

Ryedale District Council's Planning Enforcement Service

Sometimes planning control rules are broken. Development is started without planning permission or without following the detailed plans approved by the Council.

This can cause serious harm to the living conditions of neighbours, the character or appearance of the area, historic buildings, the countryside and protected landscapes, trees and hedges.

Residents and businesses have a right to expect that harmful activities are dealt with effectively.

The purpose of this leaflet is:

- * To explain how the District Council can help.
- * To explain how you can help the District Council in dealing with breaches of planning control.

What unauthorised uses or operations are covered by planning enforcement?

- * The erection, extension, alteration or demolition of buildings.
- * Changes of use of land or buildings.
- * Works to trees protected by a Tree Preservation Order (TPO)
- * Advertising signs.
- * Unauthorised removal of rural hedgerows.
- * Work on Listed Buildings.
- * Breach of conditions on a permission.

What is the role of the Council?

The responsibility for dealing with breaches of planning controls has been given to local authorities by Parliament.

In most cases the decision about whether to take action rests with the District Council. The Council does not always have to take action, and the decision will always depend on the particular circumstances of the case.

Carrying out work, or changing the use of land or buildings without planning permission is not a criminal offence. In most cases the Council will give those responsible the opportunity to apply for retrospective planning permission. However, where serious harm is being caused, the Council will take firm action as soon as possible.

Ryedale District Council can only take enforcement action within its own area, which excludes the North York Moors National Park.

Enforcement Powers

There are several powers available to the Local Planning Authority to deal with a breach of planning control:

- * **Planning Contravention Notice** which can be served where it appears that there may have been a breach of planning control and the planning authority require information about activities on the land or nature of the occupiers interest in the land.
- * **Enforcement Notice** which can be served to remedy an actual breach of planning control by requiring an unauthorised use to stop or buildings works removed. A notice can also be served to restrict or condition a particular operation which is otherwise unacceptable.
- * **Stop Notice** which can be served in conjunction with an Enforcement Notice to require

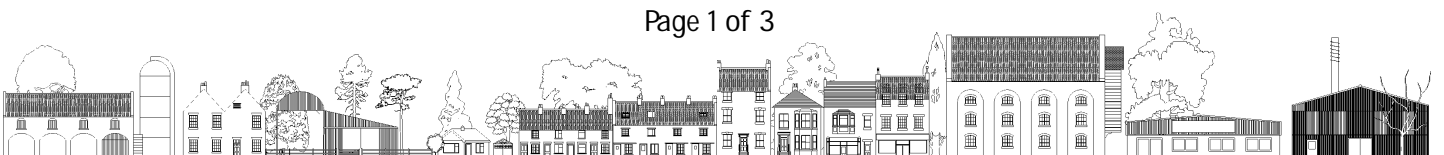
unauthorised activities to cease before the Enforcement Notice comes into effect.

- * **Breach of Condition Notice** which can be served where there is a failure to comply with any condition or limitation imposed on a grant of planning permission.
- * **Injunction** which can be sought in the County Court or High Court to restrain any actual, or expected, breach of planning control.
- * **Entry onto land** - improved powers have been given to the Council's authorised officers to obtain information required for enforcement purposes.

When should the Council take action?

The Council must operate its enforcement activities within Government guidance. This means that:

- * **The decisive issue for the Council must be whether the breach of control unacceptably affects quality of life or public amenity.**
- * Even when it is technically possible to take enforcement action, in law the Council is required to decide whether it is expedient. This means that formal enforcement action is discretionary and all the relevant planning circumstances must first be considered.
- * Formal action will not be taken just because development has started without permission, or solely to regularise acceptable development or against trivial breaches of control which cause no harm to amenity.



- * Planning rules are complex - some minor development does not need permission from the Council - it is referred to as 'Permitted Development', because it is excluded by legislation, or is so minor as not to be of concern. Such minor development is outside the scope of control.

What the Council cannot do

- * Deal with neighbour disputes.
- * Investigate land ownership/boundary disputes.
- * Control parking or other activities carried out within the highway.

How can you help?

When investigating enforcement matters, the Council will often ask for your local knowledge to supplement its official records and notes of site inspections.

When you first approach the Council it would be helpful to supply as much information as possible (ideally in writing and, where appropriate, with photographs) about the current and previous situation including:

- * The exact address and location of the building or site.
- * When activities started and whether they are still continuing.
- * The registration number and type/make of any vehicles involved in the activity.
- * The type and approximate dimensions of any new building works.
- * The name and address and/or phone numbers of any owners, occupiers or builders involved.
- * Details of any problems caused e.g. noise, traffic, smells.

- * In the case of a possible unauthorised use, the frequency of the activity. A diary or log of events is often useful to build up a picture of the activity.

Responding to Complaints

Complaints will be investigated and acted upon as quickly and efficiently as possible. The Council may not act immediately on all complaints received as they are prioritised. When the Council hears about a case, it will be dealt with as follows:

Immediate Action

- * Unauthorised demolition, partial demolition or alteration of a listed building or a building in a Conservation Area.
- * Unauthorised works to trees covered by Tree Preservation Orders or significant trees within a Conservation Area.
- * Unauthorised removal of hedgerows.

Priority 1 - any of the following which are causing **immediate harm** in the locality, particularly to residential amenity

- * Unauthorised development including extensions and alterations.
- * Non-compliance with a planning condition, limitation or other planning agreement.
- * Unauthorised change of use of land or buildings.

Priority 2

- * Unauthorised development which has been unchecked until a complaint was received, and where the time limit for enforcement action will expire within the next six months.
- * Display of illegal advertisements where there is serious harm to amenity or

highway safety (unauthorised signs within the highway boundary will be dealt with by the Highway Authority).

Priority 3

- * Other complaints/cases relating to unauthorised development not falling in any of the above categories.
- * General monitoring of conditions, planning agreements and development work.

NB: Anonymous complaints which fall within Priority 3 are unlikely to be pursued.

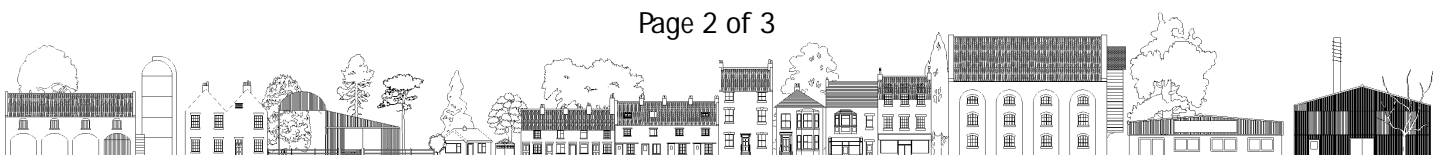
What happens after I have made a complaint?

Ryedale District Council aims to deal with planning enforcement complaints in the following ways:

- * All complaints are treated as confidential within the Council as far as possible. There may, however, be cases where the complainant's evidence will be crucial to successful enforcement action and complainants will be advised in advance.
- * All complaints will be acknowledged within 5 working days.

Where immediate action is involved, a site visit will take place within 36 hours.

- * Complainants will be advised how the matter is being addressed, within 25 working days.
- * When the Planning Committee authorises enforcement action, the offender and complainant will be notified within 5 working days.
- * When the enforcement notice is served, the complainant will be notified within 5 working days.



What action can the Council take?

Once the Council is satisfied that a breach of planning control has taken place, there are a number of options available:

- * Take no action.
- * Ask for a planning application to be submitted to regularise the breach.
- * Try to negotiate a solution - perhaps relocation or an amended design.
- * Consider issuing an enforcement notice and/or
- * Serving a breach of condition notice; and/or
- * When extreme harm is being caused, consider serving a stop notice, to cease the activity immediately.
- * Consider seeking an injunction.

If the breach cannot be resolved by agreement and more formal action is required, the decision will normally be taken by the District Council's Planning Committee, which is a monthly meeting of local Councillors.

- * Where the complaint justifies this action we aim to refer it to the first available Planning Committee after the breach has been investigated.
- * We aim to ensure that legal notices authorised by the Planning Committee will normally be issued within 2 months of the meeting.

How long will it take?

Dealing with enforcement cases can be a lengthy process.

Once the Council has issued an enforcement notice, that is often not the end of the matter.

There is a right of appeal to the Secretary of State for the Environment, which has the effect of suspending action until the appeal has been decided.

However, if someone fails to comply with a valid enforcement notice once the period for compliance has expired, it is a criminal offence for which they can be prosecuted.

However long the process might take, we will keep you informed and tell you the outcome. You are also very welcome to contact our enforcement officers to enquire about progress.

If I am not satisfied what else can I do?

The District Council is committed to providing you with high quality services. We try hard to keep these high standards but know that sometimes things can go wrong. When this happens we want to hear from you. We will then try our best to put it right, and make sure it doesn't happen again.

Let us know if:

- * You are dissatisfied with the service you have received;
- * You feel the service you received was provided inefficiently or unfairly.

In dealing with your complaint, we will guarantee fairness and confidentiality.

RYEDALE DISTRICT COUNCIL



Who To Contact: Planning Enforcement Officers

Shirley Wilson Ext: 328

Days available:
Monday, Tuesday, Wednesday
E-mail:
shirley.wilson@ryedale.gov.uk
Jane Hall Ext: 328

Days available:
Wednesday, Thursday, Friday
E-mail:
jane.hall@ryedale.gov.uk

Tree & Landscape Officer (Including trees, hedgerows & landscaping)

John Clayton Ext: 459

Days available:
Monday - Friday
E-mail:
john.clayton@ryedale.gov.uk

Council Offices

Development Control
Ryedale District Council
Ryedale House
Malton
North Yorkshire
YO17 7HH

Tel: 01653 600666
Fax: 01653 690834
E-mail: dc@ryedale.gov.uk

Opening Hours:

Monday - Thursday
8.30 a.m. - 5.00 p.m.
Friday
8.30 a.m. - 4.30 p.m.

