



Planning Advice Note 2 Enforcement Policy

Introduction

Public confidence in the planning system depends upon an effective enforcement service.

The work deals with unauthorised development. This is defined for the purposes of this policy as development carried out without the necessary permission or development carried out in contravention of a condition or limitation attached to a consent. The process will seek to...

1. To remedy the undesirable effects of unauthorised development
2. To bring unauthorised development under the control of the planning system so as not to undermine the credibility of the process.

The Council response will always be proportionate to the merits of each case. The Council will elect to use its discretionary powers to instigate enforcement proceedings if a breach is deemed serious enough and action is in the public interest. However, the Council may elect to under enforce when the breach is minor.

The purpose of any action is to remedy the effects of the unauthorised development. It is not to punish the person(s) carrying out the operation or use. Enforcement action cannot be taken simply to regularise development for which permission had not been sought but which is otherwise acceptable.

If upon investigation, the case is more appropriately dealt with by another body such as Natural Resources Wales the matter will be referred onwards and the case closed.

Complaints regarding Council owned land will be passed to the Estates team.

Complaints regarding protected trees will be passed to the Green Infrastructure team.

The Council reserves the right to not investigate repeated or malicious complaints.

The Council does not provide a proactive enforcement service due to capacity limitations. We will only respond to complaints of alleged breaches of planning.

Planning enforcement process can be a long and complex process. Whilst the Council is committed to resolving breaches, in many instances, this may take some time depending in the nature of the breach and the powers available to the Council.

We do not have the resources to update complainants on the progress of a case.

Violence, threats and verbal abuse will not be tolerated. The Council reserves the right to cease discussions with any party who violates this principle.

How to Report a Breach

Complaints of alleged breaches of planning should be emailed to:

planning@blaenau-gwent.gov.uk

You must provide the precise location and if you know, the identity of the owner of the land/property or who is responsible for the alleged breach.

Photographs or other evidence of an alleged breach may also be required.

You will be asked to leave your contact details in case we require more information from you once the investigation starts. We will not respond to anonymous complaints other than in exceptional cases.

What Happens Next

We will make a site visit to every registered complaint and an officer will research the planning history of a site.

This will establish whether a permission exists for any work or whether the works are immune by virtue of their age.

If we discover there is no breach of planning, then the case will be closed.

If a breach is discovered, the owner will typically be given the following options.

1. Remove the breach e.g. take down a wall/shed or other building
2. Modify the works so that they may no longer require planning permission.
3. Make a planning application to retain the unauthorised use/works. No enforcement action will be taken until the planning application is decided.

If the owner takes none of these options or a planning application to retain the works is refused, the Council will consider whether it is appropriate to take enforcement action.

The culture of the service is always to negotiate in a constructive manner to achieve a satisfactory outcome.

In cases where those responsible for a breach are not constructively dealing with matters, the Council will revert to enforcement action earlier than would otherwise be the case.

Where it is decided to take enforcement action, the appropriate notice will be

served on everyone with a legal interest in the land or property. These will also be registered as a land charge.

Officers may decide that no further action is appropriate. In this scenario, the owner and/or the developer will be advised that future local land searches will reveal that an unauthorised development has occurred..

Co-operation from complainants may be required to progress an investigation such as monitoring a site for activity. The success of the investigation will depend on this cooperation. Where a site requires monitoring and complainants do not return monitoring sheets within 4 week (or other agreed deadline) the case will be closed.

Time Scales

This will vary from case to case depending on the nature of the breach. We aim to visit each site the subject of a complaint within 21 days of receipt. In times of heavy workload or staff absence, this may take longer.

Where negotiation is necessary, reasonable time will be afforded to the parties responsible to consider options and take appropriate action. These deadlines will only be extended where there is reasonable and justifiable reasons provided.

For 2024, we will aim to...

Investigate 75% of cases within 84 days of receipt.

Take positive action when appropriate within 90 days of receipt.

Complaints

All complaints should be emailed to planning@blaenau-gwent.gov.uk