

## LLDC PLANNING ENFORCEMENT PLAN

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## 1.0 Introduction

The London Legacy Development Corporation (LLDC) is the Local Planning Authority (LPA) for the LLDC area (Map 1 attached shows the LLDC administrative area). This means that it is the determining authority for all planning applications that fall within its boundary as well as having planning enforcement powers. The LLDC's Planning Policy and Decisions Team (LLDC PPDT) carry out all planning enforcement functions within the LLDC area. This enforcement plan is published to accord with guidance within the 2012 National Planning Policy Framework (NPPF): this recommends that LPAs publish a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area.

The enforcement plan outlines the procedures and standards of service that can be expected from the LLDC PPDT with regard to enforcement against unauthorised development and breaches of planning control. Planning enforcement can be a complex process. The aim of this plan is to make sure that procedures are fair and reasonable, that interested parties are kept informed and aware of what is required and that the outcome of any action is commensurate with the nature of the breach of control. The NPPF emphasises that LPAs should ensure that effective enforcement against breaches of control takes place, while also emphasising that enforcement action is discretionary and any action taken should be proportionate to the nature of the breach of control concerned. LPAs should manage enforcement proactively. LLDC will ensure a proactive approach through, for example, monitoring the implementation of planning permissions and compliance with planning conditions including by site visits; working with host borough regulatory services and coordinating action with those host borough services; and working with local groups to ensure community engagement.

## 2.0 Reporting a Breach of Planning Control

All planning enforcement enquiries from members of the public within the LLDC area should be directed to the PPDT (see contact details at the end of this document) for investigation.

When reporting a potential breach as much information as possible should be provided, in particular the address or location of the site in question, the nature of the building works or use, and when activity started. An important part of the PPDT's investigations will be to establish how long the alleged breach of planning control has been in existence because the law provides that after certain periods of time breaches of planning control become lawful and enforcement action can no longer be taken.

The majority of breaches may be brought to the PPDT's attention by members of the public, however members of the public cannot initiate planning enforcement action: it is the responsibility of the PPDT to determine whether action is necessary in the public interest and the nature and extent of any such action.

Formal enforcement action is discretionary. Legislation requires that in all cases where it is legally possible to take enforcement action the PPDT must consider whether it is **expedient** to do so, taking account of all relevant planning circumstances including the development plan policies and all other material considerations.

## 3.0 Investigating a Breach of Planning Control – Service Standards

### 3.1 If you report a breach of planning control

The PPDT will make keep your name and address confidential. Anonymous enquiries or complaints will be afforded a lower priority dependent on the information provided and the nature and impact of the breach.

The PPDT will acknowledge receipt of your complaint and provide you with the contact details of the relevant case officer.

The PPDT will aim to investigate a complaint in accordance with its enforcement priorities set out in Table 1. This Table also sets out the time periods within which you will receive a response from the PPDT. In some complex cases, further time may be necessary to investigate the alleged breach. In such cases you will be kept up to date about the investigation.

Following its initial investigation of any enforcement complaint, the PPDT will decide what course of action to take. There are a number of courses of action available, as follows:

- *Negotiation* – In many cases a breach of planning control can be resolved more efficiently and effectively by negotiation than by more formal action. Such an approach will be taken when this appears to be the most reasonable and effective method of dealing with a breach.
- *Regularisation* – In some cases a breach may be broadly acceptable in planning terms and it may be expedient to seek the submission of a retrospective planning application to regularise unauthorised development. Where such a planning application results from an initial enforcement complaint, the PPDT will give the complainant the opportunity to comment on the planning application. In this scenario the LPA has the option of imposing conditions on any retrospective permission to prevent adverse impacts on a site's surroundings.
- *Formal Action* – Where it is considered expedient, for example in cases where unacceptable harm has resulted which cannot be adequately mitigated, formal action under the relevant powers in the Town and Country Planning Act will be taken. This will involve service of a formal enforcement notice on the operator, owner and any other party with a legal interest in the land or building in question. This notice will specify what action is required to remedy the breach and will give a period for compliance (if the breach relates to failure to comply with a condition attached to a planning permission the LPA has the option of issuing a breach of condition notice).

A recipient of an enforcement notice can make an appeal against it to the Secretary of State (there is no right of appeal against a breach of condition notice). An appeal suspends a notice from taking effect. If the appeal is allowed no further action can be taken by the LPA. If the appeal is dismissed the enforcement notice will take effect and if compliance with its requirements does not then occur within the set compliance period, a criminal offence arises (the carrying out of unauthorised works do not initially constitute a criminal offence except in the case of unauthorised works to listed buildings and the display of unauthorised advertisements). It is at this stage that the PPDT would be able to pursue prosecution through the magistrates' courts.

In exceptional circumstances, where unauthorised works or unauthorised use has a very serious adverse impact upon a locality, the LPA can serve a stop notice or seek an injunction from the courts to force the unauthorised works or use to cease immediately. A temporary stop notice can be issued to stop an unauthorised development or use for a period of 28 days during which time the LPA can consider the appropriate further course of action.

The PPDT also have various other powers of enforcement under the Planning Acts: to act against unauthorised advertisements, unauthorised works to trees subject to a Tree Preservation Order or within a conservation area, unauthorised other works within a conservation area, unauthorised works to a listed building. Unauthorised works to listed buildings and unauthorised advertisements constitute criminal offences unlike other initial breaches.

The PPDT also has the power to carry out works required by an enforcement notice in default if it considers it expedient to do so, and to subsequently recover the costs of doing so.

The LLDC Board has delegated powers to allow the Director of Planning Policy and Decisions to process and make decisions on any enforcement matter within the LLDC area. This is to ensure that any relevant action can be undertaken as quickly as possible. Generally however authorisation will be sought from the LLDC Planning Committee to undertake formal enforcement action.

Where following investigation it is proposed to take no further action, on the basis that no breach has occurred, where there is insufficient evidence of a breach, or where it is not expedient to pursue any further action, the PPDT will write to confirm this within the time periods set out in Table 1.

Not all complaints received by the PPDT may relate to powers under the Planning Acts (for example it may be more appropriate for complaints about noise to be dealt with by the environmental health department of the local Borough Council). In such cases, the PPDT will respond to the complainant in accordance with the time periods set out in Table 1 noting that the matter cannot be dealt with under the Planning Acts and as such, that it cannot be dealt with by the PPDT and that the relevant authority is the relevant London Borough (or TfL). A copy of the letter sent to the complainant will be forwarded to the relevant contact at the Borough / TfL.

### **3.2 If it is alleged that you are in breach of planning control**

An officer will visit the site to assess if a breach has occurred and if so the nature and impact of that breach. Officers will not enter the premises unless it is necessary, and they will provide proof of their identity.

A full investigation of the alleged breach of control will be carried out before a decision is made regarding the appropriate course of action.

Where there is a breach of planning control the PPDT will aim to deal with everyone in an open and fair manner. In many cases the PPDT will seek in the first instance to resolve the breach by means of negotiation if this appears to be the most effective and expedient course of action. The PPDT will often initially write to you telling you what action is required to remedy the breach, the timescale within which the action has to be taken, and the consequences of not taking that action. The PPDT also has the option of a more formal procedure if necessary to obtain more information about the nature of the breach prior to any action (service of a planning contravention notice).

Any decision to take formal action will be made in accordance with relevant national guidance, development plan policy, best practice, and this Enforcement Plan.

## 4.0 Enforcement Priorities

In all cases the time periods given below will commence from the time of receipt of a level of detail and information from the complainant which the PPDT considers is sufficient to allow an effective investigation.

### 4.1 Table 1 – Enforcement Priorities

Priority	Alleged Breach	Initial site visit within:	Initial Report to LLDC PPDT by:	Initial response to complainant by:
1	1. Development directly affecting the ability to deliver the regeneration aims and functions of the LLDC; 2. Complaint from LLDC Board member or LLDC Planning Committee Member; 3. Complaint from MP, MEP, Mayor of London or GLA Member; 4. Complaint from Local Borough Councillor; 5. Development that adversely and materially affects the amenity of residential occupiers. 6. Unauthorised works to listed buildings or within conservation areas. 7. Unauthorised works to trees subject to Tree Preservation Orders and trees within conservation areas	3 working days from the date of receipt of complaint	7 working days from date of receipt of complaint	10 working days from date of receipt of complaint
2	1. New build without planning permission.	7 working days from the date of receipt of the complaint	14 working days from the date of receipt of the complaint	21 days from the date of receipt of the complaint
3	1. Adverts; 2. Development not in accordance with approved drawings; 3. Breach of conditions not covered in 1 above; 4. Telecoms development.	10 working days from the date of receipt of complaint	14 working days from the date of receipt of the complaint	28 days from the date of receipt of the complaint
4	All other breaches	14 days from the date of receipt of complaint	28 days from the date of receipt of complaint	Six weeks from the date of receipt of complaint.

The LLDC PPDT is committed to providing a first rate enforcement service within the resources available for all users of the service.

## 5.0 If you are dissatisfied with the Service

We will make every effort to ensure that you receive a good quality service. If you do have a complaint about our service you should contact us at the address below. We will deal with your complaint immediately and write to you within two weeks with an explanation or with a progress report if it has not been possible to deal with your complaint within that period.

## 6.0 Contact us

Planning Policy and Decisions Team

**London Legacy Development Corporation**

Level 10

1 Stratford Place, Montfichet Road

London E20 1EJ

Planning Reception 020 3288 8820

Email: [planningenquiries@londonlegacy.co.uk](mailto:planningenquiries@londonlegacy.co.uk)

Map of LLDC boundary area

