



East Cambridgeshire
District Council

Planning Enforcement Guide

This short guide explains why a planning enforcement officer has visited your property and what you can expect following the visit. For more detailed guidance see the East Cambridgeshire District Council Local Enforcement Plan for Planning on our website.

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.

Enforcement case reference number:

The officer who visited you today is:

You can contact me:

by telephone: _____

by email: _____

Why we have visited you

We have visited you today as we have received a report regarding a potential breach of planning control. This visit forms part of the initial investigation into the alleged breach.

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.

What happens next

Following the visit, if we determine that there is no breach of planning control, no action is required and we will notify you of the outcome.

We might need to carry out further investigation before we can conclude whether there is a breach of planning control which may include obtaining additional information and/or consulting internal or external colleagues, in which case we will advise you to cease any works until the investigation is complete. Any work you continue to undertake will be at your own risk as you may be required to carry out remedial works.

If we require further information from you, we will contact you and may serve you with a Planning Contravention Notice (PCN) which is a legal document requiring you to answer a range of questions within 21 days. Failing to respond or giving false information on a PCN is a criminal offence.

Once we have carried out any further enquiries or consultations and/or reviewed any additional information, we will contact you to advise whether we have identified a breach of planning control or not.

What happens if we identify a breach of planning control

Once we have identified that there is a breach of planning control, we will usually give you an opportunity to remedy the breach and will provide you with options to consider.

If the breach is considered broadly acceptable in planning terms, you may be given the opportunity to submit a retrospective planning application. Should an application be submitted, appropriate publicity and consultation will be carried out and interested parties given an opportunity to comment before a decision is made.

If the breach is not acceptable, we will advise you of this and give you an opportunity to carry out the required remedial works within an agreed timescale.

What happens if I do nothing

If you do not carry out the remedial works required/submit a planning application 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 prosecution 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 an enforcement notice and, if you choose to appeal, the appeal must be submitted before the enforcement notice comes into effect.

What happens now

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

Finding out who made the report

Under the data protection legislation, the name and address of the person making the report or any other contact details, will not be disclosed.

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 eastcamb.gov.uk/planning-and-building-control/planning/planning-enforcement

Email

If you have any queries about an enforcement case, you should contact the case officer directly, otherwise email: planning.enforcement@eastcamb.gov.uk

Call

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