Planning Enforcement Charter

This Charter is for people who may be contravening Planning Regulations and for those who are enquiring or complaining about this type of problem. It explains our approach to resolving Planning Enforcement issues and what you can do if you are dissatisfied with the outcome.
Enforcement Policy

The Council is committed to providing quality services to reliable and explicit standards.

This Charter sets out the Council’s service policies and standards on enforcement of planning law. It is for people who have contravened the regulations and for people who request that alleged contraventions be investigated. We will investigate all complaints about planning problems including checking to ensure that conditions imposed on the grant of planning permission are complied with.

We aim to treat you courteously, openly and efficiently when dealing with planning enforcement problems.

The Council considers that the efficient and effective enforcement of planning control is a vital part of the planning system.

It will devote sufficient resources to enforcement in order to ensure that development in the District meets the requirements of adopted planning policies and that unlawful activity is brought under proper control.

Officers will assess the planning merits of alleged unauthorised development with reference to the Development Plan, Supplementary Planning Documents, statements of Government planning policy and take appropriate action in the light of this assessment.

We aim to be particularly vigilant in dealing with breaches of planning control which threaten areas requiring special protection including the Cannock Chase Area of Outstanding Natural Beauty, sites identified for their value to nature conservation, Conservation Areas and Listed Buildings.
Advice given at this stage can never commit the Council to making a particular decision, but it may include:-

(i) Asking you to put the matter right by, for example, stopping carrying out an activity, removing a sign, demolishing a building or complying with a condition of a planning permission.

(ii) Suggesting that you should make an application to seek to regularise the unlawful development or use.

(iii) Suggesting that you carry out the development or use in a different way so that either it no longer amounts to a contravention or to make it more likely that an application to seek to regularise it will succeed.

In all advice we will specify reasonable timescales by which we require you to deal with the problem.

What will happen if you carry out unauthorised development?

We will normally write or telephone to seek to arrange a meeting with you to advise you of the nature of the problem and what the likely solution to it may be. However, if the harm being caused to the public interest is serious we may need to take immediate legal action. Council officers have the authority to enter land & buildings without a warrant.

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(ii) Suggesting that you should make an application to seek to regularise the unlawful development or use.

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What will happen if we are unable to reach a negotiated solution to the problem?

If you are unwilling to respond to our enquiries we may need to issue a formal notice requiring you to answer specific questions. If you fail to respond to such a notice you will be liable to prosecution.

If we conclude that the problem is so serious that to allow you to carry on until a solution is found would be against the public interest we will issue a formal notice requiring you to stop or comply with a condition immediately. Failure to comply with such a notice will make you liable to prosecution. In other cases, the Council may need to issue an enforcement notice requiring you to remedy the problem. The notice will explain clearly what you need to do in order to comply with its requirements and by what date you need to achieve compliance. There is a right of appeal against such a notice and we will explain how you may exercise your right of appeal.
How will we ensure that the conditions imposed on the grant of Planning Permission are complied with?

Planning officers will monitor compliance with planning conditions which require further information to be submitted before development can start and make site visits to ensure that development is being carried out in accordance with the requirements of the planning permission. We do not have sufficient resources to visit all sites so we choose the ones where, if something went wrong, it could cause a serious problem.

If development has started without complying with a ‘pre-commencement’ condition it becomes unlawful and may be subject to enforcement action.

Other conditions may require a business to be operated within specific controls, such as limited working hours or maximum noise levels. We will respond to complaints about these type of problems by verifying the evidence and then seeking to obtain your agreement to comply as soon as possible.

If we are unable to reach a negotiated solution, we will issue Breach of Condition Notice against which there is no right of appeal.

Fly-Posting

The Council’s aim is to keep the District clear of fly-posting because it results in a loss of amenity and in some cases can be a danger to highway users. Displaying an advertisement without the consent of the owner of the land on which it is sited is an offence liable to prosecution. Where an unlawful advertisement is displayed on the highway (including a verge or structure such as a lighting column situated on a highway) the Council has the power to remove it without notice, as well as to prosecute the person who displayed it or whose goods or business are advertised on it. The Council’s policy is to remove signs whenever it is practical to do so, or alternatively to require offenders to remove them within 24 hours. If you fail to comply or are a previous offender, the Council will prosecute.
How will we deal with your enquiry about an alleged contravention of Planning Regulations?

If you write to us or telephone about an alleged contravention we will investigate it. Anonymous enquiries will be given the lowest priority.

We will acknowledge receipt of written enquiries within 3 working days.

We aim to inspect the site within 5 working days and write to tell you the outcome of our initial investigation within 10 working days.

We will treat your enquiry in confidence until such time as any evidence which you have provided needs to be presented in legal proceedings in order to achieve a successful outcome.

In some cases where the only way to obtain sufficient evidence is for you to provide it, we will request you to record information on an official form which will be sent to you.

If a case requires a lengthy investigation we will keep you informed in writing or by telephone of what progress is being made.

We will seek to resolve the problem by negotiation where possible but we will take formal legal action if necessary. If the solution to the problem involves the submission of a planning application you will be notified in writing to enable you to submit written comments which will be taken into account in reaching a decision. So called “retrospective” applications are dealt with in the same way as any other planning applications.

If you do write, we will inform you of the decision. Further information about how decisions are made on planning applications and enforcement matters is contained in a leaflet entitled ‘Local Protocol For Planning Decision Making’ obtainable free of charge from Council Offices and also on the website www.cannockchasedc.gov.uk
Appeals

If the Council issues an Enforcement Notice, the person carrying out the unlawful activity and the owner of the land have a right of appeal. If an appeal is made we will write to tell you and explain the appeal procedure. If you have previously sent written comments about the problem, these will be considered by the Planning Inspectorate, an Executive Agency of the Government responsible for determining appeals. The Inspectorate will take into account any further comments you may wish to make in response to the appeal and will inform you of the final decision if you request them to do so.
Officers are available at Cannock to give advice during normal office hours
Monday to Friday 9am to 5pm
If you wish to meet a particular person, you will need to make an appointment.

The Planning Services Manager is John Heminsley (Ext. 4521).
Email: developmentcontrol@cannockchasedc.gov.uk

Cannock Chase Council is committed to serving the community in the most efficient
and courteous way possible. We welcome your comments, compliments and complaints
as this helps us to know what are the good things about our services and what things
we need to improve. If you have any queries or issues or wish to make a comment,
compliment or complaint a ‘Customer Service Standards’ leaflet is available:

Cannock Chase Council, PO BOX 28, Civic Centre, Beecroft Road,
Cannock, Staffordshire WS11 1BG
Tel: 01543 462621 Fax: 01543 462317
Email: customerservices@cannockchasedc.gov.uk
Website: www.cannockchasedc.gov.uk

This leaflet can be provided in braille, on audio cassette tape/disk,
large print and in the following languages on request to
Cannock Chase Council on 01543 462621.
Bengali, Gujarati, Chinese, Urdu, Punjabi and Polish

Ten dokument jest dostępny na żądanie w twoim języku

? = 01543 462621