

A guide to Planning Enforcement



February 2009



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Introduction

Our services

The Planning Enforcement team deals with complaints about unauthorised development and changes of use. This includes where:

- building work is carried out without permission (if permission is needed).
- planning conditions are not kept to.
- the use of a building or site is changed without planning permission.
- some types of advertisements are displayed without permission.
- walls and buildings in conservation areas are demolished without permission.
- trees and hedges that are protected by tree preservation orders are cut back or cut down.

In most cases of unauthorised developments and changes of use, a criminal offence has not been committed until we have taken formal enforcement action and the person concerned has not kept to the requirements we have set.

Our promise

- We will let you know we have received your complaint within three working days of receiving it.
- We will investigate all complaints by looking at the site and planning history, and carrying out a site inspection. If there are planning enforcement issues, we will try to settle any disputes by coming to an agreement and without taking formal action, unless the matter is causing significant harm. If we need to take formal enforcement action, this may eventually result in the person concerned being prosecuted.
- We will contact you within five days of visiting the site to tell you what the next steps are.
- We will contact you within eight weeks to tell you whether we will take formal enforcement action or invite a planning application, or give you reasons for why we are closing the case.
- If we have issued an Enforcement Notice, we will tell you what the notice says and the date by which we expect a response. When the period set out in the notice has ended,

we will check the site and let you know if the conditions have been met.

- We will contact you when the case is closed, explaining why.
- If appropriate, we will provide a service outside of office hours.

Cases are dealt with according to the following timescales:

- **Urgent:** This includes work that has been carried out to protected trees or listed buildings without permission. We will visit within 24 hours of receiving the complaint, or where works are causing a nuisance we will respond within one hour.
- **Priority 1:** Other serious complaints, including demolition in conservation areas. We will visit within three working days.
- **Priority 2:** All other complaints, such as extensions to buildings and unauthorised changes in the use of a building. We will visit within 10 working days.
- **Priority 3:** Minor complaints, such as minor alterations to the outside of a building, or other minor developments. We will visit within 15 working days.

We will not do the following:

- Consider taking formal enforcement action without first considering all the relevant planning circumstances of each case. We must investigate all complaints very carefully and allow enough time for the person concerned to carry out our instructions or appeal against our assessment.

We cannot do the following:

- Take enforcement action if the person has specific planning permission, or does not need planning permission, to carry out the work or change how a building is used. You can find more information on planning permission that has been granted, and the types of work that need planning permission, on our website at **www.haringey.gov.uk/planning-mainpage.htm**
- Take enforcement action against unauthorised developments that have been in place for four or more years, as these are considered to be 'established'.

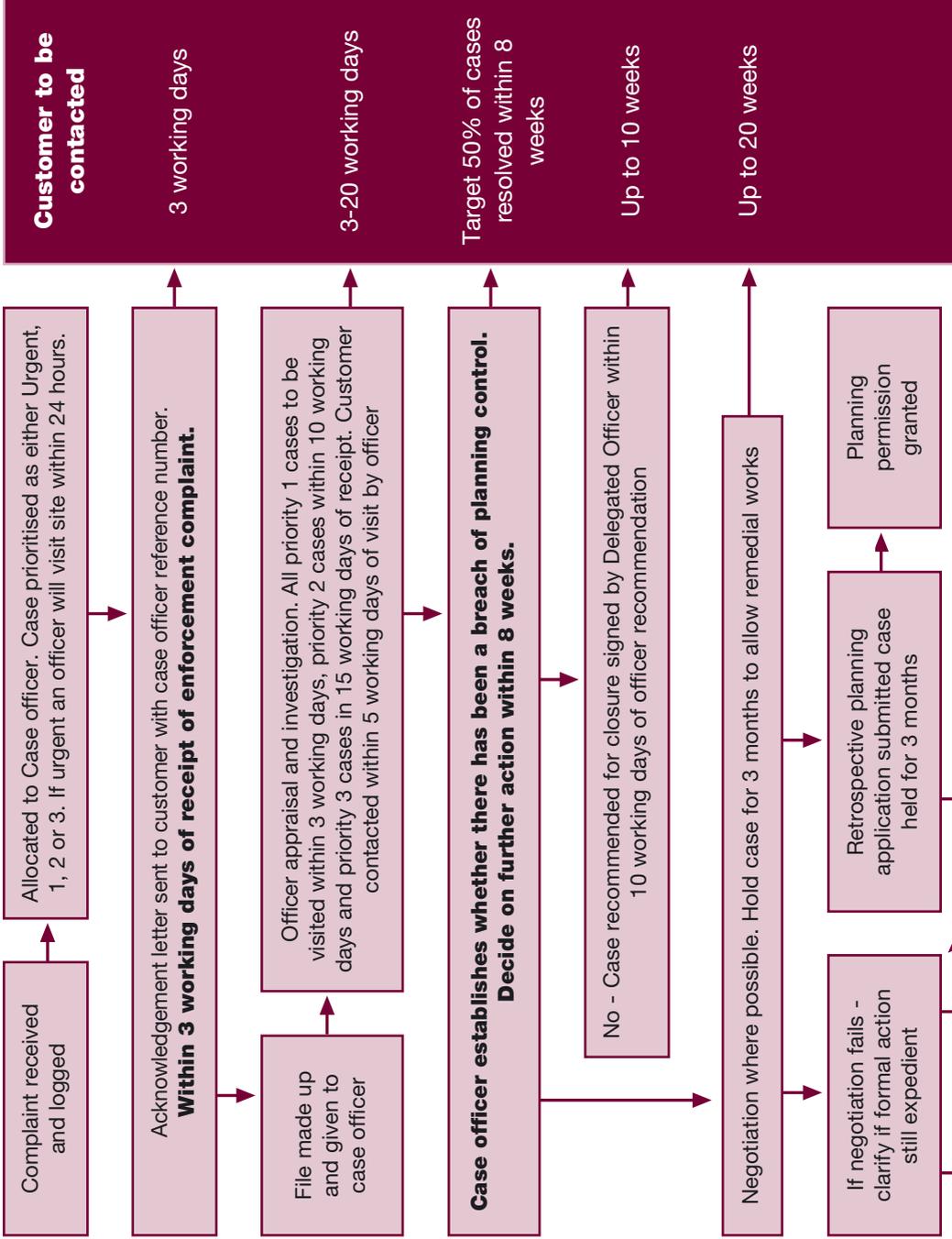
- Take enforcement action against unauthorised ‘changes of use’ that have existed for a continuous period of over 10 years, as these are considered to be ‘established’.
- Take enforcement action against things which do not fall within planning laws. These include the following:
 - Civil matters, such as blocking a private right of way, or a neighbour’s building or fence built on your land. The website **www.adviceguide.org.uk** provides information and advice about the legal system. Work inside a property. For more information, please contact Building Control or Housing and Health.
 - Pollution and noise control. For more information, please contact the Enforcement Response service and Health and Safety team.We may decide not to take enforcement action against minor alterations causing minimal impact.

Our procedure

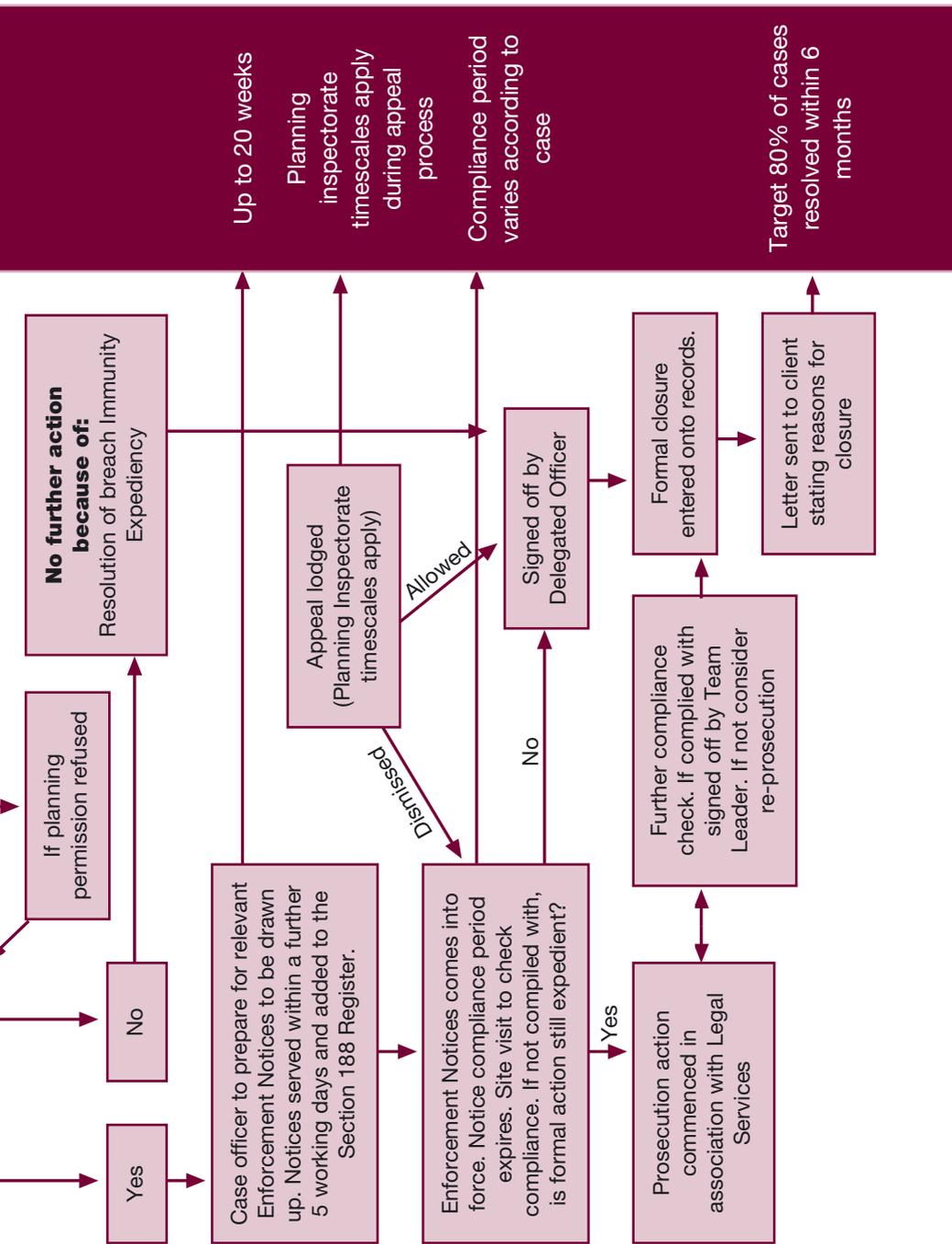
The planning enforcement procedure is often a lengthy process and we understand that customers would like to know what is happening during the process. Within 8 weeks of receipt of any case, investigations should be sufficient to make a decision establishing whether a breach of planning control has occurred and what future action, if any, is required.

On the next 2 pages you will find a flowchart which gives more information about what is done and when you can expect to hear from us.

Planning Enforcement procedure for



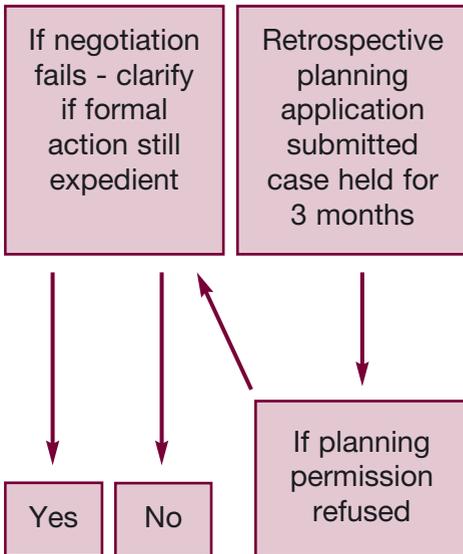
London Borough of Haringey



Negotiation Process

Further information on the negotiation stage of the flowchart

The diagram below is a magnification of the part of the flow chart which requires further explanation. It illustrates the cycle where further action is expedient, but other avenues are considered more appropriate than to go straight to formal enforcement action.



Submission of a retrospective planning application

Where the breach can be corrected through granting of planning permission and controlled by conditions attached to it, we will invite submission of a planning application. This invitation is not appropriate for minor breaches of planning control - these will be considered not expedient to pursue.

Some instances when a retrospective planning application may be appropriate are:

- Certain uses which require controls e.g. permitted hours, flue extraction and noise disturbance.
- Operational development that exceeds approved plans or permitted development rights.
- Breaches of permitted hours where other users are operating in the neighbouring area and where it is considered not harmful to residents of adjoining properties.

Negotiation

Where remedial action appears to be possible within a reasonable timescale we will consider negotiation. We aim to go through a negotiation period before taking any formal action. The negotiations aim to achieve one or more of the following outcomes:

- To comply with permitted hours.
- To undertake work to comply with the planning permission granted/fall within permitted development rights.
- To remove any obstacles allowing remedial works to be undertaken.
- To cease an unauthorised use.

Negotiation would not be appropriate where significant and sustained harm is arising in the surrounding area. In these circumstances, formal enforcement action is the most appropriate action.

Please note

For retrospective planning applications and negotiations the input of Development Management, Conservation and Urban Design, Building Control and other relevant service providers will usually be necessary.

The time for negotiation is a maximum of 3 months from when the officer has established the next course of action, allowing for the determination of most planning applications and/or for remedial works to be undertaken. This timetable should not be exceeded except when there is exceptional circumstances.

Enforcement Powers

Listed below are a series of notices and other actions which can be imposed by the Planning Enforcement service.

Enforcement Notices

can be served on unauthorised development where the development can be remedied by alteration, complete demolition or the unauthorised use to cease. For these notices there is a right of appeal to the Planning Inspectorate.

Breach of Condition Notices

require compliance of a condition attached to a planning permission already granted. These notices are suitable for specific breaches of planning control and need to be corrected within a specified deadline. There is no right of appeal for these notices.

Stop Notices would normally only be served in a small number of cases where the unauthorised development is considered to be so harmful that the outcome of the enforcement process could not be waited for. These must be served together with an Enforcement Notice. There is no right of appeal for these notices.

Temporary Stop Notices

are served where significant and harmful unauthorised development has occurred and need to be stopped temporarily (for up to 28 days). This allows time for negotiation between the Council and offending parties. There is no right of appeal for these notices.

Section 215 Notices

can be served on any interested party where land or building(s) have become untidy and are adversely affecting the amenity of the area. There is a right of appeal to the Magistrate's Court for these notices.

Planning Contravention

Notices can be served on any known interested party where it is expected that a breach of planning control has occurred. They contain a number of relevant questions relating to the alleged breach of planning control and limitations to any planning permission granted on the land. Failure to respond within a specified timescale is a criminal offence which can result in prosecution in the Magistrates Court.

S330 Notices require information from any occupier of land asking what his interest is in it. Failure to respond within a specified timescale is a criminal offence which can result in prosecution in the Magistrates Court.

Other actions which can be taken by the Planning Enforcement:

Most breaches of planning control are not criminal offences until formal enforcement action has been taken and not complied with. We cannot take enforcement action if the works or change of use have planning permission **or** do not need planning permission.

More information on planning permissions that have been granted and the types of works that need planning permission can be found on the Haringey website:

**[www.haringey.gov.uk/
planning-mainpage.htm](http://www.haringey.gov.uk/planning-mainpage.htm)**

Prosecutions: can be undertaken by the Council in incidences such as unauthorised works to listed buildings, protected trees, some advertisement displays and complete demolition in conservation areas, as well as non-compliance with the notices listed.

Direct Action: can be used as an effective alternative to prosecution so that the Council can ensure remedial works are undertaken to secure satisfactory compliance with an Enforcement Notice.

Injunctive Action: is used where a breach of planning control is very severe, or there is a threat of it becoming severe, which can be halted by the successful application to the High Court for an Injunction. This is normally considered as a last resort.

Cases: Questions and Answers

Please find below a list of frequently asked questions

Can we take enforcement action on internal works to a house or flat?

Internal works may be a breach of planning control if the building is converted into a greater number of units than what was there prior to the works commencing.

When can we take enforcement action on operational development to a house?

A property may not require planning permission following all works past and current if:

- The total ground area covered by the building is not more than 50% of the total land excluding the house.
- It is single storey, cannot be more than 4 metres in height and 3 metres in depth from the original wall (4 metres for a detached house).
- It is more than one storey cannot be more than 3 metres in depth from the original wall.
- It is a single storey extension to the side of property (Please note: Only single storey rear extensions are permitted in conservation areas).
- It is a raised platform which is not more than 300mm in height.

Buildings in gardens which do not exceed more than 50% of the land excluding the house may not require planning permission if they are not:

- In front of the house.
- More than 1 storey or more than 4 metres in height.

Please note: further restrictions may apply.

What walls are permitted by planning legislation?

Walls including any means of enclosure which do not require planning permission include:

- Up to one metre in height or the height of what is replaced if it is a boundary adjoining a highway.
- Up to two metres in any other case

When can people use their home as a place of employment?

Works may not require planning permission if:

The main use of the house is as a dwelling and the use of a room as an office or for administrative duties is additional.

When can we enforce on the replacement of doors and windows and other external alterations?

These normally do not require planning permission. However, within conservation areas and for listed buildings, planning or listed building consent is often required.

What action can be taken on the erection of satellite dishes?

Planning permission is not usually required for the erection of up to 2 satellite dishes on a house or building up to 15 metres in height. They cannot be attached to a wall, chimney stack or roof slope facing onto and visible from a road within a designated Conservation area.

On buildings over 15 metres in height you are usually allowed to erect up to four satellite dishes. However, this requires that the satellite dishes are for the building as a whole and not individual flats, provided they are not attached to a wall, chimney stack or roof slope facing onto and visible from a road within a designated Conservation area.

What permission is needed for alterations to flats, maisonettes and live/work units?

It is important to be aware that these do not enjoy permitted

development rights and accordingly all but the most minor additions would require planning permission. Residences (flats) above commercial units (shops) have no permitted development rights and means of access, such as external stairs, would require planning permission. These are often unacceptable as they tend to be unsightly and/or give rise to adverse privacy issues to occupiers of neighbouring properties.

What alterations to shop fronts require permission?

Most external alterations to a shop front, erection of non-retractable canopies and associated signage require express consent.

When can we take enforcement action on hours of operation?

Where planning permission is subject to a condition limiting hours of operation, activity outside of these hours can be subject to enforcement action. Please note that these conditions are separate from those imposed by other services. Therefore these cases usually require liaison with Licensing, Enforcement Response Service and Commercial Environmental Health.

What action can be taken on commercial premises turned into social clubs?

Planning policy restrictions may apply in certain areas to protect existing retail uses. Unauthorised changes of use to private social clubs are usually enforced, even if the use is allowed on appeal conditions. These include controlled hours of operation or restricting the permission to a personal permission. These types of cases usually require liaison with other service providers such as Licensing, Enforcement Response Service and Commercial Environmental Health.

When might enforcement action be taken on change of use to a place of worship?

A significant number of cases involve units within industrial and employment areas being occupied by religious organisations. Whilst planning policy does provide for such community uses, planning policy also resists the concentration of these within designated employment areas as this can lead to a loss of employment land. Such unauthorised uses within these locations are usually enforced.

Feedback

How you can give us feedback about our services?

You can give us feedback, including complaints, compliments, WOW nominations or suggestions in all of these ways:

- Email
- By phone
- Letter
- Face to face
- Web
- By fax

Email: frontline@haringey.gov.uk
Address: **Urban Environment Feedback Team, Haringey Council, 639 High Road, London N17 8BD**

Telephone: **0208 489 1335**

Find out more

For more information on what enforcement action we can take, please call: **020 8489 5508** or **020 8489 5551**

For urgent responses during office hours please call **0208 489 1284**

Emergencies out of office hours: **020 8348 3148** (between 5pm and 8.45am)

E-mail: **planning.enforcement@haringey.gov.uk**

Address: **Planning Enforcement, Enforcement, Frontline Services Haringey Council, 639 High Road, London N17 8BD**

You can find more information and advice about planning enforcement on our website at www.haringey.gov.uk/planning_enforcement. You can read planning enforcement complaints from the last eight weeks.

Glossary of Terms

Breach of planning control:

Where any development or use occurs which has not been authorised by planning permission or allowed by the provisions of a Central Government Order.

Civil matters:

Non-planning matters often impacting on residents e.g. boundary disputes.

Conditions:

Limitations attached to planning permission granted limiting the scope of its authorisation.

Formal enforcement action:

The service of an Enforcement Notice which identifies the breach of planning, the steps required to overcome this breach and a timescale for undertaking the required work. Non compliance with this Notice is a criminal offence.

Internal works:

Works not affecting a buildings exterior.

Negotiation:

An alternative to formal action where remedial action may be undertaken voluntarily.

Office hours:

Normally considered to be 0800-1800 Monday to Friday.

Operational development:

Development involving building, mining or engineering works and excludes development involving only a material change of use.

Remedial action:

Steps undertaken to ensure that the breach ceases.

Site history:

Any previous history on a site, important in deciding whether a breach has occurred and what future action to take.

Tree Preservation Order:

A protective measure conferred to protect identified trees requiring works to be authorised and enabling enforcement to be taken against unauthorised works.

Unauthorised development:

Please see breach of planning control.

Unauthorised change of use:

Please see breach of planning control.

Shqip

Kjo fletushkë ofron informacion mbi procedurën e Zbatimit të Planifikimit të Këshillit të Haringeyit dhe si të përgjigjeni ndaj ankesave mbi ndërtimet e paautorizuara dhe ndryshimeve të përdorimit të pronës. Nëse e doni një kopje në gjuhën tuaj, ju lutem shënjoni ✓ kutinë, plotësoni emrin dhe adresën tuaj dhe dërgojeni tek adresa e mëposhtme me postim falas.

Français

Ce livret fournit des informations sur la procédure de mise en oeuvre de la planification du Conseil municipal de Haringey et comment répondre aux réclamations sur les travaux non autorisés et les changements d'utilisation d'une propriété. Pour en recevoir un exemplaire dans votre langue, veuillez cocher la case, compléter votre nom et adresse et le renvoyer à l'adresse en port payé ci-dessous.

Kurdî Kurmancî

Ev belavok li ser prosedura Bicîhkirina Plansazîyê ya şaredarîya Haringey û ku giîlyên li ser avakirin û guhertinên bê destûr ên bikaranîna milkekî çawa bersiv bikin, agahiyê dide. Heke hun kopîyeke wê bi zimanê xwe dixwazin, ji kerema xwe qutîkê îşaret bikin, nav û navnîşana xwe binivîsin û ji navnîşana posta bêpere ya jêrîn re bişînin.

Polski

Broszura zawiera informacje na temat procedury dotyczącej egzekwowania przepisów budowlanych w Haringey oraz skarg w sprawie nieautoryzowanej rozbudowy i zmiany używalności lokalu. Aby otrzymać jej kopię w języku polskim należy zaznaczyć okienko, wpisać nazwisko i adres oraz przesłać formularz na podany bezpłatny adres.

Soomaali

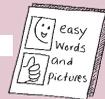
Buugyarahni wuxuu ku siinayaa macluumaad ku saabsan Nidaamka fulinta Qorshaynta ee Kawnsalka Haringey iyo sida loogu jawaabo cabashooyinka ku saabsan dhistaanka iyo waxkabeddelidda lagu sameeyo guryaha ee aan la oggolaan. Haddii aad rabto koobbi ku qoran luqaddaada, fadlan calaamadi sanduuqa, buuxi sanduuqa oo ku soo dir cinwaanka kharashkiisii boosta la bixiyay ee hoose.

Türkçe

Bu kitapçık Haringey Belediyesi'nin Planlama Uygulama prosedürü ve binayı izinsiz geliştirme ve kullanma şeklini değiştirme şikayetini nasıl cevap verileceği hakkında bilgi sağlamaktadır. Kendi dilinizde bir kopyasını istiyorsanız lütfen kutuya tik atın, adınızı ve adresinizi yazın ve aşağıda yazılı olan ücretsiz posta adresine gönderin.

Please tell us if you would like a copy of this booklet in another language that is not listed above or in any of the following formats, and send the form to the Freepost address below.

- In large print On audio tape In Braille
 In another language, please state: _____



Name: _____ Tel: _____
Address: _____
Email: _____

Please return to: Freepost RLXS-XZGT-UGRJ, Haringey Council, Translation and Interpretation Services, 8th Floor, River Park House, 225 High Road, London N22 8HQ

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One tonne of recycled paper saves 17 trees, 32,000 litres of water, and enough electricity to heat an average house for 6 months

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