



## **PLANNING ENFORCEMENT CHARTER (REVISED 2025)**

### **WHAT IS THE PURPOSE OF THIS CHARTER?**

Planning enforcement investigates possible breaches of planning control and aims to resolve these using the most appropriate means or action.

The purpose of this Charter is to:-

- Provide a summary of what may constitute a breach of planning control;
- Provide information to our customers on how to report a breach of planning control (hereinafter referred to as a 'planning enforcement complaint');
- Provide a summary of what happens to a planning enforcement complaint once it is received by the Local Planning Authority (LPA) and sets out the service standards that we strive to achieve to ensure that complaints are dealt with in a timely manner
- Provide a summary as to how the LPA decide whether or not it is expedient to take action; and
- Detail the enforcement powers available to the Council.

This Charter will be reviewed and updated as necessary to take into account legislative changes and any feedback received.

### **WHAT CONSTITUTES A BREACH OF PLANNING CONTROL?**

A breach of planning control is defined in the Town and Country Planning Act 1990 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".*

Examples of breaches of planning control include:-

- building work, engineering operations and material changes of use, which are carried out without planning permission, where planning permission is required
- development which has planning permission but is not carried out in accordance with the approved plans
- failure to comply with conditions or the terms of a legal agreement attached to a permission or consent
- advertisements that require express consent under the Advertisement Regulations, but are displayed without consent being granted\*
- demolition within a conservation area, without conservation area consent, when it is required\*
- works carried out to a "listed" building, which affect its historic character or setting, without listed building consent being granted\*
- failure to comply with the requirements of a planning legal notice such as enforcement, discontinuance, stop notice, etc\*
- untidy land or buildings that may be adversely affecting the amenity of an area.

(\*These items constitute an offence).

Quite often it is the case that certain developments may not actually require planning permission. This could be because they are not actually 'development', or they may be 'permitted development' (meaning that an application for planning permission is not necessary).

Please note also that we will not become involved in any neighbour or boundary disputes or any civil matters. The planning service has no control over such matters and therefore they will not be investigated by the LPA.

### **HOW TO REPORT A BREACH OF PLANNING CONTROL:-**

Although the Council will seek to identify possible breaches of planning control as part of its work, it is largely a reactive service which responds to complaints received from members of the public and Elected Members.

It is possible to report a breach of planning control either:-

- By telephoning the Council on Tel: (01545) 570881, whereby the Clic Customer Service Centre will supply you with a copy of the Enforcement Investigation Form for you to fill in and send back to the Council.
- Or;
- By e-mailing a completed copy of the Enforcement Investigation Form (available via the weblink provided below), and where possible a location plan, to the following email address [planning.enforcement@ceredigion.gov.uk](mailto:planning.enforcement@ceredigion.gov.uk).

Or alternatively;

- By posting a completed copy of the Enforcement Investigation Form and where possible a location plan to the following postal address:

Planning Services (Enforcement),

Ceredigion County Council,

Canolfan Rheidol,  
Rhodfa Padarn,  
Llanbadarn Fawr,  
Aberystwyth,  
SY23 3UE

Please note that the authority will not be in a position to investigate planning enforcement complaints where a completed form has not been properly submitted, unless the matter is particularly urgent, for example where works are being carried out on a listed building without consent.

## **WHAT INFORMATION DO WE NEED WHEN YOU REPORT A BREACH OF PLANNING CONTROL?**

When reporting a breach of planning control, you will be asked to complete an Enforcement Investigation Form, which can be accessed via the following link:



Planning  
Enforcement Investi

The form asks for information such as:-

1. The precise location of the site or property to which the planning enforcement complaint relates
2. Full details of the alleged breach of planning control and details of the harm that is being caused.
3. If possible, the identity of the person/ organisation responsible and the date and/or time the breach began and if applicable when it was completed.
4. The complainant's details (name and address etc).

Please note that complainant's details will remain confidential and will not be made publicly available. There are however specific situations where we may be required to disclose information about you, such as:

- Where the Council is required to provide the information by law
- Where disclosing the information is required to prevent or detect a crime; or

- Where disclosure is in the vital interests of the person concerned

Please be aware that complainants may also be contacted and requested to provide further information such as:

- Diary evidence to substantiate any claims made

The Council will not tolerate any inappropriate or defamatory statements contained within the investigation form or any accompanying documentation, either regarding the person who has allegedly carried out development without planning permission or any Council Officer. The content of any documentation submitted should focus on factual information only.

## **WHAT HAPPENS TO YOUR PLANNING ENFORCEMENT COMPLAINT?**

In summary:-

1. We will acknowledge receipt of your planning enforcement complaint within 14 days if a postal address or email address is provided;
2. The planning enforcement complaint will be prioritised in accordance with the Prioritisation Scheme, in order to ensure that available resources are assigned appropriately and proportionately.

- "Priority 1" cases will be those involving the demolition or alterations to listed buildings, unauthorised works to protected trees and other cases which causes serious harm.

- "Priority 2" will be given to those cases which the Authority consider to have a significant detrimental effect and is likely to lead to formal enforcement action, if not rectified.

- "Priority 3" are those cases which are considered to have less of an impact and those which the Authority consider it would not be expedient to take formal enforcement action. Retrospective planning applications will be invited to rectify these situations. Examples are minor extensions to dwellings which require planning permission.

- "Priority 4" cases relate to minor operations with very limited impact, for example fences, some advertisements, or satellite dishes on non-listed buildings.

And

3. We will endeavour to consider and investigate the alleged breach of planning control within 84 days of receipt of the planning enforcement complaint and advise the complainant of the outcome of the investigation, for example whether or not a breach of planning control has occurred and if so, how we intend to address the breach.

Please note however that it is not always possible to anticipate the length of time required for a decision or for action on a case. Enforcement is one of the most complex parts of the planning system and progress can be delayed for a number of reasons, for example where evidence must be collected and verified over a period of time, where negotiations take place, where formal procedures have to be used or where rights of appeal are exercised etc.

Furthermore, please note that the service does not have the capacity or resource to provide on-going updates to complainants whilst investigations or enforcement proceedings are taking place. We understand that this may be frustrating but we must ensure that our limited resources are used in the most efficient and effective manner possible.

### **DETERMINING WHETHER ACTION SHOULD BE TAKEN:**

It is important to realise that although all planning enforcement complaints will be considered, not all will result in enforcement action.

In most cases the Council will try to negotiate compliance rather than pursue formal action, although in those cases where serious environmental damage or harm to the amenities of neighbouring residents is taking place, or where damage is being caused to protected landscapes, trees and/or listed buildings, the Council will use the full range of its enforcement powers to bring the matter speedily under control.

The decisive issue is to consider whether the breach of planning control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.

Welsh Government guidance emphasises that:

- Any enforcement action should be commensurate with the breach of planning control to which it relates;
- The intention should be to remedy the effects of the breach of planning control, not to punish the person(s) responsible for the breach;
- It is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to public amenity; and
- Enforcement action should not be taken simply to regularise development for which permission had not been sought but which is otherwise acceptable.

When investigating an alleged breach of planning control, therefore, the Authority always seeks to ensure that decisions are taken concerning the most appropriate way forward in an effective and timely manner. This does not, however, mean that formal action will be taken. Indeed such action is limited to the most serious cases where harm arises and action is warranted in the public interest.

In the majority of cases, even where breaches are identified, we will seek to resolve these informally, which may include: -

- Informal negotiation with an owner / developer to remove a breach, or to make changes to a development such that it no longer constitutes a breach, or no longer causes material harm;
- Seeking the submission of a planning application to regularise a breach, which may include the need to comply with conditions to mitigate any harm caused by the development;
- Concluding that no harm arises from the breach, such that it is not expedient for the Council to take the matter further.

## **HOW DO WE DETERMINE WHEN IT IS, OR IS NOT ‘EXPEDIENT’ TO TAKE ACTION?**

When we investigate planning enforcement complaints, and these are found to require planning permission, we will undertake an initial assessment to determine whether the development would be acceptable judged against both national planning policies and the policies contained within the Council’s adopted Local Development Plan.

Although the nature of such assessment will vary depending on the breach, this may involve consideration of matters including the principle of development, the impact on visual amenity / local character, highway safety, and residential amenity etc.

Where we feel that such development is likely to be acceptable, or could be made acceptable by condition, we would usually seek the submission of an application to regularise the development. There will often be cases, however, where the nature of the breach is considered to have no unacceptable impacts, and we will conclude that it would not be ‘expedient’ in the public interest to take any action (including requiring the submission of an application). An example may be where a boundary enclosure technically exceeds the ‘permitted development’ limit but causes no demonstrable adverse impact on neighbouring amenity. In such cases, we will inform complainants of our conclusions and close the investigation. In such ‘non expediency’ cases, we appreciate that complainants will not always agree with our decision but Officers will have exercised professional judgement in coming to this conclusion.

## **WHAT TYPE OF ACTION CAN BE TAKEN?**

When a decision is made that it is expedient to take action against a breach of planning, there are a number of types of action that can be taken.

A summary of the main enforcement powers available to the Local Planning Authority are detailed below: -

### **1. Planning Contravention Notice (PCN)**

A Planning Contravention Notice (PCN) can be served in respect of any suspected breach of planning control and enables the Authority to require detailed information to inform its investigation. The serving of a PCN does not stop the Authority taking other formal action against a breach of planning control. The recipient of a PCN has 21 days to respond to it. Failure to reply to

a PCN (or making a false or misleading statement within a response) is an offence against which prosecution action can be taken.

## **2. Enforcement Warning Notice (EWN)**

Introduced in Wales by the Planning (Wales) Act 2015, an Enforcement Warning Notice can be issued by a LPA where the Authority considers that, subject to the imposition of conditions, there is a reasonable prospect that, if an application for planning permission in respect of the unauthorised development were made, planning permission would be granted. An EWN will give a specified period within which time an application must be made, after which time enforcement action may otherwise be pursued.

## **3. Enforcement Notice (EN)**

Where the LPA determines that it is expedient to take formal enforcement action against a breach of planning control in the wider public interest, it may issue an Enforcement Notice. An Enforcement Notice may allege an unauthorised material change of use of land or buildings, operational development or breach of a condition. The Enforcement Notice must specify the time at which it takes effect, what steps must be undertaken to remedy the breach and a time period in which those steps must be undertaken. An appeal against an Enforcement Notice (which can be made on planning or legal grounds) must be made before the date on which the Notice takes effect (normally within 28 days of serving). If an appeal is made, the requirements of the Notice are suspended until the appeal has been decided. Once a Notice comes into effect, there is a further period of time to allow for compliance. The length of time depends on the nature of the breach. Failure to comply with an Enforcement Notice is a criminal offence and can lead to a fine of up to £20,000.

## **4. Listed Building Enforcement Notice**

Similar to an Enforcement Notice, such Notice relates to unauthorised works to a Listed Building and may:- (a) require the building to be brought back to its former state; or (b) if that is not reasonably practicable or desirable, require other works specified in the Notice to alleviate the effects of the unauthorised works; or (c) require the building to be brought into the state it would have been in if the terms of any listed building consent had been observed. The Notice must specify time constraints for securing compliance with the requirements of the Notice. There is a right of appeal against a Listed Building Enforcement Notice. The procedures are similar to those for an appeal against an Enforcement Notice. If works subject to a Listed Building Enforcement Notice are later authorised by a retrospective application for Listed Building consent, the Listed Building Enforcement Notice will cease to

have any effect although the liability to prosecution for an offence committed before the date of any retrospective consent remains.

## **5. Breach of Condition Notices (BCN)**

A BCN may be served where a condition attached to a planning permission is not being complied with. The BCN will specify the steps which the LPA require to be taken in order to secure compliance with the condition as is specified in the notice. There is no right of appeal against a BCN (although the Authority's decision to issue a Breach of Condition Notice can be challenged in the Courts) and failure to comply constitutes a criminal offence which can be prosecuted, which can lead to a significant fine.

## **6. Stop Notices (SN)**

In certain cases, a Stop Notice can be served in order to cease an unauthorised activity on the land. A Stop Notice can only be served at the same time as, or after, the service of an Enforcement Notice, and is usually restricted to the most urgent and harmful breaches of planning control, with the LPA at risk of compensation if it is used in inappropriate cases. There is no right of appeal against a Stop Notice, only the Enforcement Notice to which it relates. Failure to comply with a Stop Notice can lead to a substantial fine of up to £20,000.

## **7. Temporary Stop Notice**

Since June 2015, LPAs in Wales have been able to issue Temporary Stop Notices which can require that an activity which is a breach of planning control should stop immediately. A Temporary Stop Notice does not have to be issued with an Enforcement Notice and ceases to have effect after 28 days. Such a Notice should only be issued when the LPA believes that the breach should be stopped immediately.

## **8. Section 215 'Amenity' Notices (s215)**

Where the condition of land is adversely affecting the amenity of the area, the LPA may serve a notice under s215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land. The s215 Notice will specify the steps that the LPA require to be taken in order to remedy the condition of the land. There is a right of appeal to Planning & Environment Decisions Wales (PEDW) against a s215 Notice. Failure to comply with a s215 Notice is an offence.

## **9. Injunction**

If an authority considers that a breach of planning control is sufficiently serious, and is causing or likely to cause exceptional harm, it may apply to the Courts for an injunction. Those in breach of an injunction can be imprisoned.

## **10. Prosecution Action**

As referred to above, where someone is in breach of the requirements of an Enforcement Notice, Breach of Condition Notice, or a Stop Notice, they are guilty of an offence and the planning enforcement service can initiate prosecution proceedings.

In addition, the LPA may also instigate prosecution proceedings against offences such as:-

- Displaying an advertisement without express consent
- Carrying out unauthorised works to protected trees
- Carrying out unauthorised works to a listed building
- Non-compliance with a PCN or s215 Notice

## **11. Direct Action**

The Authority can also enter the site and carry out the works required by the Notice in default and then seek to recover its costs from the owner/occupier.

### **Are there Time Limits for Enforcement Action?**

The statutory time limits for taking enforcement action must be adhered to and prompt initiation of action may be necessary to prevent an unacceptable breach of planning control from becoming well established and more difficult to remedy.

For most types of 'operational' development, plus the change of use of a building to a single dwelling house, the time limit is four years after the development is completed.

For any other breach of planning control the time limit is ten years after completion.

Please note that there are no time limits against unauthorised works to listed buildings.

### **If Enforcement Action is taken, is there a right of appeal?**

There is a right of appeal against an Enforcement Notice (including an 'amenity notice' served under section 215), but not against a Breach of Condition Notice, Stop Notice or Temporary Stop Notice. An appeal against a Notice may be made to Planning & Environment Decisions Wales (PEDW) during the period (usually 28 days) before it comes into effect. The grounds for appeal can include that planning permission ought to be granted for the activities cited in the Enforcement Notice or that the alleged breach of planning control has not taken place. If an appeal is received, no further action can usually be taken until the appeal has been determined.

## **WHAT IF YOU ARE DISSATISFIED WITH THE SERVICE YOU HAVE RECEIVED?**

The Council acknowledges that complainants can be very concerned or angry about an alleged breach, but under no circumstances will anger or abuse against Council officers be tolerated. Officers of the Council are not directly responsible for the breach and are there to assist complainants.

However should a complainant be dissatisfied with the service it has received from the Council's Planning Enforcement Section, it is possible to refer the matter to the Council's Corporate Complaints Department, who consider complaints in relation to the standards of service provided by the Council.

Such complaints will be considered under the Council's Corporate Concerns and Complaints Policy, which normally follows a two-stage process – Informal Resolution and Formal Investigation.

More information can be found by clicking on the following link:

<https://www.ceredigion.gov.uk/your-council/comments-compliments-and-complaints/corporate-complaints/>

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