

YOUR PLANNING SERVICE

Planning Enforcement



EAST CAMBRIDGESHIRE
DISTRICT COUNCIL

What is Planning Enforcement?

The Council has a duty to investigate complaints about development that may have been carried out without permission.

Enforcement Officers investigate a wide range of complaints and allegations as well as monitor the progress of works that have received permission.

Our role and responsibilities

The Council's Enforcement Officers are responsible for the following:

- Investigating allegations of unauthorised works, including new buildings and changes of use;
- Investigating allegations of unauthorised works to listed buildings;
- Investigating allegations of the unauthorised display of advertisements;
- Investigating allegations of unauthorised traveller encampments;
- Investigating allegations about high hedges;

Officers are also responsible for monitoring compliance with planning conditions; taking appropriate action and monitoring compliance with notices served; assisting other departments to investigate breaches if required.

The following matters cannot be investigated by the Enforcement Team:

- Anonymous and vexatious complaints;
- Commercially motivated complaints;
- Landownership or boundary disputes;
- Matters concerning the Party Wall Act;
- Breaches of leases or property deeds;
- Planning matters that fall within the remit of Cambridgeshire County Council (Highways);
- Allegations of wrongful Council actions regarding decisions on applications.

I submitted a complaint...what happens now?

Taking enforcement action is a discretionary power and any action taken will be proportionate to the matter being considered.

Not all breaches of planning control will result in formal action being taken; each case will be considered on its own merits, taking into account local and national planning policy and any other material considerations.

When a complaint is received, officers will investigate if a breach has occurred. If it established that this is the case, officers will attempt to resolve matters informally in the first instance and at the expense of the developer.

Any investigation will be confined to planning issues only. However, any matters that are of obvious interest to other Council departments will be passed to relevant officers as appropriate.

It may be that the investigation will be undertaken in consultation with other officers or external partners if there is a joint interest e.g. Trees, Conservation, Environment Agency, and County Council.

Formal action will only be taken where there is demonstrable harm being caused to matters of public interest. This can include the service of notices, prosecution and/or the use of injunctions.

Formal action will not be taken against minor, infrequent, technical or trivial breaches of planning control where there are no aggravating factors. Planning law has a provision for development to be regularised retrospectively and if possible this is a course of action that will be followed.

Any persons served with a formal Enforcement Notice will be advised of their rights of appeal or other legal challenge. They will also be made aware that it is a criminal offence to fail to comply with an enforcement notice.

All persons who advised the Council of a breach will be kept informed of the progress, including the receipt of any relevant planning application or the serving of any formal notice.

N.B. Whilst we cannot accept anonymous complaints, your details will remain confidential throughout the course of any investigation.

Outcomes of taking enforcement action

There are many possible outcomes that officers can consider when looking at enforcement issues. The most common are listed below:

1. That the work being carried out does not require planning permission
2. The site requires permission and a retrospective application is submitted
3. The alleged offender is required to return the site to its original condition through the serving of a notice
4. It may be determined that there has been a breach of planning control, however it may not be expedient or in the public interest to pursue the matter.

How do I report a breach?

You can report a suspected breach of planning control by phone, letter, and email or in person at the Council Offices.

You can report a breach on line or download our complaints form on the [Enforcement pages](#) of the Council's website.

You can also download a hard copy of the Enforcement Complaints form from the website or request one from reception. The Enforcement team is also contactable by email on enforcement@eastcambs.gov.uk

If you require this document in different formats (e.g. Braille, large print, audiotape/CD or other languages please contact the council's main reception or email translate@eastcambs.gov.uk

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