



**Harlow District Council  
Planning Services  
Local Enforcement Plan  
Endorsed October 2023**

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## **1.Introduction**

Paragraph 58 of the National Planning Policy Framework 2018 states that "Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate".

Harlow District Council ("the Council") consider that the planning enforcement role is crucial in ensuring that buildings and land uses accord to national and local planning policies and planning permissions; such policies and permissions having been adopted as a means to protect the district, and its residents', environment and amenity.

Listed buildings and protected trees are irreplaceable heritage assets and, as such, deserve to be protected. Accordingly, the Council will treat unauthorised works to listed buildings or protected trees as a high priority. Such unauthorised works are a criminal offence.

The purpose of this document is to set out the Council's specific plan for the enforcement of planning control. This plan will ensure that Councillors and Officers, external agencies and the community are aware of our general approach to planning enforcement.

The plan is based on the following guiding principles, which are set out below:

- Proportionality: to ensure that action taken relates directly to the actual or potential risk (for example to health, safety or the environment.)
- Accountability: to a number of interested parties. This may include elected members, local and national businesses, members of the public and national regulatory bodies.
- Consistency: to ensure that similar issues are dealt with in the same way, having regard to and making full use of guidance produced by Government and other national agencies.
- Transparency: to ensure enforcement action to be taken by the Council is easily understood. Clear distinctions will be made between legal requirements and recommendations about good practice which are not compulsory.
- Objectivity and Equality: to ensure that decisions are not influenced by a person's age, disability, race, religion or belief, sex, sexual orientation, gender re-assignment, marriage and civil partnership, pregnancy or maternity status.

This enforcement plan does not relate to high hedges. If you have a query concerning high hedges please read our documents which are available on our website.

## **2.The Principles of Good Enforcement**

We have signed up to the government's Concordat on the Principles of Good Enforcement Practice as outlined below.

**Standards:** to publish clear standards of service and performance through this enforcement policy.

**Openness:** to provide information and advice in plain language on the rules and discuss problems with anyone experiencing difficulties either because of a breach of planning or as the result of an investigation. We will not normally make personal details available, such as a name, telephone number or address, but our decision-making processes will be transparent to make sure that everyone has confidence in the service.

**Helpfulness:** to work with all parties to resolve investigations without formal action if practicable. We will tell you everyone who is dealing with the investigation and how you can contact them. We will give explanations for the actions we take and any rights of appeal.

**Consistency:** to carry out duties in a fair, just and consistent manner taking into account the particular aspects of each case. When we decide whether to take enforcement action, we must always consider meeting the objectives and policies of the development plan and other material considerations. This seeks to make sure that development does not take place in inappropriate locations. Each decision will also take into account: the particular circumstances of the site and surrounding area; the level of harm being caused; and any relevant planning history, such as previous refusals or grants of planning permission or appeals for similar developments.

**Proportionality:** to take action, when it is necessary, in relation to the risks posed and the Seriousness of the breach.

Some incidents or breaches of regulatory requirements have the potential to cause serious risk to public health and safety, environmental damage or loss of public or residential amenity. One of the Council's responsibilities is to protect the public and prevent harm to the environment from occurring or continuing. There may be occasions when the breach of regulations will justify statutory action. Any such action will only be taken in accordance with the law, and after due consideration has been given to any Convention Rights, under the Human Rights Act 1998, that may be affected by such action.

However, our resources are limited, and it is essential to use available resources to maximum effect. In planning terms, this means where there is the most harm to amenity or the environment. Our decisions are not based on who is complaining or how loudly.

**Complaints about the Service:** to provide well-publicised, effective and timely procedures, and explain our complaints procedure.

### **3. Breaches of Planning Control**

Part VII of the Town and Country Planning Act 1990 (as amended), sets out the primary legislation for planning enforcement.

A breach of planning control is defined at Section 171A as “the carrying out of a development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted”.

Most planning enforcement issues will arise from one of the following:

- building or engineering works are carried out without the grant of a relevant planning permission,
- a material change of the use of land or buildings occurs without planning permission,
- failure to comply with the conditions attached to a planning permission or works which have been undertaken are not the same for which permission had been granted.

It is also important to remember that breaches of planning control in relation to the above are not a criminal offence. Works listed below however, would be considered as a criminal offence:

- works carried out to a Listed Building which affect the historic character or setting, without listed building consent being granted. This includes works to the exterior and interior of a listed building.
- removal of, or works carried out to protected trees and hedgerows without consent being granted or proper notification given,
- advertisements, which require consent under the advertisement regulations, which are displayed without express consent,
- failure to comply with the requirements of a planning notice once served, e.g. enforcement notice, breach of condition notice, stop notice, or any other statutory notice.

There are additionally some building works and changes of use that do not require planning permission, including some householder and commercial developments. This is because the government has granted ‘deemed’ planning permission for many developments, generally referred to as ‘Permitted Development Rights’. The council will not be able to take any action against such authorised developments as long as the works accord to the conditions and limitations attached to the Class of permitted development being relied upon for the works or change of use.

In the same way to ‘permitted development rights’ for buildings, certain advertisements are allowed to be displayed without the need for advertisement consent from the Council. The Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended) (the Advertisement Regulations) which grant ‘deemed consent’ for different classes of advertisements are the same as the permitted

development rights for building works in that there are conditions and limitations attached to the different classes of advertisements.

Complaints are often received that do not fall within the remit of planning enforcement, therefore cannot be investigated. Some of these matters are listed below:

- boundary disputes
- highway matters which include parking
- noise, disturbance, and pollution
- health and safety
- Party Wall, ownership or Land Grab Disputes
- Internal works not associated with Listed Buildings

The planning enforcement team deal with High Hedge complaints. However, as any formal action taken against high hedges is not under the Town and Country Planning Act but the Anti-Social Behaviour Act 2008, there is a charge payable for the Council to investigate any complaints made in relation to high hedges.

## **4.Priorities**

Each new concern raised with the Council will be allocated a priority as shown below and allocated to an officer to investigate:

Priority	Compliant Type	Timescales
<b>Priority A</b>	Unauthorised works to a listed building. Unauthorised works to a tree covered by a Tree Preservation Order or Conservation Area. Unauthorised major engineering works	Within the same or next working day of start date
<b>Priority B</b>	All other unauthorised developments or changes of use of land or buildings and	Within 10 working days of start date
<b>Priority C</b>	Unauthorised advertisements.	Within 15 working days of start date

It must be noted that during any period of disruption to the carrying out of the enforcement service due to possible national health issues etc, the Council will concentrate its resources on matters within the Urgent Priority and will only carry out investigations on Other Cases as and when the situation and resources allow although the timescales given above may be longer.

## **5. Reporting Alleged Breaches of Planning Control**

The Council receives reports regarding alleged breaches of planning control from several sources which includes members of the public, Councillors, departments within the Council and external agencies.

Concerns to the Council should be made in writing or email, or if made verbally, followed up in a written form so that the nature of the complaint is clear and the harm that it is causing is understood. Concerns regarding suspected breaches can be made in writing to the Council offices; by filling in an electronic form on the Council's web site at [www.harlow.gov.uk/planning-enforcement](http://www.harlow.gov.uk/planning-enforcement) or by e-mail to [planning.services@harlow.gov.uk](mailto:planning.services@harlow.gov.uk). Anonymous and apparently vexatious complaints will not normally be investigated.

The reporting parties' personal details will be treated as confidential during the investigation, although sometimes the nature of the complaint can make it apparent to the third party who the complainant is. However, officers will not confirm or deny any assumptions the third party has with regard to the identity of the complainant. It must be noted that whilst the council do not disclose the personal details of informants under the terms of the Freedom of Information Act 2000 or the Environmental Information Regulations 2004, the Information Commissioner and the courts have the power to require the release of that information.

All concerns will be registered on the Council's computer system and the party who has raised the concern will receive an acknowledgement setting out which Officer is dealing with the matter and a reference number to quote in future communication. That Officer may seek further information from the party who submitted the request in relation to the matter.

### **Anonymous/Vexatious Complaints**

The Council will not investigate anonymous requests for service to avoid wasting resources investigating potentially vexatious issues. This includes requests from individuals or groups where a specific contact name and address are not provided. Where an individual or group are believed to be making vexatious reports the appropriate head of service will make a decision on the best way of dealing with the enquiries. This may include informing the customer that we will not deal with their enquiry.

## **6. Investigating alleged breaches of planning control**

Research into the planning history of the site will be undertaken to determine if any planning permission that might be relevant to the concern that has been raised exists prior to a site visit taking place to establish the nature and extent of any works or use which may be taking place.

Following the research and site visit, the Council will be able to determine whether a breach of planning control has occurred and whether any further action is required or

appropriate. If it is determined that there is either no breach or the breach is of an insufficient nature, the Council is unlikely to take any further action.

In cases where works or development have taken place and does have an impact but is considered in planning terms as being acceptable and in accordance with both local and national policies, the Council can request that a planning application is submitted in an attempt to regularise the works or development. However, in these cases, if no application is submitted, no further action will be taken.

Although the Council may seek an application to regularise any unauthorised works or development, it should not be taken that the Council would simply approve these applications. In some cases, it may be the case that to allow any works or development to be considered acceptable, will be by controlling these works or developments with conditions which can be imposed within the formal planning decision.

When a breach of planning control is not considered as acceptable in planning terms or is contrary to either local or national policies or it is clear any application would be refused, an application to regularise the works or development will not be requested.

When any works or development are not considered as acceptable the Council must consider whether it would be expedient and within the public interest to take any formal action. If it is considered as expedient to take action, there are a number of options open to the council and they include the service of the following.

- Notices requiring the provision of information.
- Planning enforcement notice (Operational Development and Material Change of Use).
- Breach of Condition Notice.
- Listed Building Notice.
- Land affecting local amenity notice.
- Stop and Temporary Stop Notices
- Planning Enforcement Orders
- Repairs Notice
- Urgent Works Notice
- Discontinuance Notice
- Injunctions
- Prosecution and Direct Action

Breaches of planning control become immune from enforcement action, and lawful, if they have been in existence for a given length of time. The relevant time limits are:

- 4 years for operational development (physical development of the land such as buildings, extensions and fences).
- 4 years for changes of use of an existing building to a single dwellinghouse; and
- 10 years for any other breaches of planning control. These are mainly material changes of use of land and buildings plus breaches of planning conditions.



## **7. Timescales**

The following sets out the Councils timescales for investigating and dealing with a request to investigate an alleged breach of planning control. The start date is the day on which the request to investigate was received by the council.

### **Priority A**

- Within the same or next working day, acknowledge the complaint and undertake a site visit in all cases.
- Within 2 working days from the start date, the Council will reach a decision on whether it is expedient to take any formal action.

### **Priority B**

- Within 2 working days from the start date, acknowledge receipt of the complaint.
- Within 10 working days from the start date, carry out a site visit.
- Within 10 working days from the site visit, the council will reach a decision on the expediency of any further action.
- Within 5 working days of expediency decision either, request an application is submitted or serve the appropriate enforcement notice.

### **Priority C**

- Within 5 working days from start date, acknowledge receipt of complaint.
- Within 15 working days from start date, carryout a site visit.
- Within 10 working days the council will reach a decision on the expediency of any further action.
- Within 5 working days of expediency decision either, request an application is submitted or seek prosecution or appropriate notice.

## **8. Contact with the Council following request to investigate.**

The Council will endeavour to update the reporting party and the relevant points of the investigation. As this can be time consuming the Council preferred option is to update reporting parties via email.

It is open to those who have raised the concern to contact the officer dealing with the matter during normal office hours for an update.

### **What You Can Do If a Complaint Is Made About Your Development**

We understand that in many cases a breach of planning control is not intentional and can be the result of a misunderstanding or a person being unaware of the planning

requirements. Therefore, if you receive a letter from us or a visit from an enforcement officer, we encourage you to respond positively and provide the information which we need to resolve the matter. It is beneficial to all parties if any breach is addressed at an early stage. In some cases, a request to investigate may be made against your property. If it is possible to investigate the concerns without disturbing you and establish that there is no breach of planning control, we will not contact you.

Depending upon the level of harm being caused we will be prepared to discuss with you what alternative solutions might be acceptable, rather than the complete removal or rebuilding of the development. However, this approach will not mean that you can delay any response or action that you have agreed to do. We expect you to respond within the stated timescales and we will pursue prosecutions for non-responses to formal notices. We will not allow long drawn-out negotiations to hold back the taking of action.

In many cases, particularly where the works are likely to be acceptable, perhaps with some minor changes, we will give an opportunity to submit a retrospective application. This is so that we can consider the development in more detail and, if appropriate, control it through planning conditions.

You should be aware that development which requires but does not have planning permission is unauthorised and remains subject to potential enforcement action for a set number of years. In the case of building works, or the use of a building as living accommodation, the time period is four years after completing the works or occupying the accommodation. Where the breach is an unauthorised change in the use of land or buildings, or is the breach of a planning condition, the time period is ten years.

If you subsequently wish to sell a property which has been subject to unauthorised works or a change of use, you may find the sale is delayed or lost as a result. You should also be aware that we usually make mortgage providers aware of breaches of planning permission and we will send them a copy of any formal notice or decision about planning enforcement. Within the Council, the Planning Service advises the Land Charges section of those sites where formal notices have been served, decisions have been made and where potential enforcement action remains outstanding.

The enforcement officers will make themselves known to the landowner/developer when they enter a site, but it is not always appropriate or possible to give advance warning of a site visit. Enforcement officers are legally entitled to enter land and property. You do not have to be there for an enforcement officer to enter onto your land and make a site visit. If it is necessary to enter your house, (as opposed to just the garden) you are entitled to 24 hours' notice.

If you actively prevent an enforcement officer from entering onto your land, we will get a warrant to enter the site. Once we have secured a warrant, any obstruction to access the site will be considered a criminal offence. We will use the information we get from a site visit to help assess the harm being caused and what further action we may need to take. Allowing the enforcement officer to make a site visit and take photographs will help to reduce time delays and any potential inconvenience.

A senior officer makes all the decisions to serve a formal notice with the involvement of the enforcement officer.

Enforcement officers will be happy to explain the different notices and to help you understand the implications. However, enforcement officers will not act as your advisor and cannot make decisions on your behalf. You should consider whether you wish to get your own independent advice from a qualified planning consultant or another appropriate property professional. If you cannot afford to employ a consultant, you can contact Planning Aid. Planning Aid is a voluntary service which offers free independent, professional advice (see contacts).

### **Untidy Land Or Buildings (Section 215 Notices)**

Under Section 215 of the Town and Country Planning Act 1990 we have the power to require an owner/occupier to carry out improvement works to their land or building if the condition of the land or building is causing harm to the amenity of an area.

It is our decision whether the extent of any harm to amenity of the area is serious enough to justify the service of a Notice requiring the site to be cleaned up. The Notice will specify exactly what steps the owner must carry out to improve the site.

In assessing the harm, guidelines for which are set out in the Council's Constitution, we will consider both the site and its surroundings.

### **Where we will serve Notices**

As with all enforcement investigations, we will allocate resources where they can be most effective and where the greatest harm is being caused. We will not use these Notices where there are more specific powers available to address the concern. It is likely we will use a Section 215 Notice in connection with a prominent and derelict site, particularly if it has started to attract fly tipping, or an important town centre street frontage that has fallen into disrepair, particularly if it falls within a Conservation Area. We would also serve a Notice where the condition of a piece of land impacts upon the wider landscape, especially if it is in an area of countryside that is officially noted for its landscape value or beauty.

If a residential property is particularly rundown, or a garden is overgrown, or cars/domestic items are being left in the garden to rot, then we can serve a Section 215 Notice. However, our policy is that a garden which is merely untended, or a house that needs some cosmetic maintenance, for example, where a window or window frame needs to be replaced, would not qualify for a Section 215 Notice.

We would not serve a Section 215 Notice on a site which is untidy as a result of building works that have planning permission.

### **Scope of the Notice**

The scope of works that can be required in Section 215 Notices is wide and includes planting, clearance, tidying, enclosure, demolition, re-building, external repairs and repainting.

If it is necessary for the improvements to involve work which would normally require planning permission, for example the re-building of a garage, then we will not be able to cover these works in a Section 215 Notice. In such cases, we would require a separate planning permission and therefore the use of other enforcement powers may be more appropriate.

### **Action available to us**

We will write to the owner before serving a Section 215 Notice advising that it will be served unless the site is tidied up.

Where a Notice becomes effective, but it is not complied with, we will explain the action the Council can take which could involve:

- direct action where we will carry out the works ourselves and charge the owner for all costs incurred; or
- prosecution in the Magistrates Court. A successful prosecution may result in a fine of up to £1,000 and a criminal record.

The course of action will vary from site to site, and in some cases, we can pursue both direct action and a prosecution.

Where we cannot immediately recover costs we will register a charge on the property with the Land Registry, thus assuring full cost recovery plus base-rate interest.

## **Contact Details**

If you need to inform the Council about any potential breach of planning control that you would like investigated, please contact us by,

**Post:** Planning Enforcement  
Planning Services  
Harlow District Council  
The Water Gardens  
Harlow  
Essex  
CM20 1WG

**Phone:** 01279 446655

**Email:** [planning.services@harlow.gov.uk](mailto:planning.services@harlow.gov.uk)

**Web Site:** [www.harlow.gov.uk](http://www.harlow.gov.uk)

The following are useful contact details that will offer further advice and information on planning enforcement.

The Ministry of Housing, Communities and Local Government (The Government Department with overall responsibility for planning) 2 Marsham Street London SW1P 4DF

<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>

#### Planning Aid

(Provides free, independent, and professional town planning advice to communities and individuals who cannot afford to pay planning consultant fees.)

#### Royal Town Planning Institute

41 Botolph Lane

London

EC3R 8DL

Phone: 020 7929 9494

[www.rtpi.org.uk/planningaid](http://www.rtpi.org.uk/planningaid)

#### Planning Inspectorate

(The independent body responsible for the processing of planning and enforcement appeals.)

Room 4A Kite Wing Temple Quay House

2 The Square

Temple Quay

Bristol BS1 6PN

[www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate)

#### Planning Portal

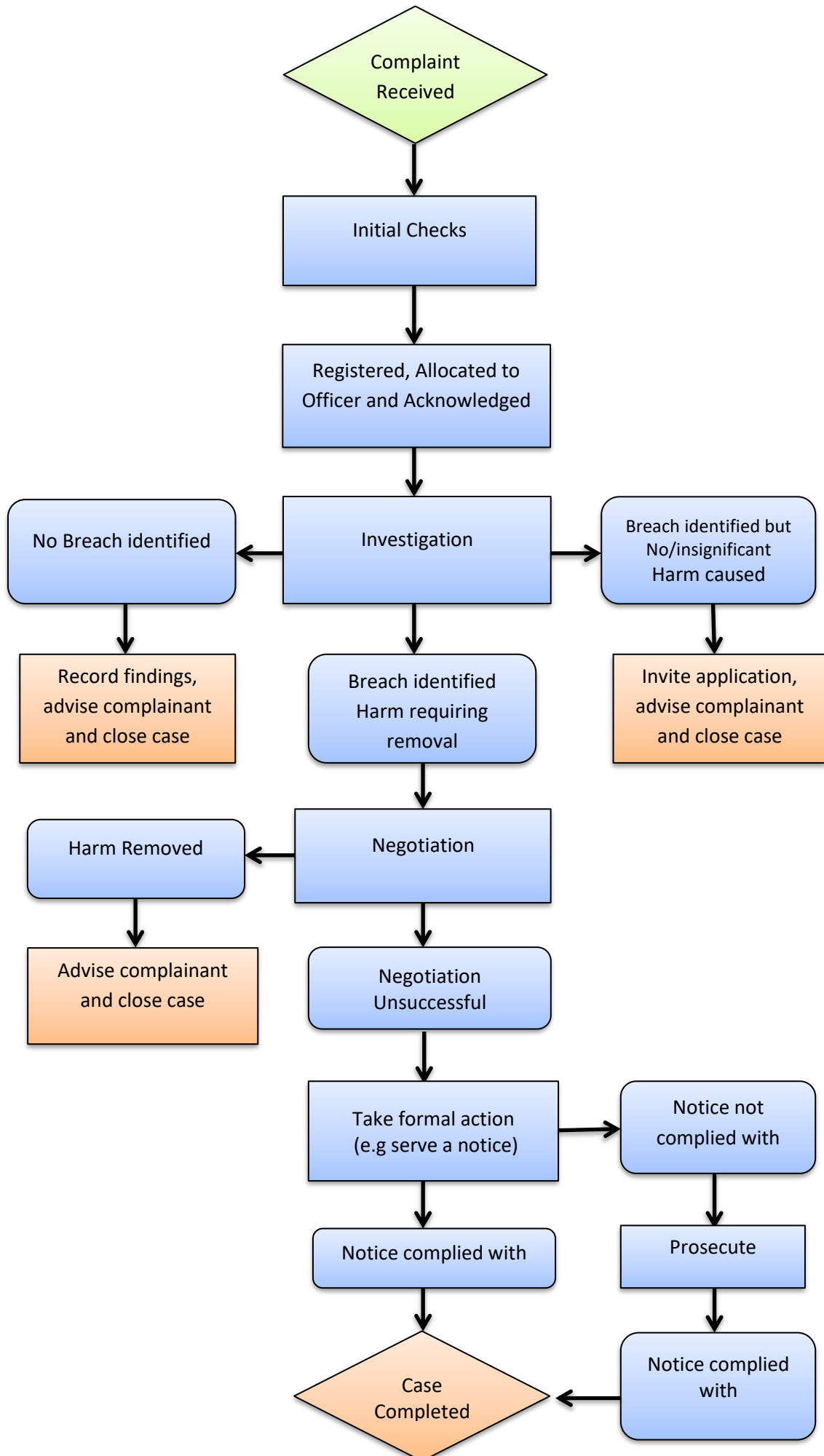
(The Government's online planning resource where you can learn about the planning system and research the latest government policy.)

<https://www.planningportal.co.uk>

#### NATIONAL GUIDELINES:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance – Ensuring Effective Enforcement
- Enforcement Concordat, published by the Cabinet Office;

## Appendix A – Enforcement Process



## **Appendix B – Powers of Entry**

Section 196A of the Town and Country Planning Act 1990 (as amended) (TCPA) – Rights to enter land without a warrant at any reasonable hour to ascertain whether there is or has been a breach of planning control on the land or any other land.

Section 196B (TCPA) – Rights to enter under warrant.

Section 196C (TCPA) – Rights to take any other person as necessary for the purpose of the investigation.

Section 214A,214B,214C (TCPA) – Rights of entry in connection with injunction proceedings.

Section 324 (TCPA) – Powers to enter any land for the purpose of the preparation, revision, adoption, or approval of a local development order under Part 2 of the Planning and Compulsory Purchase Act or local development plan.

Section 88A, 88B, 88C of the Planning (Listed Building and Conservation Areas) Act 1990 – Powers of entry in relation to heritage and listed building cases.

Leaving the Land – On leaving the land, the authorised officer shall, if the owner is not present, leave it as effectively secured against trespassers as it was found.

## **Appendix C – The Enforcement Toolkit**

### **Planning Contravention Notice**

Sections 171C and 171D of the Town and Country Planning Act 1990 (as amended) – The Planning contravention Notice is used to obtain information relating to activities on land and can only be issued when it appears to the Local Planning Authority that a breach of planning control may have occurred.

There are penalties for non-compliance with a Planning Contravention Notice, providing misleading or inaccurate information or failing to provide a response with 21 days of the notice being issued.

### **Section 330 Notice**

A Section 330 notice has a limited use and is generally used to ascertain information relating to interest in land only.

### **Simple Caution**

If the Council is minded to prosecute for an offence, but the alleged defendant is willing to admit their guilt and work with the Council to rectify any breach, the Council will consider issuing a formal caution which will be held on record and produced at sentencing if the suspect is found guilty of any future offences.

### **Enforcement Notice**

Section 172 of the Town and Country Planning Act 1990 (as amended)

An Enforcement Notice can be used to remedy an injury that has been caused by the breach or require the use of the land to cease and restore land to the condition it was prior to the breach within a specified time.

### **Listed Building Enforcement Notice**

Sections 38 – 43 Planning (Listed Buildings and Conservation Areas) Act 1990

A Listed Building Enforcement Notice can be issued where there has been works to a Listed Building without consent or failure to comply with a condition attached to any consent.

There are no time limits for issuing a Listed Building Enforcement Notice and will be served on the current owner irrespective if they carried out the work or not. Whether or not a Listed Building Notice has been served; the carrying out of work without the necessary listed building consent is an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Breach of Condition Notice**

Section 187A of the Town and Country Planning Act 1990 (as amended)



A Breach of Condition Notice may be issued where a planning permission has been granted including those granted on appeal subject to conditions, and the conditions have not been complied with. This notice is different to a normal Enforcement Notice as it is only used when a condition has not been complied with and it will require compliance with the condition/s within the date specified on the notice which is usually 28 days from when the notice was issued.

There is no right of appeal against these notices, and it is an offence not to comply with the notice and upon conviction the maximum penalty is currently set at level 4 (£2,500).

### **Temporary Stop Notice**

Section 171E of the Town and Country Planning Act 1990 (as amended)

A Temporary Stop Notice may be issued where there has been a breach of planning control and it is expedient that the activity should stop immediately. The notice is effective for 28 days from the date the notice is displayed or as specified in the notice. It is an offence to contravene a Temporary Stop Notice.

### **Stop Notice**

Section 183 of the Town and Country Planning Act 1990 (as amended)

A Stop Notice can be issued at the time an Enforcement Notice is served or afterwards. The notice cannot be used on Listed Buildings.

The Notice is used to ensure that that works cease before the expiry of the compliance period of an Enforcement Notice and prohibits the carrying out of that activity on the land subject to the Enforcement Notice.

It is an immediate offence for anyone to contravene a Stop Notice and the offender may be prosecuted in the magistrates Court or in some cases the Crown Court depending on the seriousness of the offence.

### **Injunctive Proceedings**

Section 187B of the Town and Country Planning Act (as amended)

Where the local planning authority considers it expedient to restrain a breach of planning control it can apply to the High Court or County Court for an Injunction.

Under Section 214A of the above act, the local planning authority may apply for an injunction to restrain an actual or apprehended offence under Section 210 (works to TPO trees) or Section 211 (work on trees in a Conservation Area).

An injunction may also be used to enforce listed building control (cease works to listed buildings). It is an offence to contravene an injunction.

### **Direct Action or Default Action**

Section 178 (1) of the Town and Country Planning Act 1990 (as amended)

In some situations, direct action or default action may be considered. Direct or default action involves the local planning authority undertaking works that are necessary to remedy the breach of planning control, where the recipient of the Enforcement Notice

has not complied with the requirements of the notice. The local planning authority can place a charge on the land so that it can recover the money when the land or property is eventually sold.

### **Land Affecting Local Amenity Notice**

Section 215 of the Town and Country Planning Act 1990 (as amended)

The Council may issue a notice requiring steps to be taken to tidy up land when its condition adversely affects the amenity of the area. The notice is issued on the owner or occupier of the land requiring the works set out in the notice to be carried out within a specified time.

There is a right of appeal to the Magistrates Court. If no appeal is made and the notice is not complied with, it is open to the Council to prosecute for the non-compliance or enter the land to carry out the works in default and recover the costs from the owner under Section 2019 of the Act.

### **Removal Notices**

Section 225A of the Town and County Planning Act 1990 (as amended)

A removal notice can be served on a structure which facilitates the display of, or it itself an advertisement. A minimum of 22 days must be given for the structure to be removed. If the structure/advert is not removed within the given timescale, the council can enter the land and remove the structure and recover the costs of doing so.

There is a right of appeal against the notice in the Magistrates Court.

### **Enforcement Orders**

Section 124 of the Localism Act 2011 introduced new powers for local authorities which overrides time limits for immunity when enforcement action can be taken in certain circumstances. If it appears to the local authority that a breach of planning control has been deliberately concealed by any person, the Council can apply to the Magistrates Court for a Planning Enforcement Order.

The order would give the council a further year to issue and serve a Planning Enforcement Notice.

## **Appendix D – Legislation and Guidance used in Enforcement.**

Town and Country Planning Act 1990 (as amended)  
Planning (Listed Building & Conservation Areas) Act 1991  
Planning Compensation Act 1991  
Planning and Compulsory Purchase Act 2004  
Police and Criminal Evidence Act 1984 (PACE)  
Criminal Procedure and Investigations Act 1996  
Localism Act 2011  
Caravan Sites and Control of Development Act 1960  
Town and Country Planning (General Permitted Development) Orders  
Town and Country Planning (Control of Advertisements) Regulations  
Town and Country Planning (Use Classes) Order  
The National Planning Policy Framework