



Enforcement Notices

It is not illegal as such to do works or change the use of something without the necessary planning permission but if you are discovered you may receive a planning enforcement notice.

Enforcement is a process which generally starts with the Local Planning Authority trying to resolve the breach. Initially this may be a request to submit a planning application to legitimise the development in planning terms.

Alternatively, it may be that the breach has occurred long enough for it to become exempt from enforcement. In these cases the Local Authority may ask you to submit a Certificate of Lawful Existing Use or Development (CLEUD) – see separate Acorus fact sheet.





Planning Contravention/ Enforcement Notices

The process will generally start (although not always) with a Planning Contravention Notice requesting information regarding ownership, what the breach is and when it occurred. It is a legal requirement to complete these as correctly as possible. If there is an obvious breach and you are not prepared to remove the structure or cease the use, an enforcement notice will almost certainly follow.

Enforcement Notices will outline the breach, the land that it applies to and the steps the Local Authority require you to take. There will be a date the notice takes effect and a date

for compliance, normally one to six months after it takes effect.

Appealing Notices

You can appeal a notice but this must be done before it takes effect which will often be only 28 days (not six months like normal appeals). Another key difference with enforcement appeals is you can appeal on several grounds ranging from; 'I should be given planning permission', 'the breach hasn't occurred', 'it occurred too long ago' or 'the steps required are excessive'. You can even appeal the time limit imposed.

The enforcement notice 'sits' on hold until the appeal is dealt with, the decision notice being the new date the enforcement notice takes effect.

Given the time constraints and the options available, it is critical you get the right advice regarding your options. An Acorus Planning Consultant will be able to outline your options and assist with any processes.

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