

December 2016

Planning Enforcement

This guide explains why a planning enforcement officer has visited your property and what you can expect from the process



IMPORTANT

Planning permission and building regulations approval (building control) are different, being two separate pieces of legislation of which you may require both, only one or none at all. This guide relates to planning permission ONLY. If you are unsure whether you require building regulations approval then you should contact Acivico Building Consultancy on (0121) 675 7006 or email them at: building.consultancy@acivico.co.uk

Why have we visited you?

We have visited you today as an enquiry has been received by us regarding a potential breach of planning control.

This visit forms part of the initial investigation into the alleged breach.

What is a breach of planning control?

A breach of planning control is defined by the Town and Country Planning Act 1990 as 'the carrying out of development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted'.

A breach of planning control can occur in a number of ways:

- Erection of new buildings and extensions to existing buildings without the necessary planning permission.
- Changing the use of land or buildings without the necessary planning permission.
- Where planning permission has been granted but the approved plans and/or the conditions attached to the approval have not been followed properly.
- Advertisements erected without the necessary permission.
- Protected trees being removed or lopped without the necessary permission.
- The carrying out of works to a Listed Building, both internal and external, without the necessary permission.

What happens next?

You are advised to cease all works until the investigation of this enquiry has been completed.

Any work which continues during our investigation is done so at your own risk as you may be required to demolish the development or carry out remedial works.

- If no breach of planning control is identified the case will be closed and you will be notified.

If further information is required we will contact you.

- We may serve you with a Planning Contravention Notice (PCN) which is a legal document which requires you to answer a range of questions and return to us within 21 days.

The information used in this will be used to determine if a breach of planning control has occurred.

Giving false information or failure to complete and return the PCN is a criminal offence and you may be liable on summary conviction to a fine.

IMPORTANT

Most unauthorised developments are initially only a breach of planning control. However, in the case of the display of unauthorised advertisements, it is an absolute criminal offence for which the responsible person(s) may be prosecuted in the Magistrates Court. Those who may be prosecuted are: the owner of the site on which the advertisement is displayed; the occupier of the site, if different; and any other person who undertakes or maintains the display of the advertisement.

What happens if we identify a breach of planning control?

If possible, you may be given an opportunity to put the situation right and you will be clearly advised of how you are to do this.

If development is considered acceptable in planning terms, you may be invited to submit a retrospective planning application. A retrospective planning application is a planning application where the applicant seeks permission from the Council to regularise the unauthorised development. Appropriate publicity and consultation will be carried out and interested parties will be given an opportunity to comment before a decision is made.

If the development is unacceptable and therefore unlikely to get planning permission, you will be advised of this. As stated above, where possible you will be given an opportunity to put the situation right by carrying out acceptable remedial works within an agreed time scale.

What happens if I do nothing?

If you do not carry out the remedial works required within the agreed time scale and all negotiations have failed, we will consider serving an Enforcement Notice on you and anyone else who has an interest in the property. The notice will require that you take action within certain timescales.

Failure to comply with an Enforcement Notice is a criminal offence and a prosecution at a Magistrates Court for this type of offence is subject to an unlimited penalty, plus any costs incurred by us. You do have the right of appeal against any Enforcement Notice within 28 days of the date it is served.

What happens now?

Following this initial visit, the Enforcement officer will need to complete their investigation and will endeavour to provide you with a letter within 14 days detailing what is required of you. Should you not hear from us within this time scale you can contact the Enforcement Officer for an update. We would ask that you allow us time to complete the initial stage of the investigation before contacting us.

Can I find out who has made the enquiry?

Under the Data Protection Act the name and address of the person making the enquiry, or any other contact details, will not be disclosed.

Your Reference Number:

The Senior Enforcement Officer who visited you today is:

You can contact me by telephone:

(0121)

By email:

@birmingham.gov.uk

Getting in touch

The quickest and easiest way of getting in touch:

Web

The planning enforcement process:
birmingham.gov.uk/planningenforcement

E-mail

Progress on an enforcement enquiry (the officer if you have their direct e-mail address) or:
planningbreaches@birmingham.gov.uk

Call

For progress on an enforcement enquiry you should contact the officer direct (their contact details will be on your acknowledgement letter).

Your views

Let us have your comments, compliments or service complaints:
birmingham.gov.uk/yourviews

Other useful contacts

[Citizens Advice Bureau](#)
Telephone: (0121) 248 4950

For a copy of this leaflet in large print, alternative format or another language, please contact us.

If you have a speech impairment, are deaf or hard of hearing you can contact Birmingham City Council by Next Generation Text (also known as Text Relay and TypeTalk). Dial 18001 before the full national phone number.

Minicom: (0121) 303 1119 or (0121) 675 8221

You can call the council's Contact Centre using your own advocate to translate for you without written notice. If you need to arrange for this service, go to Brasshouse Translation and Interpreting.

