

Guiding principles

Planning enforcement follows three guiding principles. These are expediency, proportionality and consistency.

Expediency

In deciding whether it is appropriate to take enforcement action the degree of harm that the unauthorised development is causing, or is likely to cause will be carefully considered.

Harm can arise through a range of factors, for example:

- Noise nuisance or disturbance from a business operation
- Danger and disturbance due to significantly increased traffic flows
- Loss of privacy or overshadowing and loss of natural light
- Adverse impact on visual amenity due to poor design or inappropriate materials
- Loss of protected trees or loss or damage to protected buildings and buildings in a conservation area
- Risk of pollution that affects people or the natural environment
- Developments that undermine the purpose and credibility of adopted national and local planning policies
- Untidy land and run down or derelict buildings that present a very poor quality urban environment and prejudice community safety

Harm does not include

- Competition caused to another business
- Loss of an individual's view or trespass onto their land
- Loss of value to a neighbouring property

Proportionality

Where enforcement action is taken it should be proportionate to the seriousness of the harm being caused. For example:

- Restricting hours of working or settling noise limits on a business activity that is otherwise acceptable but is giving rise to disturbance at certain times of day rather than seeking to prevent the operation altogether
- Requiring the removal of a window or insertion of obscured glazing in a house extension when overlooking is a problem, rather than requiring the whole extension to be removed

Consistency

This means taking a similar approach to similar circumstances to achieve similar outcomes. It does not imply uniformity; rather a full and proper consideration of all the circumstances of a case, guided by the council's adopted policies and priorities, to establish what reasonable and adequate requirements to remedy a breach. We will promote consistency by:

- Liaising across the council's various services that have enforcement responsibilities and by links with other planning authorities, both locally and in those cities facing similar planning issues
- Following the advice contained within government guidance on legal, procedures, planning policy and good practice
- Keeping up to date with ministerial statements, reported appeal decisions and court judgements