

## **Planning Enforcement FAQs**

### **If I make a complaint against someone will they find out it was me?**

All complaints made to the Council about planning enforcement matters are confidential and are not divulged to the subject of the complaint.

In some circumstances your details may however be divulged to other Council departments (for example Environmental Protection, Building Control, Highways) if they have powers to assist in investigating your complaint.

If a complaint is made about a case that proceeds as far as appeal or prosecution proceedings, evidence may be required from you to increase the chances of a positive result, but you would be contacted about this beforehand to enable you to consider your position.

### **I don't want to leave my name or details; will my complaint still be investigated?**

If an anonymous complaint is received, the details of the complaint will be referred to the Development Manager, who will decide whether or not the matter should be investigated. Such complaints will not normally be investigated unless it is considered to give rise to a serious planning harm.

### **Somebody has made a complaint against me; can I find out who it was?**

The information submitted to the Council forming part of a complaint is considered to be personal data, which is therefore exempt from the provisions of the Freedom of Information Act 2000 (As Amended) and does not have to be disclosed by the Council. The only details which are revealed are the nature of the complaint made, i.e. wall built without planning permission).

### **What happens after I submit my complaint?**

We prioritise each case based on the nature of the issue as detailed within our policy detailed above, we aim to visit the site within the prescribed times scales. Once the facts of the case have been established we will provide you with an update on our findings as soon as possible.

*Please note that enforcement matters can take a substantial length of time to resolve due to the procedure that must be followed and the volume of cases the Council receives.*

### **My neighbour does not have planning permission for building work they are carrying out; can you force them to stop building?**

The Council does not have the power under the planning legislation to stop building work in most cases, including for example unauthorised development at a residential property, such as the construction of a garage/conservatory/outbuilding. In

exceptionally rare circumstances there is the power to serve a notice requiring that unauthorised development is stopped, where serious planning harm is being caused.

**Is building an extension/garage/conservatory etc without planning permission a criminal offence?**

No. If a building is listed however, it is a criminal offence to carry out works that extend, alter, demolish etc. any part of the building without first obtaining consent from the Council.

If an enforcement notice is served requiring for example, the removal of an unauthorised development, it is a criminal offence to fail to comply with the requirements of the notice in the time given. It should be noted that the offender has the right of appeal against such a notice.

**My neighbour is repairing and/or selling cars on the road outside their house; can the Planning Department do anything about this?**

No. If an obstruction of the highway is being caused by the activity, the police should be contacted. In some circumstances the Council's Highways Department may be able to investigate and instigate action under the Highways legislation.

**My neighbour is building an extension that encroaches slightly onto my property; can the Planning Department do anything about this?**

The Planning Department cannot become involved in matters relating to boundary disputes or allegations of trespass onto your property. If an extension is constructed on a neighbour's property that you believe part to have been built on your land, you should seek legal advice from a solicitor/legal advisor about how to pursue the matter. Similarly, if a neighbour has erected scaffolding on your property to enable them to construct an extension, the Planning Department does not have any power to take action.

**Do my neighbours need planning permission to park a caravan/motorhome on their property/driveway.**

Planning permission is not required for the parking of a caravan/motorhome within the curtilage of a domestic property. Restrictions on matters of this nature are often written into the deeds of a property but this is not something over which the Council has any powers of enforcement. A civil action would have to be taken in cases such as these.

**Do my neighbours need planning permission to allow someone to sleep in a caravan/ motorhome stationed on their property.**

Planning permission would not be required for the use by a family member or friend to use a caravan/motorhome as living accommodation ancillary to the main dwelling.

**My neighbour has constructed a fence that blocks off my right of access to the rear of my property; can the Planning Department do anything about this?**

The Planning Department cannot become involved in and has no power to take action regarding matters relating to access rights. If a neighbour has fenced off part of their garden or a shared private drive over which you believe you have a right of access, you should seek legal advice from a solicitor/legal advisor about how to pursue the matter.

Similarly, if your neighbour constructs a fence or wall over a public footpath or a public right of way, the Planning Department does not have the power to take any action in respect of the encroachment. The Council's Highways Department may be able to investigate development that appears to encroach onto a public footpath, and the Countryside and Rights of Way Department may be able to look into any alleged obstruction of a public right of way.

The Planning Department can only investigate an alleged unauthorised boundary wall or fence if it exceeds Permitted Development height restrictions. Further information about Permitted Development Rights can be found on the [Gov.uk](https://www.gov.uk) website.

**Does my neighbour need planning permission to change the windows or add new windows or roof lights in their house?**

In many cases, with the exception of the installation of a new window opening at first floor level in a side elevation, planning permission is not required to replace the windows, or to add new windows or install roof lights in a residential property, even if the property falls within a Conservation Area. If a property is listed however, listed building consent would be required. Planning permission may well be required

In some cases, Permitted Development Rights, which allow people to insert new windows/roof lights, may have been removed, in which case you would need to apply for planning permission. It is always advisable to check with the Planning Department before you carry out such work.

**Does my neighbour need planning permission to use a room in their house as an office? There is something in my deeds that says the properties in this area can only be used for residential purposes.**

A property owner can usually use a room in their property as a home office, without needing to apply for planning permission. The Planning Department cannot become involved in and has no power to take action regarding matters relating to the content of your deeds. If a neighbour has done something which you think is prohibited or restricted by the deeds, you should seek legal advice from a solicitor/legal advisor about how to pursue the matter.

**I have received a letter from Planning Enforcement telling me that my extension is unauthorised. My plans were approved by Building Control so I don't need planning permission separately do I?**

The Council's Building Control Section can grant Building Regulations Approval for a development if it complies with Building Regulations. This is NOT a grant of Planning Permission. Building regulations and planning permission are entirely separate matters and are governed by completely different legislation. In many cases planning permission will also be required and would need to be applied for separately.

**I have received a letter from Planning Enforcement telling me that my extension is unauthorised. I have only demolished and replaced my rear extension with an extension of an identical size, so I don't need planning permission do I?**

If you demolish anything such as an extension, garage, outbuilding, wall, or fence and replace it with something identical, you may still require planning permission. Whether or not you need planning permission will depend on a number of factors. The fact that something similar or identical existed before is not a relevant factor in determining whether or not planning permission is required.