

- Give advice about appeals against the issue of Enforcement Notices.
- Prosecute and give evidence at Criminal and Civil Courts and Public Inquiries, as necessary.
- Pursue the Council's legitimate costs in all cases taken to Court.

### Offences

Offences under the Planning Acts are punishable at the Magistrates' Court and/or Crown Court, such as:

- Failure to comply with the requirements of an enforcement notice or other notice issued under Parts VII and VIII of the Town and County Planning Act 1990
- Unauthorised works to a listed building
- Unauthorised works to a tree which is subject to a tree preservation order, or located within a conservation area.
- Display of an advertisement without consent
- The removal of hedgerows without consent
- To give false or misleading information in response to statutory requisitions for information
- To give false or misleading information in an application for a certificate of lawful use or established development.

**The maximum fine upon conviction in some of the above offences is £20,000, and if convicted at Crown Court can be an unlimited fine and/or a term of imprisonment.**

**Breaches of planning regulations are treated very seriously and this Council is committed to bringing unauthorised development under control. All appropriate cases will be subject to prosecution, which could result in you having a criminal record.**



### Who to Contact

If you have any doubt about the development you are carrying out, please contact:

**Planning Enforcement Officer  
Development Control Team  
Places Department  
Rutland County Council  
Catmose  
Oakham  
Rutland  
LE15 6HP**

Direct Lines: 01572 758261 or 01572 758262

Email: [planning@rutland.gov.uk](mailto:planning@rutland.gov.uk)

Direct Fax: (01572) 758373

Website: [www.rutland.gov.uk/planning](http://www.rutland.gov.uk/planning)

### Equality & Diversity

This leaflet is also available in **LARGE PRINT**, Braille, audio formats and in other languages by request. Please contact us to discuss any specific requirements.



**Rutland**  
County Council

## PLANNING ENFORCEMENT

### YOU MAY HAVE CARRIED OUT UNAUTHORISED DEVELOPMENT



**What should I do ?**

**How will the Council respond?**

## What is unauthorised development?

Unauthorised development is:

Development that requires planning permission but which has taken place without such permission being granted.

Development may consist of a change of use of land or buildings or the construction of a building, or any other operational development.

Not all development requires formal planning permission; it may fall within the limits of **'permitted' development**.

In many cases, unauthorised development is carried out accidentally or comes about through an understandable lack of knowledge of the planning laws. You should seek advice from a Planning Officer about the need for planning permission and the likelihood of permission being given, giving full details about the development. If appropriate, or if you wish to seek permission against the advice given, you should make an application for planning permission to retain the development.

If you do not make an application to retain the development, or if you do and permission is refused, you should stop any unauthorised uses and remove the development, as soon as you are advised to do so. Otherwise an Enforcement notice may be served.

Enforcement notices can result in significant problems for the owners of property. Apart from legal action by the Council, it will usually cause serious problems if you want to sell the property.

Enforcement notices are registered against the land and remain valid on the land even after they have been complied with. In the event of a sale of the property, the enforcement notice is disclosed and can cause a serious delay.

## Complaints

If a complaint is made about your unauthorised development, it will be investigated by an Enforcement Officer to ascertain whether the matter is an unauthorised development requiring permission and is subject to the enforcement process under the Planning Acts.

### The Enforcement Officer

The Enforcement Officer works within the Development Control team and is responsible for dealing with breaches of planning control. Contact details of the Enforcement Service are given at the end of this leaflet.

The Enforcement Officer will always aim, in the first instance, to bring unauthorised development under control by means of negotiation.

This can be achieved by a variety of means –

- bringing the matter to your attention, which is often sufficient
- pointing out remedies such as altering the development to fall within 'permitted' development;
- negotiating changes to the development; inviting appropriate planning applications, or applications for a certificate of lawful development.

### The Enforcement Officer will:

- Investigate the alleged breaches of planning control
- Visit the site. Planning and Enforcement Officers do have a right of entry onto your land, including you home and buildings, to investigate alleged breaches of planning control.



- Encourage resolution of the problems by advice, assistance about 'permitted' development, relocation of businesses, and to timetable the cessation of uses and the removal of developments.
- Identify and advise about lawful uses and, if appropriate, invite applications for certificates of lawful use.
- Advise about planning permission and, where appropriate, invite applications for planning permission to retain developments.
- Require cessation of the unauthorised uses or development.
- Bring unauthorised development under control.
- Where necessary, issue notices under the relevant Planning Acts.