



East Cambridgeshire
District Council

Planning Enforcement

Complaining to the council

A short guide for anyone who has or is considering contacting the council about a breach of planning control. For more detailed guidance see the East Cambridgeshire District Council Local Enforcement Plan for Planning on our website.

This guide explains the council's approach to handling planning enforcement reports. It sets out what can and cannot be investigated by the Planning Enforcement team. It lets you know what action to expect if a breach of planning control is identified, where resources will be targeted and when you can expect to be updated.

Important

Planning permission and building regulations (Building Control) differ and fall under separate legislation. Some building projects may require both, one or neither. This guide relates to planning permission only. If you are unsure whether building regulations are also required for works you have undertaken or are in the process of undertaking, please email bcservices@eastcambs.gov.uk with your query.

Breaches in planning control

A breach of planning control is defined within Section 171A of the Town and Country Planning Act 1990, which states “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”.

Examples of breaches of planning control include:

- the 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 decision have not been followed properly
- advertisements displayed without the necessary consent
- works to protected trees without the necessary consent
- works to a listed building, both internal and external, without the necessary consent

Some of the breaches of planning control we investigate can also constitute a criminal offence, such as the unauthorised display of advertisements, works to protected trees and listed buildings.

Planning enforcement cannot investigate:

- boundary and land ownership issues, legal covenants or easements
- Party Wall Act issues
- breaches of leases or tenancies
- neighbour disputes

What to do if you suspect a breach of planning control has occurred

A report can be made using the online reporting facility eastcambs.gov.uk/services/planning-and-building-control/planning/planning-enforcement. If you are unable to access this, you can call Customer Services on 01353 665555 who will complete the form on your behalf.

You will need to provide:

- the address of the property or a map showing the location of the land on which the alleged breach is taking place
- full details of the alleged breach, and where relevant information about any activities taking place
- an explanation as to how the alleged breach is affecting you
- your name, address, email and telephone number (your identity will not be divulged unless the council is required to do so by legislation, or you are required to act as a witness in an appeal or in court)

Please note that we do not accept anonymous reports

What we do with your report

You will receive an acknowledgement letter within 5 working days. If you have provided an email address, this will be emailed to you. The letter provides the name and contact details for the officer who will investigate your report.

We will carry out an initial assessment which may include a site visit usually within 10 working days but this may be sooner for serious breaches such as works to listed buildings, buildings within a conservation area or works to protected trees. If no breach of planning control is identified, the case will be closed and we will write to you to explain the reasons for this.

Sometimes we require more information before we can determine if there is a breach of planning control. In cases relating to changes of use, we may require more information from you about the use and how it's affecting you. We may also ask the landowner or occupier for more information either informally or via a Planning Contravention Notice which is legal document requiring the recipient to answer a range of questions within 21 days.

How we assess breaches of planning control

Once we have identified that there is a breach of planning control, usually we will give the landowner or occupier an opportunity to remedy the breach. If the breach is considered broadly acceptable in planning terms, the case will be reviewed and they may be advised to submit a retrospective planning application.

If the breach is not acceptable, we will advise the landowner or occupier of this and ask them to stop work and/or cease the use until the matter is resolved, but should they choose to carry on any works undertaken will be at their own risk. In the most serious of cases, we may serve a Stop Notice requiring work or a use to stop.

When will formal enforcement action be taken

In most cases we will attempt to resolve the breach through negotiation as we must give the landowner or occupier a reasonable opportunity to make amends.

Where negotiations have failed or negotiation is not an option, we then must consider if formal action is appropriate.

Planning enforcement is a discretionary power and formal action will only be taken when we can demonstrate the breach causes serious harm to public amenity and it is expedient to do so. What action is taken will be dependent on the seriousness of the harm.

It is important to note that not all breaches of planning control will result in formal action being taken. If we decide to take no further action, we will notify you of this decision.



The definition of 'harm'

We can only consider the ‘planning’ harm resulting from the breach of planning control. Examples may include harm to residential amenity such as noise nuisance, loss of light or privacy or issues concerning highway safety.

The following are **not** examples of planning harm (although it may be possible to address these by way of civil action should you choose to do so):

- loss of value to a neighbouring property
- competition to another business
- loss of an individual's view or trespass



What happens when we take formal enforcement action

There are various types of notice which could be served, however the most common is an enforcement notice. When we serve an enforcement notice, the landowner, occupier and anyone else with a legal interest in the land will be served with the notice.

The enforcement notice will specify the breach and any actions required to remedy the breach and a time to comply.

The recipient of the enforcement notice has the right to appeal the notice. Where an appeal is made, we can take no further action until the appeal has been decided. It is not unusual for the appeal process to take several months.

When an appeal is made, you will be notified so that you can make any comments you wish to the Planning Inspectorate.

If the appeal is dismissed, the enforcement notice will come into effect and the time to comply with the requirements commences. If the enforcement notice is not complied with, the council could pursue legal proceedings however this would not necessarily result in the breach being remedied, therefore we will often consider other options in the first instance.

In some cases, the appeal may be allowed which means that it's unlikely we would be able to pursue the matter any further.

How long the process takes

Dealing with enforcement cases can be a lengthy and complex process. Due to the varied nature of the cases which we investigate it is not possible to give a standard time for the matter to be resolved.

The Planning Enforcement Officer will endeavour to provide you with updates when key events take place, such as the serving of an enforcement notice. Should you wish to enquire about the enforcement case, you can contact the case officer for an update.

The quickest and easiest way of getting in touch

Web

For information on the planning enforcement process including submitting a new planning enforcement report please visit eastcambs.gov.uk/planning-and-building-control/planning/planning-enforcement

Email

For progress on an enforcement case, you should contact the case officer directly, otherwise email: planning.enforcement@eastcambs.gov.uk

Call

To discuss progress on an enforcement case, you should contact the case officer directly, otherwise call 01353 665555



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