

# What can I do if planning rules are broken?

Advice on what to do if you think planning controls are being breached.

Planning Services

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

## What types of complaints will you investigate?

A breach of planning control arises if development that requires the council's planning permission takes place without it having first been granted. Such development could include the erection, extension or alterations to a building or changing the use of a building for example, from a shop to a house.

A breach may also occur if planning permission has been agreed, but the approved plans and conditions attached to the permission are not being followed.

It is not an offence to carry out development without planning permission, and enforcement action should not be taken solely to regularise something that would be acceptable in terms of planning policies, or is a very minor infringement of planning regulations. But the council can serve an enforcement notice which will require steps to be taken to rectify the breach or the harm which it is causing. Other matters which we will investigate, which carry a legal penalty, are:

- non compliance with an enforcement type notice;
- carrying out of works (other than like for like repairs) to a listed building without listed building consent;
- carrying out works to protected trees without the council's written consent;
- display of an advertisement without advertisement consent.

Some developments do not need planning permission because of their limited size, height etc. This type of development is called 'permitted development'. A leaflet called "*Do I need planning permission?*" describing permitted development is available online from [www.leeds.gov.uk/planning](http://www.leeds.gov.uk/planning) or from the Development Enquiry Centre, please see the back of this leaflet.

An extensive range of advertisements such as signs on shops and other business premises can also be displayed without the council having to give its approval. Also running a small business from home does not necessarily require planning permission. Further advice on the criteria we use to assess whether such an activity requires planning permission is included in the booklet "*Planning Permission - A Guide for Business*", which is available free from the Development Enquiry Centre, or we can email a copy to you on request.

## What can I do if I think planning controls are being ignored?

- Advice on the types of activities we can investigate.
- How to contact us.
- How we will investigate your complaint.
- What powers we have to prevent further harm or put things right when a breach of planning control takes place.

## What should I do if I think someone is doing something without planning permission?

The council has a full range of powers available to establish if planning controls have been broken.

Our compliance service will investigate whether there is a breach and will also establish what harm is caused as a result of the breach and how the situation can best be remedied. Initial concerns can be addressed by the Development Enquiry Centre.

## What can I do?

The council takes breaches of planning control very seriously and relies, in part, on the public reporting any suspected breaches of planning control. Most of our complaints come from neighbours or councillors, as well as from officers as part of their routine checks of new developments.

Complaints are best submitted in writing, and we need your name, address and telephone number. These details are kept confidential and are not made known to the person who carried out the breach unless you agree. An online form is available to use at [www.leeds.gov.uk/planning\\_enforcement](http://www.leeds.gov.uk/planning_enforcement). You can also email us on [planning.enforcement@leeds.gov.uk](mailto:planning.enforcement@leeds.gov.uk).

## What other information do you need?

It is helpful if you can provide as much information as possible, including:

- What is the activity that is taking place.
- When did the activity start.
- Details of how the activity is causing a problem to you.
- Contact details of any owners, occupiers or builders involved or already known to you.

## What happens to my complaint?

We will acknowledge your complaint within three working days and let you know the name of the officer who will be dealing with your complaint and when we expect to be able to investigate it.

We investigate all complaints and first of all check to see if there have been any previous planning applications or enquiries about “permitted development”. We do this by looking at our records and relevant planning applications. We will also visit the site to establish exactly what is taking place.

If it is clear that no planning controls have been broken, or if the breach is of a very minor or technical nature where no harm is being caused, we will write to you explaining why no further action will be taken. However, many complaints need further detailed investigation before deciding if there has, or has not been a breach.

All complaints are investigated according to their priority:

- **Priority 1** is where there is a likelihood of irreparable harm occurring and we will aim to visit within one working day.
- **Priority 2** is where there is a significant nuisance or a risk to public safety and we will aim to visit within two working days.
- **Priority 3** is for less urgent cases and we will aim to visit within ten working days.

## What are the things that are considered before enforcement action is taken?

We normally seek to resolve planning breaches through discussion and negotiation. Formal enforcement action will be taken in cases where unauthorised development is causing serious harm (e.g because of its impact on amenity or highway safety) and changes cannot be negotiated or could not make the development acceptable.

Enforcement action is usually only used if voluntary co-operation cannot be achieved. If there is a breach of planning control then the person responsible will be asked to take corrective action to resolve the breach. This could be by:

- submitting a retrospective planning application;
- ceasing the unauthorised activities and/or removing any unauthorised development;
- demonstrating that planning permission has been obtained, or is not required;
- negotiating improvements or asking the person responsible to make alterations or relocate a use.

Most people do take the positive steps required to rectify the situation and enforcement activity is only necessary in a small proportion of the cases we investigate.



## What does formal enforcement action involve?

An enforcement notice may be served, if the development is causing harm, and unacceptably affects public amenity or the existing use of land and buildings. This course of action will be taken where the development is wholly unacceptable or the desired outcome is not achieved by negotiation.

We need to make sure the notice is served on the right people and that the wording on the notice is precise and exact. This often includes taking legal advice before serving the notice.

The enforcement notice will require certain steps to be taken within a specified period of time. There are rights of appeal, both on the planning merits of the development and against the validity of the notice on legal grounds, and the notices can be challenged if they are inaccurate.

Where breaches are causing potentially serious harm, the council can issue a stop notice or obtain an injunction, although this is only appropriate in exceptional cases. Immediate prosecution can also take place where the breach involves a criminal offence such as demolition of a listed building, demolition in a conservation area or the felling of protected trees.

The resolution of planning enforcement cases can be protracted due to the many processes involved. Delays can occur whilst planning applications are considered or appeals and prosecutions dealt with. Also reasonable time periods are needed for remedial works to take place or for a business to relocate to a more acceptable site. We will keep you informed of the actions we propose to take where a breach of planning control is found and of subsequent key developments in the case. You are welcome to contact the named case officer at any time if you have any queries about the progress of a case and, most importantly, if you have new information about the activities on the site that is relevant to the investigation and progressing of the case.

## Useful contacts

Our friendly staff are available to personally advise you in our Development Enquiry Centre, The Leonardo Building, 2 Rossington Street, Leeds LS2 8HD.

We are open:

Monday to Friday 08:30 - 17:00, except Wednesdays 10:00 - 17:00.

You can email us at [dec@leeds.gov.uk](mailto:dec@leeds.gov.uk). Our phone number is 0113 247 8000 and our fax number is 0113 247 4117.

Advice is also available from:

Compliance Services,  
Leeds City Council,  
Leonardo Buildings,  
2 Rossington Street,  
Leeds, LS2 8HD.

You can email us at [planning.enforcement@leeds.gov.uk](mailto:planning.enforcement@leeds.gov.uk)

## Other helpful leaflets

This is one of a series of leaflets available FREE in the Development Enquiry Centre or that can be downloaded from our web site [www.leeds.gov.uk/planning](http://www.leeds.gov.uk/planning).

### **What should I consider before applying for planning permission?**

- General principles for householder proposals

### **Do I need planning permission?**

- What changes to houses require planning permission

### **What are plans panels?**

- What happens when you attend a plans panel

### **What can I do if my planning application is refused?**

- What courses of action are open to you

### **What can I do if planning rules are being broken?**

- What to do if you think planning controls are being breached.