

Urgent Action

If it is considered that the breach of planning control is urgent then immediate action may be taken by the Council. Urgent action is normally justified

- ◆ where there is a serious harm to public amenity or health and safety.
- ◆ when there are threats to protected trees and protected buildings.
- ◆ to restrain an actual or apprehended breach of planning control that is considered serious.

Enforcement Priorities

Because of the number of complaints to be dealt with at any one time, the Council has agreed the following priorities:-

- 1 Matters concerning public safety, health and unreasonable nuisance.

(matters of "safety" include trees which are considered unsafe and a public danger). ("unreasonable nuisance" is defined as - an activity building or other structure which by its presence has, or is likely to have, an adverse affect on residential, working or visual amenity in the surrounding area").

- 2 Breaches of key planning conditions, specifically identified to meet expressed public concerns and addressed at Area Planning Panel, Agenda Preparation Meeting or by the Area Planning Managers.

- 3 Matters involving a significant breach, or potential breach of those planning policies listed below, where such breaches, in the opinion of the Area Planning Manager could undermine the purpose and credibility of such policies.

Policies referred to include:- dormer windows, house extensions, hot food takeaway, cafes and restaurants, green belt, amusement centres, retailing, shop front security, advertisement and trees in TPO,s, conservation areas or otherwise protected.

- 4 Matters affecting the character and setting of a Listed Building, and the character of a conservation Area (in line with the statutory duties imposed on Local Planning Authorities), where those affects would detract from the appearance of those buildings or areas.

References

Planning Policy Guidance (PPG 18) Enforcing Planning Control (1991).
Department of Environment, Transport and the Regions: "Enforcing Planning Control: Good Practice Guide for Local Planning Authorities" (1997).

These may be viewed at your Local Planning Office by prior appointment.



Department of
Transportation, Design &
Planning

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Useful Contacts

Enforcement Officers covering West Bradford and City Centre : 01274 433775

Enforcement Officers covering South and East Bradford : 01274 433768

3rd Floor, Jacobs Well, Bradford BD1 5RW

Enforcement Officers covering Shipley and Ilkley Area : 01274 437059

Town Hall, Kirkgate, Shipley BD18 3EJ

Enforcement Officers covering Keighley : 01535 618075

Town Hall, Bow Street, Keighley BD21 3PA

OTHER CONTACTS

Minerals and Waste Planning : 01274 433770

Trees Section : 01274 434297

3rd Floor, Jacobs Well, Bradford BD1 5RW

City of Bradford Metropolitan District Council

A Guide to Enforcement

www.bradford.gov.uk

Bradford, Shipley, Bingley, Ilkley, Keighley and Surrounding Areas



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This leaflet is available in large print and braille

Introduction

This leaflet is intended to help you understand the Enforcement Process and how your case will be handled.

If you require any further information please contact the appropriate officer listed at the back of this leaflet.

Background

The Bradford Planning Office provides a Town and Country Planning Service to the area including the City centre and its suburbs. Other Area Offices at Keighley, Shipley and Ilkley cover their respective areas. The Minerals and Waste Planning and Trees Team, although based in Bradford, operates District wide.

The Enforcement Service is part of the Local Planning Authority which deals with complaints regarding alleged unauthorised developments/uses, the display of advertisements without consent, non-compliance with planning conditions and unauthorised works or demolition of listed buildings.

Planning permission is normally required for building works and the change of use of a building though there are important exceptions. Consent is normally required to display an advertisement, or to carry out works to or demolish a listed building.

However it is not an "offence" in planning law to start work without permission - a person does so at their own risk.

Where the relevant permission and/or consent has not been granted, and a development goes ahead, or continues, the Council may consider taking enforcement action.

It is important to remember that enforcement (legal) action is not an instantaneous remedy to breaches of planning control. Enforcement action will only be

taken if all other negotiations have failed, and the Council considers it expedient to take action to remedy the breach of planning control. This follows guidance given to Councils by the Government.

Formal investigations and Legal Proceedings can sometimes be time consuming and frustratingly lengthy, because of negotiations and statutory time periods such as:-

- *determination of retrospective planning applications*
- *appeals against planning refusal/enforcement notices*
- *information gathering notices*
- *negotiation with the contravener, in an attempt to resolve the situation without formal action*
- *periods in which to legally comply with notices.*

This leaflet sets out the Council's approach when considering enforcement action and explains some procedures which are followed.

Enforcement Enquiries

The Council will investigate all legitimate written and telephone complaints relating to unauthorised developments, changes of uses, and non-compliance with planning consents/conditions and the display of an advertisement without proper consent. (see Enforcement Priorities Section).

The Council does not normally investigate anonymous complaints unless it was considered that the cause of the complaint could give rise to serious health and safety problems.

When submitting a complaint, please give as much detail as possible, e.g.

- *the nature of the alleged breach of planning control and how long ago it commenced.*
- *the location, the name and address of the person suspected of the breach.*

- *If the complaint relates to an unauthorised use, give details of the time the use is normally carried out.*
- *If you have already made a complaint, is there any more information you can give us? - the more details we have the easier it is to help you.*

What Happens When I Complain?

The Planning Service receives approximately 1000 complaints each year regarding alleged breaches of planning control and this is increasing with public awareness of activities which damage the environment and the quality of peoples lives.

Whilst every effort will be made to resolve all complaints the Planning Service applies enforcement priorities to allow the most urgent and important to be dealt with more speedily (see Enforcement Priorities Section). However, all complaints will be investigated as soon as we are able.

Complaints from members of the public will be treated as confidential, and details of the complainant *will not* be disclosed. However if the matter proceeds to an appeal or when prosecution procedures are initiated the complainant's evidence may be required. The complainant will be contacted beforehand if this is the case.

The Processing of the Complaint

The Council aims to acknowledge your complaint within 5 working days, and thereafter the Enforcement Officer will endeavour to keep you updated. All complaints are dealt with in strict accordance with the Council's approved priorities (see overleaf).

The Enforcement Officer will check the planning history of the site to see whether planning permission and /or consent has been granted, and if so whether there are

any conditions that may not have been complied with. It is the aim of the Council to make the initial site visit as soon as it is practicably possible, and certainly within 28 days of the receipt of the complaint.

It will be necessary for the Enforcement Officer to consider the following:-

- *can this complaint be dealt with under the Town and Country Planning Act 1990 (as amended)?*
- *is it permitted development?*
- *should the matter be referred to another department within the Council or outside agency?*
- *is the development immune from enforcement action (*see note below)?*
- *has a breach of planning control occurred?*
- *does this complaint fall within a priority category?*
- *would conditional planning permission have been granted anyway?*
- *would planning permission have been refused?*

Investigating officers will always try to negotiate a solution to the problem, and try to persuade the contravener to voluntarily remedy the breach of planning control. Most cases are resolved in this way. In some situations this might involve the submission of a retrospective planning application on which you can comment.

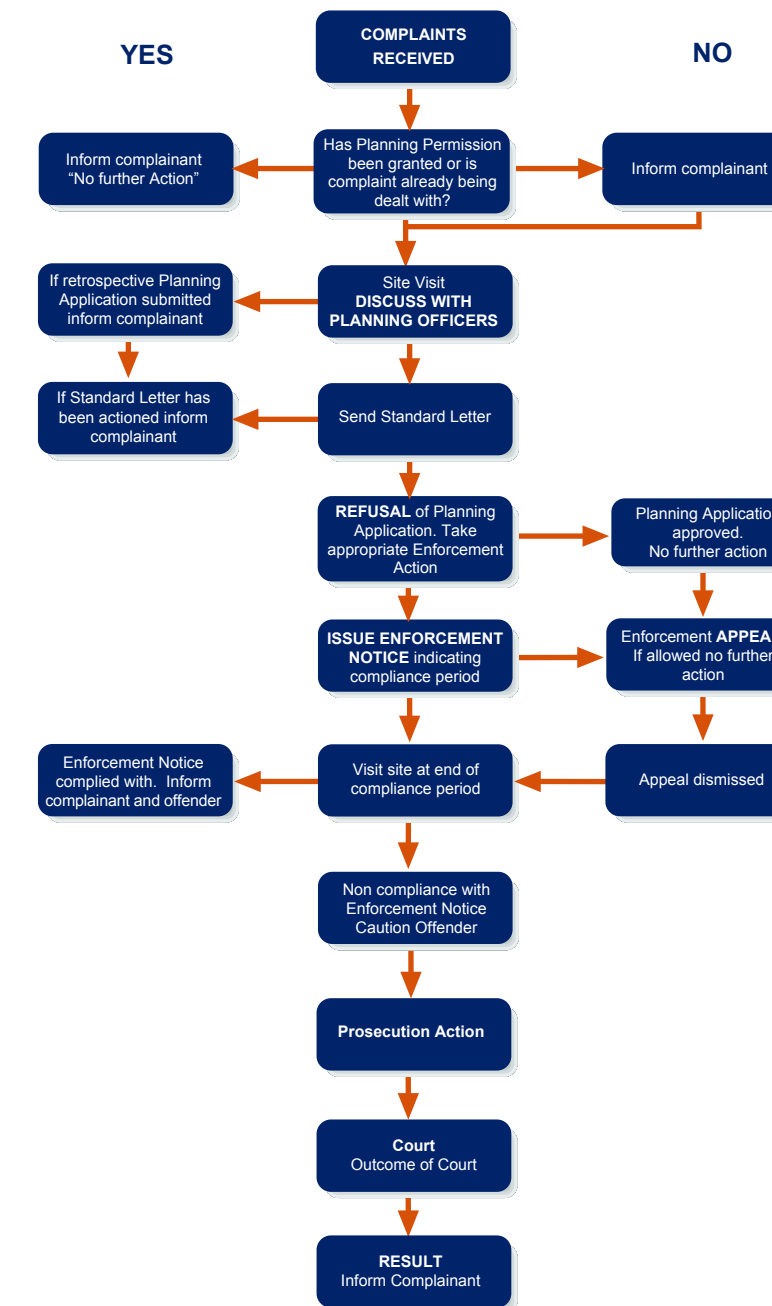
In most cases the contravener is given a period of 28 days from the receipt of the Planning Service's initial letter, to submit information relating to the alleged breach of planning control (see Enforcement Progress flow chart).

You will be informed of any key decisions which are made. You will also be notified of the outcome once we have resolved the problem.

*** NOTE : There are certain time constraints prescribed within which enforcement action can be taken, these are:**

- **Operational development - 4 years, beginning with the date on which the operation was substantially completed.**
- **Change of use of any building to use as a single dwelling house - 4 years, beginning with the date of the breach.**
- **Any other breach (including unauthorised material, change of use of land/building and breaches of condition) - 10 years, beginning with the date of the breach.**

ENFORCEMENT COMPLAINTS PROCESS



If a Complaint is Made Against You

- *An enforcement officer will visit the site to decide whether there has been a breach of planning control. If there has you will be advised what to do to put the matter right. This may involve the submission of a retrospective planning application.*
- *Failure to act upon the Enforcement Officer's advice is considered serious. If it is subsequently considered expedient to do so, you will be served with an official Notice. This will give you a limited time in which to remedy the breach of planning control. In the case of Enforcement Notices, and Discontinuance Notice, there is a right of appeal. In some cases there is no right of appeal (the details of your rights will be attached to the notice).*
- *Failure to comply with the official notice could lead to court action, and you could be fined, and costs awarded against you. (In extreme cases you could be imprisoned).*
- *However, the Planning Service will try to negotiate a solution with you first, rather than take formal legal action. If you are unwilling to co-operate, then legal action may be taken to put matters right.*