

The NCC Planning Enforcement pages at <http://www.northumberland.gov.uk/Planning/Planning-monitoring-and-enforcement.aspx#whatisenforcement> contain information on the matters listed below. These are mostly supplied as the headings found on the NCC website, except in the case of examples of what does, and does not, constitute a breach of planning rules / regulations / law, which are given as they appear on the NCC website. The briefing concludes with the first page of the electronic form, located on the NCC enforcement pages, to be used when it is desired to report a breach of planning control.

Richard Whinney, Executive Officer

1. What action does the Council (NCC) take?

There are different actions we can take depending on priority.

- Prioritising enforcement complaints
- Acknowledging a complaint
- Assessing an enforcement case
- Powers of enforcement
- Tools the enforcement team can use to obtain information
- Tools the enforcement team can use continued
- Enforcement register

2. What is enforcement?

Planning enforcement is a discretionary power and covers very complex issues.

The council has a duty to investigate complaints about development that may have been carried out without permission or consent. The discretion of the local authority is applied to enforcement cases to ensure that unauthorised development is dealt with in a way that balances the protection of buildings, the environment and the amenity of neighbours whilst at the same time ensuring that owners enjoy reasonable use of their property.

- When is planning permission required?
- Permitted development
- What if development does not have consent?
- What does the council do?

3. What is a breach?

The Town and Country Planning Act 1990 defines a breach of planning control 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.”

3.1 Breaches of planning

The following are examples of matters that can be enforced by the council under planning legislation:

- Building work and/or a material change of use undertaken without planning permission being granted;
- Development not being carried out in accordance with the approved plans of a planning permission, and
- Non-compliance with conditions attached to a planning permission

- Works to trees protected by a Tree Preservation Order or trees in a conservation area.
- Land or buildings in a very poor condition which are seriously affecting the amenity of the surrounding area
- Building work or alterations to listed buildings or works which will affect the setting of a Listed Building with listed building consent
- Unauthorised advertisements or signs
- High hedges as defined under the Anti-social Behaviour Act
- Development carried out under and in accordance with 'permitted development rights' is not a breach of planning control. This may mean that works to land or property can occur without any notification being received by local residents or the council.

Permitted development does not require planning permission, so in some cases undesirable development may be able to be carried out without the council having any control over it. In these cases, the local planning authority are unable to take any enforcement action but can undertake checks to ensure compliance with national legislation which sets out permitted development rights.

3.2 What is not a breach of planning control

The following are examples of matters which we cannot take enforcement action on:

- land ownership disputes
- neighbour disputes which are civil in nature, such as boundary disputes
- breaches of a covenant attached to deeds and land titles
- noise/odour issues (these are dealt with by the public protection team)
- obstruction of the highway
- parking vehicles on the highway

4. Monitoring of minerals and waste sites

The council is responsible for monitoring and enforcing minerals and waste developments undertaking site inspections, checking there are no breaches of planning control and highlighting any issues that may need attention.

- [View waste site inspection reports](#)
- [View minerals site inspection report](#)

5. Reporting a breach of planning control

When reporting a breach of planning control, please rest assured that your contact details are held in confidence and used only to contact you directly to provide an update on the enforcement case. Please use the following *electronic* form (see next page for the first part of the form) to report an alleged breach of planning control:

Part A

Please complete all required fields

Overall form progress:20% Complete

1. Your details

- Please indicate if you would like your personal details to be kept confidential
- The Council has discretionary powers when dealing with breaches of planning control. Formal legal action is a last resort and only when there is a significant breach or when other means of resolving the breach have not been successful
- When formal legal action is considered please note that you may be required to submit a witness statement, this is to add greater weight to the enforcement case and to ensure a successful outcome. This will mean that your personal details will be disclosed.

1. *Title

2. *Forename

3. *Surname

4. *Please enter your postcode to look up your address

5. *Telephone

6. Alternative Contact Number

7. *Email

1. Do you wish to be informed of the outcome of our investigation

1. Yes

2. No

2. * we prefer to update you by email

3.

4. In order to ensure that we are able to provide the most efficient and effective service, it is helpful to have as much information about the potential breach of planning control as early as possible. If the required information is not submitted we will usually request this from you as part of the complaint registration process before we are able to proceed with any investigation.