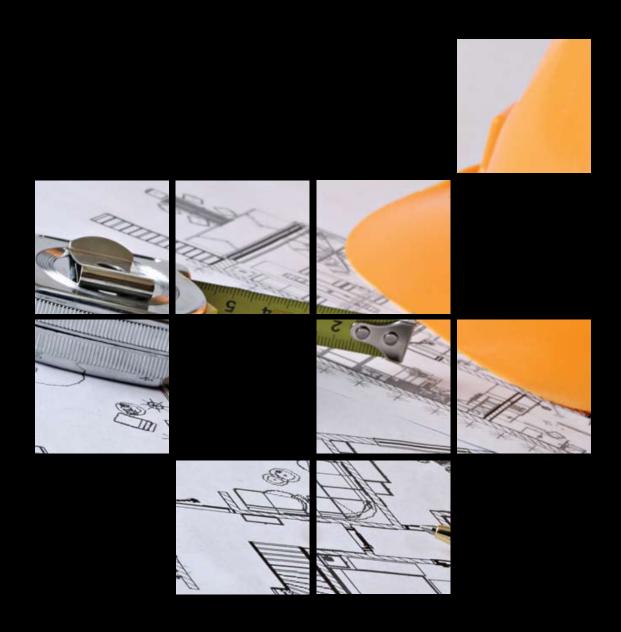
Planning enforcement

This guide explains why a Planning Enforcement officer has visited your property and what you can expect from the process



Why have we visited you?

We have visited you today as a complaint has been received by us regarding a potential breach of planning control.

This visit forms part of the initial investigation into the alleged breach.

What is a breach of planning control?

A breach of planning control is defined by the Town and Country Planning Act 1990 as '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'.

A breach of planning control can occur in a number of ways:

- 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 approval have not been followed properly.
- Advertisements erected without the necessary permission.
- Protected trees being removed or lopped without the necessary permission.
- The carrying out of works to a Listed Building, both internal and external, without the necessary permission.

What happens next?

You are advised to cease all works until the investigation of this complaint has been completed. Any work which continues during our investigation is done so at your own risk as you may be required to demolish the development or carry out remedial works.

• If no breach of planning control is identified the case will be closed and you will be notified.

If further information is required we will contact you.

• We may serve you with a Planning Contravention Notice (PCN) which is a legal document which requires you answer a range of questions and return to us within 21 days.

The information used in this will be used to determine if a breach of planning control has occurred.

Giving false information or failure to complete or return the PCN is a criminal offence and you may be liable on summary conviction to a fine.

What happens if we identify a breach of planning control?

If possible, you may be given an opportunity to put the situation right and you will be clearly advised of how you are to do this.

If development is considered acceptable in planning terms, you may be invited to submit a retrospective planning application. A retrospective planning application is a planning application where the applicant seeks permission from the Council to regularise the unauthorised development. Appropriate publicity and consultation will be carried out and interested parties will be given an opportunity to comment before a decision is made.

If the development is unacceptable and therefore unlikely to get planning permission, you will advised of this. As stated above where possible you will be given an opportunity to put the situation right by carrying out remedial works within an agreed time scale.

What happens if I do nothing?

If you do not carry out the remedial works required 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 a prosecution at a magistrates court for this type of offence is subject to a financial penalty of up to £20,000, plus any costs incurred by us. You do have the right of appeal against any Enforcement Notice served within 28 days of receiving it.

What happens now?

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

Can I find out who has made the complaint?

Under the Data Protection Act the name and address of the person making the complaint, or any other contact details, will not be disclosed.

The officer who visited you today is:
You can contact me on:
By e-mail:

Getting in touch

Click

The quickest and easiest way of getting in touch.

Web:

birmingham.gov.uk/planenforce

Tell us what you think of our services. It's always good for us to hear when things go right but it's also important to hear if we get things wrong:

birmingham.gov.uk/yourviews

Call

For progress on an Enforcement Complaint you should contact the officer direct (their contact details will be on your acknowledgement letter).

General Planning advice: (0121) 303 1115

Textphone (Minicom): (0121) 303 3992

E-mail:

Progress on an Enforcement Complaint (the officer if you have their direct e-mail address) or:

planningandregenerationenquiries@birmingham.gov.uk

Other useful contacts

Citizens Advice Bureau Telephone: (0121) 248 4950

For a copy of this guide in large print, another language or other alternative format, please contact us at:

planningandregenerationenquiries@birmingham.gov.uk





