

Enforcement Complaint Form

Please use the guidance notes below when completing this form

When you have completed the form – please print off and return to: Planning, Herefordshire Council, Plough Lane, Hereford HR4 0LE

Name/Address

Full name:

Address:

Telephone No.

Email address:

Date complaint made:

Complaint taken by:

Details of breach:

Date breach commenced:

Is the breach worsening: Yes

No

Harm being caused by the alleged breach:

Location of breach:

Grid reference (if known):

Alleged Contravener

Full name:

Address:

Postcode:

Telephone No.:

Additional information (Planning history, etc)

Guidance notes:

Making an enforcement enquiry

Please read this guidance note carefully before submitting your enquiry. It will help you understand how we are able to action your enquiry.

Breaches of Planning Control

A breach of planning control occurs when a person starts work on a building or undertakes a new use without obtaining the necessary planning permission. The law does permit a person to make an application after work has been carried out, so as to seek to regularise acceptable development. The legislation however cannot compel a person to submit a planning application.

Not all works or new uses need planning permission. The Town & Country Planning (General Permitted Development) Order 1995 grants a range of 'blanket' permissions that allow householders and commercial operators to carry out certain works and uses without the need for planning permission, provided certain criteria are met. For example many house extension or new industrial processes may be 'permitted development' and are not subject to planning control.

A planning application will be invited where breaches of planning control might be considered as acceptable. Where a breach planning is causing significant harm, the Local Planning Authority will consider the expediency of taking enforcement action.

The Local Planning Authority also investigates breaches of the Town & Country Planning (Control of Advertisements) Regulations 1992.

The Enforcement Process

We must act within the framework of legislation and advice provided by the Government. This is contained in the Town & Country Planning Acts and Planning Policy Guidance Note 18 – 'Enforcing Planning Control'. A breach of planning control is not a criminal offence; its status is 'unauthorised'. A breach only becomes an offence if it continues after an Enforcement Notice comes into effect or involves the display of an unauthorised advertisement or works to a listed building.

When taking enforcement action the Government requires us to show that the breach causes clear harm, specifically harm to the amenity of an area. Harm would not, normally for example include loss of value to a property, competition to another business or loss of an individual's view. This is important as the legislation provides any person served with an Enforcement Notice the Right to Appeal. To successfully defend the Notice we must be able to provide evidence of harm. It is thus important for you to be as clear as possible in describing the harm caused by the breach.

Planning matters - what we can and cannot consider

In deciding whether to take enforcement action the Local Planning Authority can only take into account matters relevant to land use planning. It cannot be used to protect one person's private or commercial interest against another.

The Local Planning Authority cannot investigate:

- Neighbour disputes
- Investigate land ownership/boundary disputes
- Internal alterations to houses (unless a listed building)

Similarly, it would not be appropriate for the Local Planning Authority to take into account matters that are covered by other legislation, for example, complaints of noise or the improper use of a public highway. Such complaints are best directed to the Police or the Environmental Health department.