without permission, and it is considered expedient to do so. We have to serve enforcement notices on the owner, occupier and any other person with an interest in the land.

An enforcement notice has to set out what we expect to happen (for example demolishing a building or stopping a car repair workshop) in order to:

- make sure a development complies with the terms of any planning permission which has been granted
- stop the use of the land or restore it to the condition it was in before the breach took place
- ensure that a development does not have an adverse impact on amenity

The notice will specify a timescale for the works to be carried out. A notice comes into effect a minimum of 28 days after it is served. There is a statutory right of appeal against the notice during this period to the Planning Inspectorate. Once the Planning

Inspectorate has received a valid appeal, the enforcement notice has no effect until the appeal has been determined.

There are seven grounds of appeal against an enforcement notice. Any appeal may include one or all of these grounds:

- (a) that planning permission ought to be granted
- (b) that the development or change of use has not taken place
- (c) that the development or change of use does not need permission
- (d) that the development or change of use is immune from action (e.g. been in place or operating too long)
- (e) that the enforcement notice(s) were not served correctly
- (f) that the works/action to be carried out are excessive
- (g) that not enough time has been allowed for the works/action to be carried out

Given these rights of appeal it is important that all relevant matters are taken into account before serving an enforcement notice. This includes being clear about:

- What the specific breach is (e.g. building is too high, in the wrong place, agricultural building being used for industrial purposes)
- What we expect to be done to set it right (e.g. reduced height, demolish and re-build, stop the use)
- How long we give for the works/actions to be done (e.g. three months, 12 months).

If the breach of planning control relates to a listed building, or unauthorised demolition within a conservation area, we will consider the expediency of serving a listed building enforcement notice or a conservation area enforcement notice. Where appropriate, commence a prosecution in the Courts.

All enforcement notices are placed on the Council's enforcement register which is available to view on the Council's website .

Planning contravention notice (PCN)

This is often served prior to going down the enforcement notice. It can be served on the owner or occupier of the land in question or a person who is carrying out operations or using the land. The PCN gives those people 21 days to provide the information which the Council has asked for. If they do not give the information they can be prosecuted (maximum fine of £1,000). To knowingly provide false information on a PCN can result in a fine of up to £5,000.

Other requisition for information notices

The Council can also require anyone who receives a requisition for information notice to supply in writing details of their interest in a property and details of anyone else having an interest in the property. A reply must be supplied within 14 days. A person who fails to comply with the requirements of a notice or makes a false statement in a reply is guilty of an offence punishable by a fine of up to £5,000.

The Council also can require those individuals to state in writing the nature of their interest in a property and to state in writing the name and address of any other person known to them as having an interest in the property, such as a freeholder,

mortgagee, lessee or otherwise. Failure to return the form or to provide a miss statement is an offence punishable by a fine up to £1,000.

Breach of condition notice (BCN)

This is served where a planning condition has not been complied with. We have to take into account the type of condition which has been breached (e.g. windows are not obscure glazed or contaminated land conditions has not been complied with) and what we expect to be done to set it right. Once issued the notice does not take effect for 28 days.

There is no appeal against a BCN and therefore can be more expedient than issuing an enforcement notice. The failure to comply with the notice is dealt with by a prosecution in the Magistrates Court (maximum fine of £2,500). The BCN is ideal for matters where the steps to be taken are relatively simple and can be readily achieved.

Any BCN has to set out what we expect to be done to comply with the condition and when it needs to be done by.

Stop notice

The Council must consider the use of stop notices carefully as they carry with them significant statutory compensation provisions.

A stop notice must be served at the same time or after the service of an enforcement notice. We will consider serving a stop notice where urgent action is necessary to stop a relevant activity before the end date of the related enforcement notice.

The stop notice must refer to the enforcement notice, specify the activity or activities that have to stop and set the date when it comes into effect. Failure to comply with the notice is an offence (maximum fine on summary conviction is £20,000).

Temporary stop notice (TSN)

A TSN can be issued without an enforcement notice, and is designed to halt breaches of planning control for a period of up to 28 days. This comes into immediate effect and is used to stop work and to see if issues can be resolved within a limited timescale. These are most often served where a development has started but conditions on the planning information requiring further action before commencement have not been complied with (e.g. a contaminated land investigation and mitigation measures has not been agreed).

Whilst TSNs also carry some compensation provisions these are significantly lower than with a stop notice and therefore the risk to the Council is reduced.

Section 215 notice

In cases where the amenity of an area is adversely affected by the condition of land or buildings, we will consider serving what is called a Section 215 Notice (untidy land). This will set out what we expect to happen (e.g. remove building materials/shrubs/board up windows), when it needs to be done by and the date the notice takes effect.

A Section 215 notice takes effect after 28 days service during which time an appeal can be made in the Magistrates Court.

Time limits for taking formal action

The Council cannot serve a notice after four years where the breach of planning control involves building operations. For example:

- extensions to dwellings
- new buildings and laying hardstanding
- or the change of use of any building to a single dwelling.

Other unauthorised changes of use and breaches of conditions are subject to a 10 year time limit (e.g. use of an agricultural building for industrial warehousing).

The Council are not able to take action on anything above the four or ten years, and the use becomes lawful. The landowner can apply for a Certificate of Lawful Existing Use or Development (CLEUD) and if the evidence is clear they can 'regularise' the situation. However it should be noted that even if a use is lawful it does not mean that the Council would have granted planning permission if this has been applied for before the development/change of use had taken place.

Serving an enforcement notice in respect of a particular development 'stops the clock' in relation to these four and ten year time limits. Therefore where the Council feel a breach may be close to the four or ten year time limit it may seek to take urgent enforcement action to prevent such a development or use becoming lawful.

The Localism Act has introduced a new enforcement power in relation to time limits. This allows Councils the possibility to take action against concealed breaches of planning control even after the usual time limit for enforcement has expired.

Failure to comply with formal notices

Where a notice has been served and has not been complied with there are three main options available to the Council.

Prosecution

We will consider prosecution proceedings against any person who has not done the works expected of them and where the end date has passed. This may be in relation to any of the following Notices:

- enforcement notice
- listed building enforcement notice
- conservation area enforcement notice
- breach of condition notice
- section 215 notice
- stop notice

Cases involving unauthorised works carried out to a Listed Building and unauthorised demolition in a Conservation Area also constitutes an offence in their own rights. We

will consider whether it would be expedient to prosecute for these works rather than issuing a notice on a case by case basis.

Before commencing any legal proceedings we need to be satisfied that there is sufficient evidence to offer a realistic prospect of conviction and that the legal proceedings are in the public interest.

Direct action

Where any works/actions required by an enforcement notice or section 215 notice have not been completed within the time period (other than stopping the use of a piece of land), we will consider whether it is expedient to:

- enter the land and undertake the works (e.g. demolish the building); and
- recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.

In most cases the Council will seek to prosecute the failure to comply with a notice before seeking to initiate direct action

Injunction

Where an enforcement notice has not been complied with and, because of the special circumstances of the case, either direct action or prosecution would not be an effective remedy, we will consider applying to the Court for an Injunction.

An injunction can also be applied for where there is clear evidence that a breach of planning control is anticipated but has not actually occurred. Such action will only be considered if the breach, actual or anticipated, is particularly serious and is causing or likely to cause exceptional harm (e.g. materials for hard standing being put on a site and services being laid).

Advertisements

The display of advertisements without consent is an offence. As such we can prosecute without the need to issue a notice. Where it has been considered that an advertisement should be removed an offender will normally be given one written opportunity to remove the advertisement voluntarily. Failure to do so will normally result in further action being taken without further correspondence.

We are also able to remove or obliterate posters and placards. We will consider using these powers as appropriate.

The recent Localism Act has introduced several new provisions in respect of dealing with advertisements. These are Removal Notices, Action Notices and the powers to remedy the defacement of property. Each provision includes rights of appeal to the Magistrates Court.

Removal notices

The Council can seek removal of any structure used to display and advertisement. Where the notice is not complied with we may remove the structure and recover the cost of doing so.

Action notices

Where there is a persistent problem with unauthorised advertisements an Action Notice can be issued specifying measures to prevent or reduce the frequency of the display of advertisements. Again where the notice is not complied with we may remove the structure and recover the cost of doing so.

Power to remedy defacement of premises

Where a sign is readily visible from somewhere the public have access, and is considered to be damaging the amenity of the area or is offensive, a Notice may be issued requiring the removal or obliteration of the sign. As with the above provisions failure to comply with the notice will allow us to undertake the works in default and recover costs (except where it is on a flat or house or within the curtilage of a house)

Trees

Legislation protects trees which are the subject of Tree Preservation Orders (TPOs) or are within a Conservation Area from felling or other works without permission. As with advertisements such works are an offence and we can prosecute without a notice. However, such action would not remedy the harm caused.

We can also issue a replacement notice. This will require an appropriate replacement tree to be planted where a tree covered by a TPO has been removed.

High hedges

From the 1 June 2005 councils have had the power to deal with disputes over high hedges where all reasonable steps to resolve the issue have been taken by the relevant parties. In cases where we find in favour of the complainant we will ensure, through enforcement action if necessary, that any specified schedule of remedial works is carried out.

Complaints about the Planning Enforcement Service

Sometimes things do not proceed as planned. If you feel that there is unreasonable delay with an enforcement investigation, or you believe there is an error in the way an investigation is being carried out, you should contact the Assistant Head of Planning (contact details are given below). He will investigate the matter, review the circumstances and advise you within ten working days about what action will be taken. If a matter requires further investigation, you will be advised of this at the time.

If you are still dissatisfied with the service, then it is open to you to make a formal complaint. Please remember that the complaints procedure does not apply to matters that are directly related to a Council or Panel decision. You can, of course, contact your local Councillor at any time.

If you remain dissatisfied, you may write to the Local Government Ombudsman and information on how to do this will be given to you by the Head of Corporate Governance. The Ombudsman will not normally deal with a complaint unless it has first been through the Council's own complaint procedures and will deal only with matters relating to the conduct of the investigation.