

## Planning Enforcement Plan – Summary Document.



### What do we do?

The role of the planning enforcement team is to investigate complaints relating to breaches of planning, tree protection, listed building, conservation area or advertisement control within the District.

### What is a breach of planning control?

A breach of planning control includes building or engineering works without planning permission, material changes of use of land or buildings without planning permission or the failure to comply with conditions imposed on a planning permission. Breaches of planning control are not a criminal offence.

Unauthorised works to listed buildings, unauthorised works to or felling of trees protected by a tree preservation order, unauthorised display of advertisements and the demolition of buildings/works to trees in a conservation area are criminal offences.

It is important to note that listed building consent is required for any works to a listed building, whether internal or external, and not just works to those items specifically mentioned in the building's listing. Unauthorised works are, as indicated above, a serious criminal offence.

### How do we deal with breaches of control?

An enforcement officer will visit the site complained of to establish whether there is a breach of planning control. If there is, they will make an assessment of the harm being caused by the breach. Should the level of harm not be significant, then no further action will be taken.

Where it is appropriate, in the public interest, the Council will take proportionate and appropriate action to secure compliance with planning legislation. This may include the service of formal notices or prosecution.

### What can't we deal with?

There are matters which are frequently reported to planning enforcement officers that are civil matters and in such cases the informant will be directed to the Citizens Advice Bureau or to their own legal advisor. These matters include boundary disputes and the enforcement of covenants attached to house deeds. In common with the Land Registry, the council cannot determine boundaries on sites, the only competent bodies to determine boundaries being the county courts or High Court.

The use of, or development on, adopted highways, pavements or highway grass verges or the siting of advertising 'A' boards on them, are dealt with by the Highways Department of Nottinghamshire County Council

The following matters are also not breaches of planning control: Small scale business activities carried out from home; any internal works to buildings which are not listed buildings; the lopping or removal of trees or hedges which are not located in a Conservation Area or covered by a Tree Preservation Order or the painting of the exterior of an unlisted

house - whatever the colour.

### How do I make a complaint?

Complaints should be made in writing, 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 website at [www.newark.sherwood.gov.uk/planningenforcement/reportbreachofplanning/](http://www.newark.sherwood.gov.uk/planningenforcement/reportbreachofplanning/) or by e-mail to [planning.enforcement@nsdc.info](mailto:planning.enforcement@nsdc.info). Anonymous and apparently vexatious complaints will not normally be investigated.

Complaints will not be accepted by social media, e.g. Facebook, twitter etc. Such complaints cannot always adequately identify the person submitting the complaint or where they live in order to attach appropriate weight to the issues raised.

The personal information you provide will only be used by the Council, in accordance with General Data Protection Regulation (GDPR) 2016 and used for the purposes of our investigations.

Our privacy notice provides further information - <https://www.newark-sherwooddc.gov.uk/yourcouncil/privacy/>

### Standards of service

Enforcement officers have a very high workload, necessitating a priority system to ensure that the most serious breaches are given priority. All cases will be investigated at the first available opportunity and, additionally, we aim to have commenced investigations within the time scale shown below:-

Priority	Complaint type	Investigation commencement timescale*
High	<ul style="list-style-type: none"> <li>● Demolition in a Conservation Area;</li> <li>● Destruction of an important hedgerow;</li> <li>● Hazardous substances;</li> <li>● Unauthorised works to protected trees; and</li> <li>● Unauthorised works to listed buildings.</li> </ul>	As soon as possible and in any case within 24 hours of receiving the case
Medium	<ul style="list-style-type: none"> <li>● Unauthorised development that contravenes local planning policy;</li> <li>● Unauthorised development that significantly impacts on local amenity and public safety;</li> <li>● Unauthorised development that results in harm to the setting of a listed building;</li> <li>● Unauthorised development that results in harm to the character of a Conservation Area;</li> <li>● Unauthorised development in Green Belt;</li> <li>● Operational building works;</li> <li>● Unauthorised changes of use;</li> <li>● Erection of unauthorised advertisements that have a detrimental impact on highway safety or within Newark/ Southwell town centre locations; and</li> <li>● Breaches of 'conditions precedent' attached to planning permissions</li> </ul>	As soon as possible and in any case within 24 hours of receiving the case
Low	<ul style="list-style-type: none"> <li>● Running a small business from a residential property;</li> </ul>	As soon as possible and in any case within 14 working days

	<ul style="list-style-type: none"><li>• Unauthorised advertisements;</li><li>• Unauthorised fences and walls;</li><li>• Other breaches of planning conditions</li><li>• Unauthorised householder developments; and</li><li>• Untidy land and buildings.</li></ul>	
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*\* Timescales commence from the first working day after a complaint is received. Weekends and bank holidays are therefore not counted.*

