Planning Enforcement

FACT SHEET

What is ‘Planning Enforcement’?
The Planning Enforcement team investigate complaints about developments which may have been carried out without planning permission or consent and so is a breach of planning control. The team also assist in monitoring developments which have received planning permission, particularly where a planning obligation exists.

The main breaches of Planning Control include:

• Building, or engineering work and the change of use of land without a planning permission.
• Unauthorised work to trees protected by a tree preservation order or in a conservation area.
• Breach of conditions attached to planning permissions or the terms of a Section 106 obligation.
• Non-compliance with approved plans attached to planning permissions.
• Unauthorised advertisements or signs.
• Unauthorised change of use of land/buildings.
• Land or buildings in such poor condition that it adversely affects the amenity of the area.
• Unauthorised works to a listed building.
• Unauthorised demolition work in a conservation area.
• Unauthorised deposit of waste or mineral extraction.

It is important to be aware that the works concerned could be allowed under what is known as ‘permitted development’ - works which do not require planning permission. There is advice on what constitutes permitted development through this link: https://www.cornwall.gov.uk/media/12786873/Permitted-Development-Fact-Sheet.pdf. In many cases it is advisable to check this information first before reporting to Planning Enforcement.

Not all breaches of planning control will result in formal action being taken; each case has to be considered individually, taking into consideration the local and national planning policies and other material considerations, in the same way as a planning application.

A breach of planning is not a criminal offence; however, if the Council serve a formal enforcement notice and the terms of the notice are not met it is then a criminal offence. Situations that do not involve a breach of planning control such as land ownership disputes and breaches of a covenant attached to deeds will not be investigated as these are civil issues.

How do I report a breach of Planning control?
The quickest method of reporting a suspected breach of planning control is by completing our Enforcement Complaint Form online by following this link:

Once this form is complete we require you send this by email to:
planning.enforcement@cornwall.gov.uk

You can also make a report of a breach by
calling 0300 1234 151
Alternatively you may wish to ask your local Councillor or Town/Parish Council to raise the matter on your behalf.

Please be aware that anonymous complaints cannot be investigated.

What happens when I report a breach of Planning control?

• We must decide whether the breach of planning control unacceptably affects amenity
• Action will not be taken just because development has started without planning permission
• We do not always have to take action but the particular circumstances of the case must always be considered
• It is not normal to take formal action against a minor breach of control that causes no real harm. However, any breach of planning control will be recorded and drawn to the attention of the developer

What will be the consequences for the offender?

If there is a breach, we will ask the person responsible to;

• submit a retrospective planning application (where appropriate)
• stop the unauthorised activities; or
• remove any unauthorised development, or comply with a planning condition or both.

No further action will be taken on minor breaches that cause no harm to amenity.

Will I have to do anything else?

If we issue an enforcement notice, the person who receives it has a right of appeal. If there is an appeal, we may contact you to ask if you wish to submit more information or appear at an inquiry or hearing to support our case. Once there is an appeal, we must make any new comments or evidence we receive available for public inspection, including by the person making the appeal and their legal team.

Please allow for the above time-frame during our investigations.

We will send you a progress report once the action to be taken has been agreed.

Disclaimer - This is an introductory guide and is not a definitive source of legal information