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Planning enforcement



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Planning Enforcement

The Planning Enforcement Team exists to implement and enforce planning law by investigating, identifying and taking proportionate and reasonable steps to resolve breaches of planning control. A breach of planning control occurs where development (including a material change of use of land and buildings) takes place without the necessary planning permission, or the development constructed does not adhere to condition(s) subject to which planning permission was granted.

Report an alleged [breach of planning control](#)

Principles of Enforcement in Hertsmere

Central Government as set out within paragraph 58 of the National Planning Policy Framework (2018) advises that “effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control”. Generally, planning enforcement in Hertsmere is underpinned by the principles of proportionality and reasonableness and further guided by the principles of openness, helpfulness, standardisation and consistency.

As per the recommendations of the National Planning Policy Framework, Hertsmere Borough Council has published its own [Enforcement Policy](#) (NB: the policy is currently subject to review)

Our Enforcement Charter

Our enforcement charter outlines standards of service that we seek to achieve when dealing with enforcement enquiries. Enforcement can be one of

the most complex parts of the planning system, and can have long and unpredictable timescales. The aim of this charter is therefore to ensure that our enforcement procedures are fair and reasonable and that interested parties are kept informed.

1. We aim to register a valid planning enforcement complaint within 5 working days. Once registered an acknowledgement letter will be sent to the complainant detailing the contact details of the officer dealing with the investigation.
2. We aim to conduct a site visit within 48hrs (for priority 1), 25 days (priority 2 cases) and 40 days (priority 3 cases).
3. Where no breach has been observed, we will close the case and write to the complainant as soon as possible
4. Where we identify that a breach has occurred we will be helpful in our negotiations with the contravener and provide consistent, comprehensive and impartial advice on the best means to remedy the breach.
5. Where a breach has been identified and further investigations/actions are required we will update the complainant within 8 weeks of the complaint and at regular 3 month intervals until the breach is resolved.
6. If an appeal is lodged against an enforcement notice we will notify the complainant within 5 days of being notified of the appeal and advice on how to further participate in the appeal process.

Matters We Do Not Investigate

If a complaint raises matters that are outside the remit of planning and the Council generally, we would not be able to investigate and the request for investigation would be politely declined.

Examples of things we do not investigate include:

- Land ownership/boundary disputes
- party wall disputes
- Parking of commercial vehicles or private roads
- Contents of advertisements etc

Resolving Breaches of Planning Control

It is important to note that the primary purpose of planning enforcement is to remedy any breach of

planning control which may have occurred, rather than to apply punitive measures to those responsible. In many cases, matters are resolved through a negotiated process and are either regulated through the granting of permission or the voluntary removal/cessation of the breach.

We will make every effort to resolve the complaint without serving a formal enforcement notice.

Where a breach cannot be resolved, and enforcement action is justified, a formal notice may be served. Notices take effect at least 28 days from date of service, during which time you have the right to appeal. After this, you have a period of time to comply with the notice. We have to specify the precise steps required to remedy the breach of control. If the breach continues after this, we can take action through the courts as a criminal proceeding or take direct action to remedy the breach or both.

The Enforcement Register

The council is by law required to keep an enforcement register. The enforcement register contains hard copies of Planning Enforcement Notices issued by the Council dating back to 1963.

Members of the public can inspect these records at council offices free of charge, by prior appointment.

Copies of Enforcement Notices are available on request at a cost of £5.50 per notice (by e-mail) or £11 per notice (by post). A request for confirmation that an enforcement notice has been complied with attracts a cost of £234.

Contacting the Planning Enforcement Team

Address: Planning Enforcement Team, Planning and Economic Development, Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, Herts, WD6 1WA

E-mail: enforce.planning@hertsmere.gov.uk

Tel: 0208 207 2277

Further Information

For more information and advice in respect to aspects of planning enforcement please view the

relevant section of the National Planning Practice

Guidance Online:

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

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