



# Planning Enforcement Plan

2020



## TABLE OF CONTENTS

Introduction ..... 2

Enforcement objectives..... 2

What is a breach of planning control? ..... 2

Relevant legislation and planning policies ..... 4

Our approach..... 4

    How to report a breach of planning control..... 5

    What happens after I report a breach of planning control? ..... 6

How are breaches resolved? ..... 8

    Informal action..... 8

    Formal action..... 8

What can I expect if I carry out work without permission?..... 10

Examples of different types of breaches ..... 11

Enforcement Appeals ..... 13

Prosecutions, confiscation orders and direction action ..... 13

enforcement projects ..... 14

Planning enforcement fees..... 15

Engagement ..... 15

Planning contacts..... 15

Other Agencies/useful information ..... 15

Glossary ..... 16



## INTRODUCTION

- 1.1 The National Planning Policy Framework (NPPF) 2019 recommends that local planning authorities publish a local enforcement plan to manage planning enforcement proactively and in a way that is appropriate to their area. This document sets out the Council's approach to planning enforcement for all those who are involved in or affected by breaches of planning control in the borough.
- 1.2 Camden 2025 sets out a vision for the future of the borough, where everyone contributes to achieving a safe, fair, creative and active community. The planning process is key to ensuring the delivery of the objectives for the borough. It is vital that we have an effective planning enforcement process to help deliver these objectives.

## ENFORCEMENT OBJECTIVES

*To achieve great development, planning relies on the energy and imagination of planners, decision-makers, developers, designers and investors. Each of these contributes to bringing ideas through the system to delivery – but without enforcement, our places, our environment and our quality of life would all be the poorer. At its heart, the planning system relies on trust and our enforcers provide the backbone of this trust – trust that those who flout our planning laws (and often other laws at the same time) will be brought to account; trust that those who strive for high quality will not be undermined by those who would deliver ill-planned and ill-designed development; and trust that the high quality schemes that achieve planning permission will be delivered with that same quality – that planning will deliver what is promised. Ian Tant, RTPI President 2019, The Planning Enforcement Handbook for England, 2020*

- 2.1 The key objectives of the planning enforcement team are:



- 2.2 We encourage Camden Officers, residents, local businesses and groups to report suspected breaches of planning control to the team.

## WHAT IS A BREACH OF PLANNING CONTROL?

- 3.1 A breach of planning control is the carrying out of development without obtaining the required consents; or failing to comply with conditions or limitations attached to a consent which has been granted (Section 171A of the Town and Country Planning Act 1990 as amended).

### 3.2 Other breaches include:

- Unauthorised works to a listed building - Any works for the demolition of the building or for its alteration or extension which affects its character as a building of special architectural or historic interest.
- Demolition in a conservation area – demolition of a building with a volume of 115 cubic metres or more and any gate, fence, wall or other means of enclosure with a height of one metre or more if next to a highway, waterway or open space; or a height of 2 metres or more elsewhere (Town and Country Planning Order 1995 as amended).
- Unauthorised advertisements - The majority of advertisements require either express consent or have the benefit of deemed consent granted by Regulation 6 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). For more detail see link in [section 15](#))
- Unauthorised works to trees covered by Tree Protection Orders and protected trees in conservations areas (on private land) – This includes trees with a trunk diameter of more than 75mm when measured at 1.5m from ground level (or more than 100mm if reducing the number of trees to benefit the growth of other trees). Where a hedge has grown into a line or row of trees, they may be protected. Please email [planning@camden.gov.uk](mailto:planning@camden.gov.uk) to check if a tree is protected.
- High hedges - Part 8 of the Anti-social Behaviour Act 2003 allows local councils to deal with complaints about high hedges whose area contains the land on which the hedge is situated. If the height of a high hedge is having an adverse effect on a neighbour's enjoyment of their home and/or its garden or yard action can be taken to put right the problem and stop it from happening again. Please email [planning@camden.gov.uk](mailto:planning@camden.gov.uk) to check if the Council can help.
- Breaches of S106 Legal Agreements – any deviation from planning obligations including compliance with or failure to submit plans such as Construction Management Plans and Sustainability Plans.

### 3.3 There are time limits for taking enforcement action. Development can become immune from enforcement if action is not taken within:

- For substantial completion for a breach of planning control consisting of operational development – 4 years;
- For the change of use to residential – 4 years;
- For all other changes of use or breach of condition – 10 years.

### 3.4 For other matters, not listed above such as breaches of building control , works on the highway, and noise nuisance please contact the Council on 020 7974 444 and report issues to the relevant team. Please report any concerns about

works to trees located on the street/public land to [treesection@camden.gov.uk](mailto:treesection@camden.gov.uk) or 020 7974 4444.

- 3.5 Party wall issues and neighbour disputes are civil matters and will not be dealt with by the Council.



## RELEVANT LEGISLATION AND PLANNING POLICIES

- 4.1 All relevant and current legislation and planning policies will be taken into consideration when assessing a breach of planning control, this includes:
- [Town and Country Planning Act 1990 \(as amended\)](#) ("the Principal Act") and all its subordinate and associated legislation.
  - [National Planning Policy Framework \(NPPF\) 2019](#)
  - [National planning practice guidance.](#)
  - [London Plan](#)
  - [Camden Local Plan 2017](#)
  - [Camden Planning Guidance](#)
  - [Neighbourhood Plans](#)
  - [Conservation Area Statements](#)

## OUR APPROACH

- 5.1 Our guiding principles are to protect and enforce, take proportionate, consistent and expedient action and to meet, talk and explain. Breaches may be unintentional and any action proposed must be proportionate to the breach of planning control to which it relates.
- 5.2 We aim to answer the following questions during each investigation:
1. Is there development?
  2. Is there a breach?
  3. Can the breach be resolved through negotiation?
  4. Is the breach causing harm?
  5. Is enforcement expedient?

- 5.3 [Formal action](#) will be taken where there is serious or irreparable harm and it is expedient that the activity which amounts to the breach is stopped immediately (see section 7.4-7.13) and where the breach is causing harm e.g. contrary to planning policies and guidance, and attempts to resolve the breach through informal action have been unsuccessful.

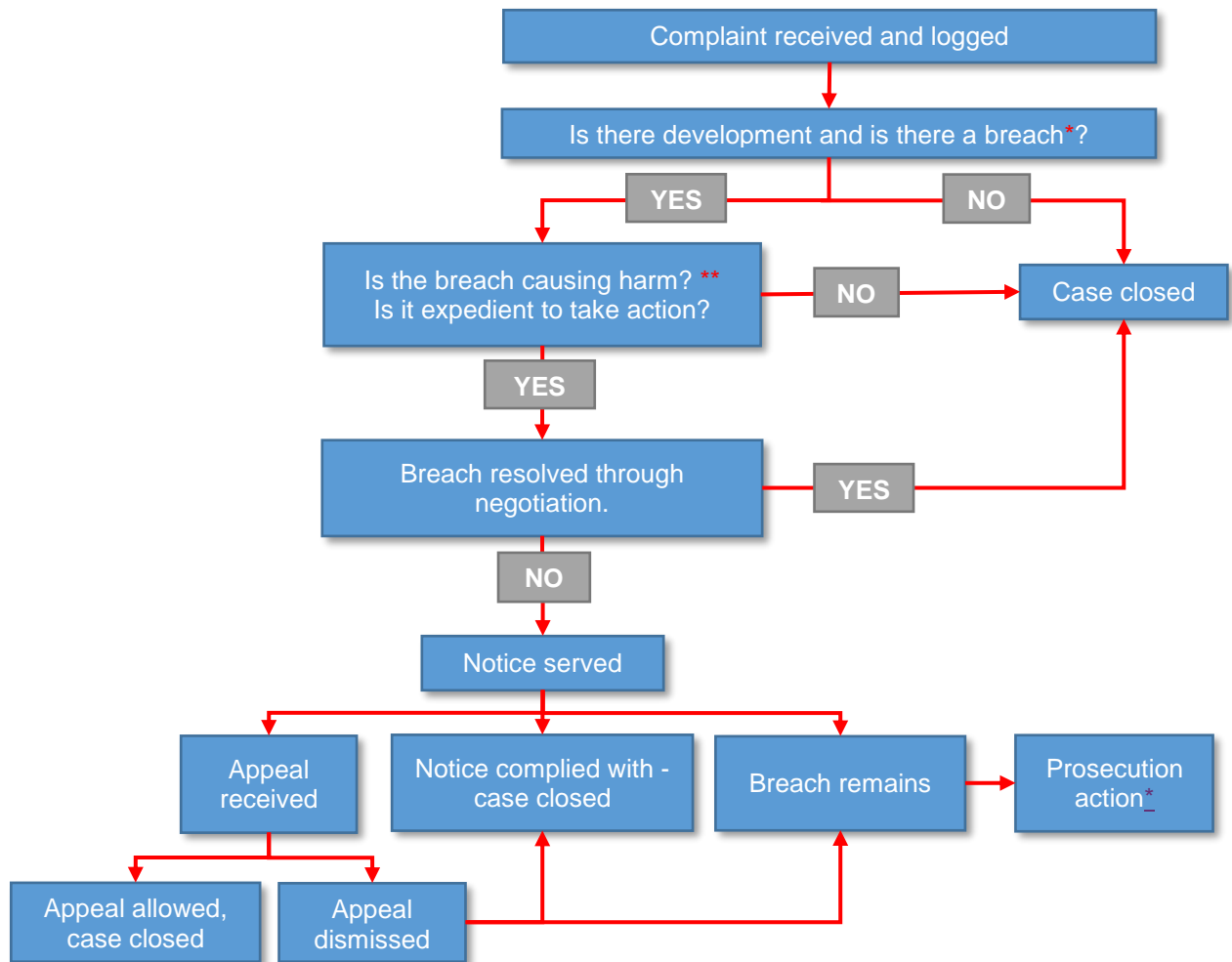


## HOW TO REPORT A BREACH OF PLANNING CONTROL

- 6.1 You can report a breach by emailing [planning@camden.gov.uk](mailto:planning@camden.gov.uk) or online at [www.camden.gov.uk/planningenforcement](http://www.camden.gov.uk/planningenforcement). Please provide the following information:
- Your name, address and contact details. These will remain confidential (we do not investigate anonymous complaints);
  - The address where the breach is taking place;
  - What the breach is and when it started;
  - Where possible a photo of the works (this helps us prioritise the breach).
  - Where possible, the name, address, email/telephone number of who is carrying out the work.

**WHAT HAPPENS AFTER I REPORT A BREACH OF PLANNING CONTROL?**

6.2 We will log and acknowledge your complaint via email within 5 working days. The steps followed for all enforcement investigations are outlined below:



\*If the breach constitutes an offence prosecution procedures will be followed.  
 \*\*Where serious/irreparable harm is caused review of action to cease breach immediately

6.3 Where a breach results in immediate, serious and lasting harm e.g., unauthorised works to a listed building, demolition in a conservation area, or works to protected trees, a duty enforcement officer will aim to visit within 1 working day.

6.4 A planning site inspector (PSI) will undertake an initial triage to check if there is a breach. Where an initial site visit is required, we will apply the following criteria to determine when the initial visit takes place:



- If works are currently underway and/or the development causes significant harm to amenity/to the character or appearance of a conservation area/significant noise nuisance we aim to visit within 10 working days.
- Where development is complete and/or results in minimal harm we aim to visit within 15 working days.

6.5 If the following criteria apply the enforcement investigation will be closed:

- The matter is not a planning issue;
- The works have planning permission;
- The works do not constitute development;
- The works are now lawful by reason of passage of time, e.g. if an extension/residential use has been in place/use for 4 years or if change of use/breach of condition in place for 10 years;
- The works benefit from permitted development (there are certain types of extensions and alterations subject to a set of criteria and conditions which do not require planning permission (see here for more detail).

6.6 If there is a breach then the case will be allocated to a Planning Enforcement Officer, who will aim to contact you within 1 week of receiving the case. They will provide you with their contact details and update you on the next steps in their investigation.

6.7 The Planning Enforcement Officer will update you with their initial findings within a month and then at least every two months throughout the investigation. If a breach of planning control does not cause material harm or adverse impacts and generally complies with planning policies, further enforcement action will not be warranted. You will be updated at key stages of the enforcement process, such as retrospective applications, formal action or closure of investigations.





## HOW ARE BREACHES RESOLVED

- 7.1 There is a range of tools available to the planning enforcement team to tackle breaches of planning control:

### INFORMAL ACTION

- 7.2 Addressing breaches of planning control without formal enforcement action can often be the quickest and most cost effective way of achieving a satisfactory and lasting remedy. The offender will be advised what steps are required to resolve the breach within a specified timeframe (usually up to 21 days), outlining the risks of formal action if the breach is not resolved. If the steps are followed, the case will be closed.
- 7.3 Planning/listed building applications may be used to regularise unauthorised works or to seek confirmation that amendments to the unauthorised works would be acceptable. If planning permission is refused, formal enforcement action will then be taken. If there is a breach of planning control but it is not expedient to take formal action, we will request the submission of a planning application to regularise the breach.

### FORMAL ACTION

- 7.4 Planning Contravention notices - A PCN is a legal notice which allows us to bring the breach to the attention of the owner or occupier and requires the alleged offender to provide certain information. It also invites the offender to respond constructively to us about how any suspected breach of planning control may be satisfactorily remedied. The offender has 21 days to respond. It is a criminal offence to fail to respond or provide misleading information to a PCN.
- 7.5 Enforcement notices – These are formal legal documents that require the owner or occupier to follow specific steps to correct the planning breach in a set time. If the notice is not complied with, the planning breach will become a criminal offence which can be prosecuted in the courts. We may decide not to require action to be taken to remedy the whole of a breach of planning control. This is known as “under enforcement”. A copy of the notice will be entered on the local land charges register and the local planning authority’s register of enforcement notices, available [online](#).
- 7.6 Breach of condition notices - can be used where the unauthorised activity is in breach of a condition attached to a planning permission. A BCN will require compliance with the conditions within a specified period. A breach of the notice will have taken place if the condition(s) has not been complied with, the

specified steps have not been undertaken or activities not ceased. There is no right of appeal against these notices. Details of the case will be made available [online](#).

- 7.7 Section 215 notices – can be used to take steps requiring land or buildings to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of part of an area is being adversely affected by the condition of neighbouring land and buildings, a notice can be served on the owner requiring that the situation be remedied. There is no right of appeal, although before the notice takes effect an appeal can be made to a Magistrates Court by those served with the notice or any other person having an interest in the land.
- 7.8 Section 225A notices – can be used to remove and dispose of any display structure, such as an advertisement hoarding, which is used for the display of advertisements in contravention of the regulations. Before we can take this action, we must first serve a ‘removal notice’ upon the person who appears to be responsible for the erection or maintenance of the structure. Under Section 225B, a person served with a removal notice or a ‘permitted appellant’ (an owner or occupier who has not been served with the notice) may appeal against the notice to the Magistrates’ Court.
- 7.9 Discontinuance notice – requires the display of a particular advertisement with deemed consent (or the use of a particular site for displaying advertisements with deemed consent) to cease. This action can only be taken where it is necessary to remedy a substantial injury to the amenity of the locality or a danger to members of the public. “Substantial injury” to the amenity of the locality is a more rigorous test than the “interests” of amenity that applications for deemed consent are assessed against.
- 7.10 When an enforcement notice is served and the case becomes ‘formal’ (all cases other than the serving of a PCN) details of the case will be made available [online](#).
- 7.11 The following remedies can be used to bring a quick stop to development where a breach is causing serious or irreparable harm and immediate action is justified or where other actions have failed:
- 7.12 Stop notices - can prohibit any or all of the activities comprising the alleged breach(es) of planning control specified in the related enforcement notice. A stop notice cannot be served without an accompanying enforcement notice. A stop notice’s requirements must only prohibit what is essential to safeguard amenity or public safety in the neighbourhood; or to prevent serious or irreversible harm to the environment in the surrounding area. A stop notice may

not prohibit the use of any building as a dwelling house. Where the associated enforcement notice is quashed, varied or withdrawn or the stop notice is withdrawn compensation may be payable. A full assessment of the likely consequences of serving the notice will be made.

- 7.13 Temporary stop notices –require an activity which is considered to be in breach to cease immediately. The notice does not have to wait for an accompanying enforcement notice to be issued. It cannot be used to get someone to do something such as remove an extension or stop the use of a building as a dwelling house. A temporary stop notice expires 28 days after the display of the notice on site (or any shorter period specified). At the end of the 28 days there is the risk of the activity resuming if an enforcement notice is not issued and a stop notice served.
- 7.14 Injunctions – An application can be made to the High Court or County Court for an injunction to restrain a breach of planning control. Proceedings for an injunction are the most serious enforcement action that can be taken because if a person fails to comply with an injunction they can be committed to prison for contempt of court. The first stage is to formally warn the offender of an injunction and require them to sign a legal undertaking which confirms that the alleged breach will cease. If this undertaking is breached an application is then made for an injunction.

## WHAT CAN I EXPECT IF I CARRY OUT WORK WITHOUT PERMISSION?

- 8.1 Following the triage by a Planning Site Inspector to establish if there is a breach, a Planning Enforcement Officer will contact you. This will include a site inspection and review to assess the resulting harm caused and determine the next steps.
- 8.2 We will inform you of the action required to resolve the breach within a set timeframe. This may include:
- To completely cease the use/development/remove extension
  - Submission of a retrospective application to determine whether planning permission should be granted; or
  - Works required to make the breach comply with an approved scheme/conditions/permitted development rights;
- 8.3 If it is considered there is serious or irreparable harm and it is expedient that the activity which amounts to the breach is stopped immediately we may take formal action (i.e. stop notices or injunctive action).

- 8.4 If you do not comply with our requests within the specified timeframe, (this will differ on a case-by-case basis) and it is expedient to do so, we will then commence with formal enforcement action. This will involve a formal notice being served on all those with a legal interest in the property (see section 7.2-12). If the notice is not complied with, we will then commence with prosecution procedures ([see section 10](#)).



#### EXAMPLES OF DIFFERENT TYPES OF BREACHES

- 8.5 Unauthorised works to listed building, demolition in conservation area, works to TPO trees/conservation area trees - It is an offence to carry out works to a listed building, demolition in a conservation area, works to trees in a conservation area and works to trees subject to a TPO without obtaining the necessary consents. It is also an offence to fail to comply with a condition on a listed building consent. The offence is committed by the person who carried out the works and by anyone who caused them to be carried out. A formal caution will be issued and we will request that all unauthorised works stop immediately. Where we consider that there is a risk, works have not stopped or the harm warrants it, we will review action to stop works immediately on site. We may conduct Police and Criminal Evidence (PACE) interviews under caution and will consider prosecution action having regard to the Crown Prosecution Service's tests of prosecution ([see section 10](#)).
- 8.6 Breaches of S106 Legal agreements – legal obligations are enforced using injunctive action. The failure to comply with informal requests to discharge or comply with legal obligations will lead to formal action. S106 obligations are enforced using injunctive action.



- 8.7 Construction Management Plans (CMPs) – The enforcement team has a dedicated CMP Enforcement Officer who investigates breaches of CMPs. Any deviation from the approved CMP will be considered a breach of the legal agreement. If a breach occurs, we then take the following steps;
- Nature/number of previous occurrences of the breach;
  - Why the breach took place/has the correct procedure been followed; and
  - What steps have been taken to ensure the breach does not reoccur.
- 8.8 Where it is considered there is serious harm or repeated incidences of a breach, injunction action will be reviewed. The developer and/or contractor will be required to provide a legal undertaking to ensure compliance with the CMP. If the undertaking is not complied with the next step will be commencing with a formal injunction to stop the development.
- 8.9 Where a CMP bond has been secured, we will review whether a draw down from the bond has been triggered.
- 8.10 Short term lets (STL) - A STL is any letting agreement that lasts less than 90 days but often it is just a few days or weeks. In London, properties in residential use can be rented for 90 nights each year, if they are the person liable for Council tax or the person responsible for carrying out the operation, without needing planning permission. The Council takes the loss of permanent residential accommodation as a very serious matter and we are using the latest technology to identify offenders. The STL Task Force will deal with STL cases reported to the team.
- 8.11 If you are renting your property out or have a legal interest in a property that is being rented out in breach of the Deregulation Act 2015 (for more than 90 nights per calendar year) or the use is considered to be a change of use resulting in the loss of residential accommodation. We will:
- Write to all those with a legal interest, including any banks/lenders to advise that a breach has taken place and that the use must cease immediately.
  - Report the unauthorised use to the Valuation Office Agency (VOA) to ensure that the correct rates are collected for the time the property has been in use.
  - Serve a PCN on all those with a legal interest. If a PCN is not responded to or incorrect information is provided we will also review prosecution procedures. If we are not satisfied that the use has ceased, we will progress with formal enforcement action. If the notice is not complied with prosecution action will be taken.

- If you are a Camden tenant or leaseholder, you are not permitted to rent your property as a short term let. Any reports of this nature will be reported to the relevant teams to take necessary action.

## ENFORCEMENT APPEALS

- 9.1 There is a right to appeal most formal notices. The notice is held in abeyance whilst the appeal is determined. Appeals can be determined by written representations, informal hearings or public inquiries. The enforcement notice is quashed and investigation closed if the appeal is allowed. The notice is upheld if the appeal is allowed with the compliance time starting from the date of the appeal decision. There is no set timeframe for the determination of appeals and this can delay resolution of the breach.

## PROSECUTIONS, CONFISCATION ORDERS AND DIRECTION ACTION

- 10.1 It is a criminal offence to fail to comply with an enforcement notice, breach of condition notice, or a stop notice and we will take prosecution action. Listed building breaches, unauthorised works to protected trees, advertisements, demolition in conservation areas and non-compliance with planning contravention notices can all also result in prosecution action.
- 10.2 In initiating prosecution proceedings, we will have regard to the Crown Prosecution Service's tests of prosecution:
- Does the prosecution have a realistic prospect of success?
  - Is it in the public interest to prosecute?
- 10.3 Where we have a successful prosecution and it is appropriate, we will apply for a Confiscation Order under The Proceeds of Crime Act 2002 ("POCA") where an offender has failed to comply with the terms of an enforcement notice and financially benefits from their unlawful activity. This will help to cover the costs of enforcement action and act as a deterrent against future breaches.
- 10.4 As well as prosecuting, as a local planning authority, we have powers to enter land that is subject to an enforcement notice and carry out the requirements of the notice ourselves (section 178 of the Town and Country Planning Act 1990) often referred to as 'Direct Action'. It is an offence to wilfully obstruct anyone who is exercising those powers on the local planning authority's behalf.
- 10.5 We would then recover any expenses reasonably incurred by undertaking this work from the person who is then the owner of the land (regulation 14 Town and Country Planning General Regulations 1992).

## ENFORCEMENT PROJECTS

11.1 In order to more effectively tackle common and recurrent breaches of planning control the enforcement team will consider whether it is appropriate to introduce a proactive enforcement project. For example:

- Proactive projects/compliance checks – looking at methods to effectively monitor development including compliance with conditions and obligations.
- Short term lets – given the loss of permanent residential accommodation and the impact on the amenity of neighbouring occupiers; a STL Task Force and Council wide Forum were established to tackle the loss of residential accommodation.
- Construction Management Plans – The permanent role of CMP Enforcement Officer Post was created with the team. In addition, a Construction Management Forum was formed, comprising officers from all relevant departments, who meet weekly to discuss and take action relating to on-going management of construction sites. The project aims to look at the process for securing and enforcing CMPs including proactive action.
- Lobbying – We seek to work together with other councils to seek changes to legislation where we consider it is necessary to aid the enforcement process.
- Communication – We will continue to investigate the use of technology to assist the enforcement process and the ability of information on enforcement investigations.

11.2 An annual proactive project report will be prepared and published on our website on the enforcement pages. This report will provide an update on current projects and outline any new schemes based on an analysis of key priorities in the borough.



## PLANNING ENFORCEMENT FEES

- 12.1 A fee will be payable for the following:
- Providing a copy of an enforcement notice/removing enforcement notice from the enforcement register - £150
  - Request for compliance check (accordance with planning permission, conditions or obligations) – hourly rate of £120
  - Enforcement Notice Compliance certificate £150
  - Request for enforcement meeting/written advice (1hour) - £450.17
- 12.2 Further information and links on how to pay can be found online at [www.camden.gov.uk/planningenforcement](http://www.camden.gov.uk/planningenforcement).

## ENGAGEMENT

- 13.1 It is important to regularly seek the view of our local councillors, residents and groups on their experience of the enforcement process and understand the particular development pressures in their area.
- 13.2 We will provide feedback on a quarterly basis through enforcement newsletters that will be sent to all members and available on our [website](#). Feedback on the enforcement process will be given on a quarterly basis to the Planning Committee.

## PLANNING CONTACTS

- 14.1 Enforcement complaints can be reported either:
- Email: [planning@camden.gov.uk](mailto:planning@camden.gov.uk) – please put enforcement in the subject title
  - Online: [www.camden.gov.uk/planningenforcement](http://www.camden.gov.uk/planningenforcement)
  - Call: 0207 974 4444.

## OTHER AGENCIES/USEFUL INFORMATION

15.1 The following links provide additional information on the enforcement process.

Royal Town Planning Institute - <https://www.rtpi.org.uk/>

Planning portal - <https://www.planningportal.co.uk>

Ensuring effective enforcement - <https://www.gov.uk/guidance/ensuring-effective-enforcement>

Planning aid - <http://www.planningaidforlondon.org.uk/>



National Planning Policy Framework 2019 -

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Advertisement guidance - <https://www.gov.uk/government/publications/outdoor-advertisements-and-signs-a-guide-for-advertisers>

Guidance on TPOs and trees in conservation areas -

<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

## GLOSSARY

**Advertisements** is defined in section 336(1) of the Town and Country Planning Act 1990 (as amended) as “any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements.”

**Advertisement Control** - the process whereby a local planning authority decides whether an advertisement which is being displayed, or about to be displayed, is acceptable in terms of amenity and public safety and is being displayed in accordance with the Town and Country Planning (Control of Advertisements) Regulations.

**Amenity** - the pleasant or normally satisfactory aspects of a location which contribute to its overall character and the enjoyment of residents or visitors.

**Appeal** - the process whereby an applicant can challenge an adverse decision on an application by means of written representations, an informal hearing or formal inquiry proceedings. Appeals can also be made against the failure of the planning authority to issue a decision, against conditions attached to a permission and against the issue of an enforcement notice.

**Building Control Regulations** are minimum standards for design, construction and alterations to virtually every building

**Camden 2025** is a new vision for the future of Camden – it sets out five key ambitions that we can all work towards to make Camden a better place for everyone to live by 2025.

**Change of Use** - more correctly referred to as a 'material change of use'. A change in the use of land or buildings that is of significance for planning purposes, often requiring planning permission.

**Complaint** – a report of suspected breach of planning control.

**Conditions** - stipulations attached to a planning permission to limit or direct the manner in which a development is carried out.

**Conservation Area** - an area given statutory protection under the Planning Acts, in order to preserve and enhance its character and townscape.

**Construction Management Plans** - Helping to minimise the impact of construction. Sometimes we require developers and contractors to prepare a Construction Management Plan (CMP) to help minimise the impact of construction.

**Deemed Consent** - this allows the display of certain "specified classes" of advertisement without first having to make an application to the local planning authority. Under the Control of Advertisements Regulations there are 14 Classes, all of which are subject to strict conditions and limitations.

**Development** - the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or land.

**Development Plan** - document (a structure or local plan) that sets out in writing and/or in maps and diagrams a local planning authority's policies and proposals for the development and use of land and buildings in the authority's area.

**Discontinuance Notice** - notice served by a local planning authority requiring the discontinuance of the display of any advertisement, or the use of a site for the display of an advertisement, which has the benefit of deemed consent under the Control of Advertisements Regulations. Action to serve a discontinuance notice may only be taken if the planning authority is satisfied it is necessary to do so to remedy a substantial injury to the amenity of the locality or a danger to members of the public.

**Express Consent** - this is needed to display an advertisement, which does not benefit from deemed consent under the Town and Country Planning (Control of Advertisements Regulations).

**Enforcement** - procedures by a local planning authority to ensure that the terms and conditions of a planning decision are carried out, or that development carried out without planning permission is brought under control.

**Enforcement Notice** - notice requiring the discontinuance of an unauthorised use and/or the removal of buildings, including restoration of land, where development has been begun without permission or in breach of a condition.

**Established use** - a use which does not conform to a plan but against which enforcement proceedings cannot be taken, often because of the length of time a use has been in operation.

**Expediency** – a review of whether a breach of planning control causes material harm or adverse impacts and compliance with planning policies to establish if further enforcement action will not be warranted.

**General Permitted Development Order (GPDO)** - the Town and Country Planning (General Permitted Development) Order 1995 grants rights (known as permitted development rights) to carry out certain limited forms of development without the need to make an application for planning permission.

**Injunctive action** - an injunction is an order by a court commanding or prohibiting a specific action. If a person or company fails to abide by an injunction issued against them, they can be held in contempt of court and punished with imprisonment or fines.

**Lawful Development Certificate** - a procedure by which existing or proposed uses and other forms of development can be certified as lawful for planning purposes. An application has to be made to the local planning authority and there is a right of appeal against their decision.

**Listed Building** - building or other structure of special architectural or historic interest included on a statutory list and assigned a grade (I, II\* or II).

**Listed Building Consent** - a permission required for the alteration or demolition of a listed building.

**Local Plan** - statutory development plan prepared by a local planning authority setting out detailed policies for environmental protection and development.

**Local Planning Authority** - the local authority or council that is empowered by law to exercise planning functions. This is normally the local borough or district council, but in National Parks and some other areas there is a different arrangement.

**Material Consideration** - a matter which should be taken into account in deciding on a planning application or on an appeal against a planning decision.

**Permitted Development Rights** - rights to carry out certain limited forms of development without the need to make an application for planning permission, as granted under the terms of the Town and Country Planning (General Permitted Development) Order 1995.

**Planning permission** in simple terms, is like asking if you can do a certain piece of building work. It will be granted (possibly subject to certain conditions) or refused.

**Planning Obligations and Agreements** - legal agreements between a planning authority and a developer, or offered unilaterally by a developer, ensuring that certain extra works related to a development are undertaken, usually under Section 106 of the Town and Country Planning Act 1990.

**Section 106 Agreement** - a binding agreement between a council and a developer associated with a grant of planning permission and regarding matters linked to the proposed development.

**Supplementary Planning Guidance** - additional advice issued by a local planning authority expanding upon its statutory policies.

**Tree Protection Orders** - a Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, willful damage or willful destruction of trees without the local planning authority's written consent