



## ENFORCEMENT CHARTER

### Introduction

Enforcing planning control is vital to safeguarding the quality of the landscape and buildings in the National Park. This policy has been published to provide you with further guidance on the enforcement process and to give a clear statement of the Authority's approach and procedures for enforcing planning control in the National Park. It also outlines what you can do if you are concerned that a development is proceeding without the necessary consent or is not in accordance with a consent already granted.

There are two main ways in which a breach of planning control can occur:

- a. Building or engineering operations or changes in the use of land or buildings that are carried out without the necessary planning permission.**

Not all such operations or changes of use require planning permission – many are considered not to be development at all or are defined as 'permitted development' meaning that an application for planning permission is not required.

- b. Where planning permission has been granted but the approved plans and/or the conditions attached to the approval have not been followed properly.**

It is important to note that the power to take formal enforcement action is discretionary and is to be used by the Authority only when it is 'expedient' to do so. This means that the Authority must make a judgement in each case as to whether the unauthorised development harms the amenities of nearby residents and/or the special qualities of the landscape and buildings in the National Park to the extent that formal action should be taken.

It is not a criminal offence to carry out development without first obtaining planning permission. However, the Authority recognises that in some circumstances effective enforcement action is vital to prevent that development becoming well established, making it more difficult to stop.

## **The Authority's Approach to Enforcement**

In assessing possible breaches of planning control, the Authority has to exercise a careful balance between the rights of the developer, user or owner of the land or buildings and the wider public interest. When dealing with enforcement complaints the Authority will:

- will take action commensurate with the scale and impact of the unauthorised development.
- Adopt a positive approach in dealing with breaches of planning control and will seek to negotiate a solution wherever appropriate but where necessary will use formal enforcement powers to secure the removal or cessation of the development.
- Not encourage the submission of retrospective applications to regularise unauthorised development where the development is contrary to the adopted policies of the National Park and causes serious harm to the landscape quality or buildings in the Park.
- Take a pro active approach and seek to pre-empt potential breaches of control through the established monitoring and checking system to identify where conditions or approved plans have not been complied with.
- Work in partnership with Building Control services to ensure a 'joined up' approach to identifying and dealing with breaches of planning control.

## **How to Make an Enforcement Complaint**

You can report this to the enforcement team in writing, by telephone, e-mail or using our on line complaint form. You should provide:

- Clear details of what is causing you concern
- Details of the location and address of the land or property
- Your name, address and telephone number in order that we can let you know what is happening with the investigation.
- If known, details of the landowner/developer's name and address

Complaints will be dealt with in confidence and your name will not be disclosed to anyone, including the person you are making the complaint about. Anonymous complaints will be recorded on file but will be investigated only where it appears that there could be significant harm to the special qualities of the National Park and/or residential amenity.

## **What Happens to Your Complaint**

We will deal with your complaint in accordance with the priority system and standards of service set out below. To deal with any enforcement complaint we will:

- Verify that there is a case including checking the planning register to make sure that planning permission has not been granted for the development.

- Establish the facts by making a site visit, discussions with the owner and/or complainant.
- Try to get a full picture of the situation by investigating the planning history of the site, photographs and information from other agencies.
- Determine whether or not a breach of control has occurred and decide on an appropriate course of action.
- Pass on any relevant information to other agencies such as the Highway Authority or Environment Agency who may have an interest in the case.

If we establish that there has been no breach of control you will be advised in writing.

### **Priorities for Investigation**

Investigating complaints is often complex and time consuming. In order to make most effective use of staff resources, it is usually necessary to give priority to those cases where the greatest harm is being caused.

The harm being caused is assessed during the first site inspection where a score is given against certain criterion. Should the assessment score meet our minimum threshold then the matter will be pursued.

### **Type of Action**

There are several courses of action available to the Authority where a clear breach of control is established:

1. Take no further action, for instance where the breach is minor in nature and does not harm the amenities of adjoining occupiers or the landscape or buildings in the National Park. We will write to you explaining the reason why no further action is being taken.
2. Request a retrospective application to regularise the development where the breach can be made acceptable by amendment or the imposition of conditions.
3. Negotiate a solution to mitigate the impact of the development or secure its removal altogether.
4. Formal action to stop and/or remove the development which involves serving a notice on the relevant parties which specifies what action they are required to take to correct the breach and by when. A register giving details of all Enforcement Notices served is available for inspection at our offices in Helmsley.

The Authority has delegated its powers to take enforcement action to the Director of Planning. Enforcement matters will only be considered by the Planning Committee where there are conflicting views about the impact of an unauthorised development or activity or where there are significant implications for the landscape and/or built environment of the National Park or the residential amenities of adjoining occupiers.

## **Standards of Service**

We aim to:

- Acknowledge letters, telephone calls and emails reporting breaches of planning control within 10 working days of receipt where the contact details of the complainant are known.
- Carry out site inspections in accordance with the alleged level of harm.
- Inform the complainant, owner and third parties involved of the decision of our initial findings within 10 working days of the site visit.
- Inform the complainant, owner and third parties involved of the decision of the Planning Committee or Director of Planning on further action within 5 working days of the decision.

Although we try to operate within these standards, it is not always possible to anticipate how a particular case will develop and the timescale for resolving a complaint can be difficult to predict. Factors that can delay progress include:

- Collection of relevant and satisfactory evidence
- Negotiation to resolve a complaint without using formal enforcement powers
- The submission of a retrospective application or
- An appeal against a formal notice.

## **Complaints Procedure**

We aim to provide an efficient and effective enforcement service. However, if you feel that we have not acted in accordance with the policy, priorities or standards of service outlined in this leaflet then you should initially contact the member of staff to see if the matter can be resolved. If you are still not happy with the response or feel that your complaint is serious, you should put the matter in writing to the Director of Planning as soon as possible. The matter will be dealt with in accordance with the procedure outlined in our 'Complaints and Compliments' leaflet which is also available on the web site [www.northyorkmoors.org.uk](http://www.northyorkmoors.org.uk).

## **Contact Details**

If you would like to report a complaint or need any further information please contact the Enforcement and Compliance Team on 01439 772700 or if they are not available the Administration team can help you. You can also contact us by email on [planning@northyorkmoors.org.uk](mailto:planning@northyorkmoors.org.uk). Our postal address is The Old Vicarage, Bondgate, Helmsley, York YO62 5BP.