

How does the Council handle a breach of control?

The Council's purpose is to protect and enhance the environment in which we live and work. It aims to resolve breaches of planning control, where possible, without the need for formal enforcement proceedings.

Test Valley Borough Council will not tolerate wilful breaches of planning legislation and will exercise its discretion to take appropriate enforcement action.

In some cases it may even be necessary for a building to be demolished.

Complainants should also be aware that for a variety of reasons it may not always be appropriate to take action.

The Council has an equal duty to both a complainant and the alleged offender and seeks to address any issue fairly and without bias.

If you are not happy with the way the matter has been handled, you may complain to the Council through its own complaints procedure.

If you are still dissatisfied, you can report the matter to the Local Government Ombudsman.

Details on both procedures are available from the Council Offices and the Council's website.

NOTE: These summarised procedures refer only to the manner in which the complaint has been dealt with. They cannot be used to change a decision simply because you do not agree with that decision.

Contacting us

Our Enforcement Team is readily available to provide information and advice, and your co-operation is necessary to enable the Officers to provide an efficient and meaningful service.

Opening Hours:

Monday - Thursday 9.00am - 5.00pm
Friday 9.00am - 4.30pm

Local Offices:

Andover

Test Valley Borough Council
Council Offices
Beech Hurst
Weyhill Road
Andover, Hampshire SP10 3AJ

Telephone: 01264 368000

Minicom: 01264 368052

Fax: 01264 368208

Romsey

Test Valley Borough Council
Former Magistrates' Court
Church Street
Romsey, Hampshire SO51 8AQ

Telephone: 01794 527700

Minicom: 01794 368052

Fax: 01264 368208

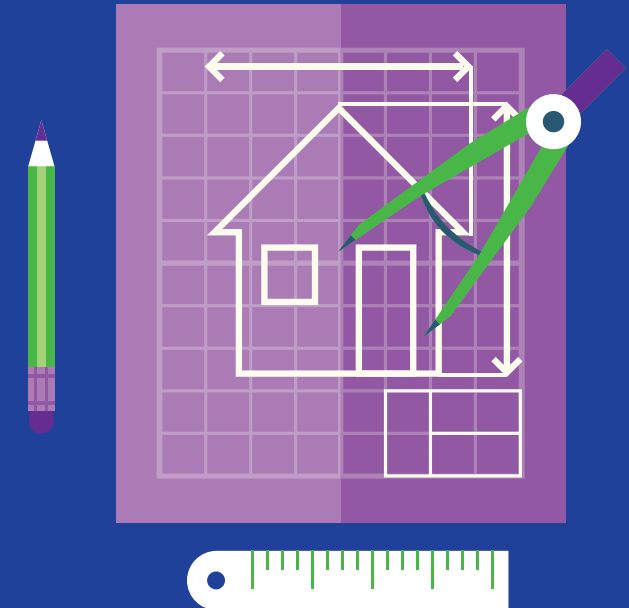
Email address: planning@testvalley.gov.uk

Website: www.testvalley.gov.uk

This leaflet can be made available on tape and in large print.

Planning Enforcement Guidance Notes

October 2014



What is Development Control?

It is a process which regulates the development and use of land to ensure that changes to our physical surroundings – buildings and land – are appropriate for their purpose and location.

What is a breach of Planning Control?

Generally a breach of control is:

- The use of land or the carrying out of development without the required permission.
- Failure to comply with any condition or limitation of a planning permission, or the approved plans.

If you consider a breach of Planning Control has occurred:

- Contact the enforcement officer in your local office (View the Area Map on the website).
- Provide your name, address and telephone number, an e-mail address would also be useful.
- Provide the location of the site.
- State the nature of the complaint and harm caused.
- State ownership or occupier of the land or property if known.

Is the complainant's name confidential?

Yes, the complainant's name is treated as confidential.

Should it be necessary to report the matter to Committee then the breach of planning becomes public but your name remains confidential.

If an application is submitted to regularise the breach, you will be notified. Any comments/ correspondence which are then made will be available for public inspection.

If you are concerned for safety, or for personal reasons, you can report the matter to your local parish/town council or your elected Councillor who can then report the matter on your behalf, which will allow you to preserve your anonymity.

What will the Council do?

- Your complaint will be investigated and you will be notified of the outcome.
- The planning history of the site will be checked and if no breach is found, you will be notified accordingly.
- If it is necessary to visit the land, the visit will normally be made within 5 working days of receipt of the complaint.
- An initial period of 42 days will normally be allowed (to include negotiations) to remedy a breach or, if appropriate, to submit an application for planning permission. Additional time may be allowed when there is a clear intent to remedy the situation.
- If the matter cannot be resolved by negotiation, then formal action may follow if it is considered expedient (in planning terms) to do so.
- The decision to take formal enforcement action is delegated to the Head of Planning and Building Service.

What is formal Action?

Generally, this is the issue of a formal notice, such as:

- Requisition for information.
- Planning contravention notice.
- Breach of condition notice.

- Enforcement notice.
- Stop notice.
- Temporary Stop Notice.
- Direct action.
- Injunctions.

These notices require the provision of information or require works to be carried out or an activity to cease in order to remedy a breach of planning control. Such notice must address individual rights under the Human Rights Act 1998.

What happens once a notice is served

The requirements which are stated in the notice must be complied with by the specified timescale unless an appeal has been made against the notice.

Please note that not all notices can be appealed.

Is a breach of planning control illegal?

Generally speaking no, but there are some instances which constitute an offence leading to trial in Court, such as:

- Non compliance with a formal notice;
- Unauthorised works to a Listed Building;
- Display of unauthorised signs;
- Unauthorised work to a tree protected by a Tree Preservation Order;
- Unauthorised work to a tree in a Conservation Area;
- Obstructing an officer in the course of his/her duty.

The Council will exercise its right to pursue a prosecution if an offence occurs.