

The Enforcement Officer will:

- Visit the site.
- Investigate the alleged breaches of control.
- Encourage resolution of the problems by advice, assistance and negotiation.
- Bring unauthorised development under control.
- Where appropriate, invite applications for planning permission to retain development.
- Prosecute and give evidence at Criminal and Civil Courts and at Public Inquiries as necessary.
- Pursue the Council's legitimate costs in all cases taken to Court.
- Advise you of progress, and the outcome of the case.

The service of statutory notices often provides options for legal appeals. The formal enforcement process allows the person(s) complained against rights of appeal, which can draw out the process over many months. Legal action in the Courts usually involves several appearances, and may open further options for appeal. Your complaint will be dealt with efficiently but the legal processes may result in delay to the resolution of the unauthorised development.

Priorities

Complaints relating to activities which may cause irreparable harm, such as works to Listed Buildings or Protected Trees, will be given a greater priority than operations or uses which are not likely to cause such harm. Further details can be supplied, if required.



Who to Contact

All enquiries/complaints of unauthorised development should be addressed to:

**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

Direct Fax: (01572) 758373

Website: 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 ARE CONCERNED ABOUT UNAUTHORISED DEVELOPMENT



What should I do ?

**How will the Council
respond ?**

Or...

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 have the benefit of "Permitted Development Rights". In many cases unauthorised development is carried out accidentally or comes about through an understandable lack of knowledge of the planning laws.

What is retrospective consent?

Retrospective consent is planning permission which is granted for development after it has been carried out. The Council is aware that this can cause much annoyance throughout the community.

However, advice from central government makes it clear that Local Planning Authorities may put themselves at risk of a costs award if they "over" enforce (i.e. issue an enforcement notice which is overturned on appeal by a Planning Inspector who decides that consent should clearly have been granted retrospectively). All the government advice emphasises that planning enforcement notices should only be issued where there is unauthorised development which is a clear breach of the planning system and which results in sufficient "harm" that it should not be allowed to remain (i.e. would not be granted retrospective consent)

Make your enquiry/complaint in writing to the Development Control team

Write a letter to: Development Control Team, Council Offices, Catmose, Oakham LE15 6HP. You can also contact the Council by e-mail, phone and fax. See contact details at the end of this leaflet.

Come into the Council Offices at Catmose, Oakham.

Why we want your enquiry/complaint in writing :

- To respond to you and advise you of the outcome
- To avoid doubt about the nature of the enquiry/complaint and to confirm to the Council how the matter is of concern.
- For clarity about the location, persons responsible, extent or nuisance and harm to your amenity.
- To enable further information to be obtained.

Give as much detail as you are able:

- The full address or other location of the site, with directions if remote or difficult
- The name of the owner or occupier if known
- The nature of your enquiry/complaint
- When the use or development started
- Any cautions about approaching the site, for example: ferocious dogs, aggressive persons
- Any other information you can give

In all cases you will be asked to give your name and address. Your enquiry/complaint will be treated as confidential within the Council as far as is possible, but you should be aware that in the event of the matter proceeding to appeal or to Court you may be asked to give evidence and the Council will not be able to withhold your details.

Your enquiry/complaint will be acknowledged and investigated by the Enforcement Officer to confirm that the matter alleged is an unauthorised

development requiring planning permission and applicable to the enforcement process under the Planning Acts. Planning law is complicated and this can be a time consuming process.

The Enforcement Officer

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

The Enforcement Officer will always aim, in the first instance, to bring unauthorised development under control (not necessarily to remove it).



This is achieved by a variety of means –

- Bringing the matter to the attention of the offender, which is often sufficient;
- Pointing out remedies such as altering the development to fall within 'permitted' development limits;
- Negotiating changes to the development;
- Inviting an appropriate planning application or applications for lawful development certificates.