

# Do you think planning rules are being broken?

A guide to the council's planning enforcement service for anyone wanting to make a complaint or anyone who has had a complaint made against them



Basingstoke  
and Deane



The construction of buildings without planning permission or unauthorised changes in the use of a piece of land can have a damaging effect on the local area.

Basingstoke and Deane Borough Council works to protect the local environment and quality of life for people living in the borough by providing an effective planning service. Taking action to enforce planning rules, where unauthorised development is causing harm to an area, is an important part of this.

This leaflet is an easy-to-use guide to how the service works. It looks at what happens when the council is made aware of a suspected breach of planning control.

Planning enforcement is a very complex area and we've tried to make the policy as easy to understand as possible. For more detail on how the service works, refer to the council's Planning Enforcement Statement. This is available in the planning section of the council's website at [www.basingstoke.gov.uk/planning](http://www.basingstoke.gov.uk/planning) or by calling **01256 844844**

## What is a breach of planning control?

This could be the construction of a building without planning permission, an unauthorised change in use of land or the display of an unlawful advertisement. Other planning breaches include:

- unauthorised work on a listed building
- removing or lopping trees protected by a tree preservation order
- unauthorised stationing of a caravan or mobile home
- breach of conditions attached to planning permissions
- unauthorised demolition in a conservation area
- not building in accordance with the approved plans of planning permissions
- failure to properly maintain land so that it affects the amenity of the area
- unauthorised engineering works, such as ground level changes
- failure to comply with a Town and Country Planning Act 1990 Section 106 agreement.



## The following are not planning breaches:

- internal work on a non-listed building
- obstruction of a highway or public right of way
- parking commercial vehicles on the highway in residential areas or on grass verges
- parking a caravan within the residential boundary of a property, provided that it is not lived in or used as part of the home
- clearing land of overgrowth, bushes and trees, provided they are not subject to planning protection
- operating a business from home where the residential use remains the primary use and there is no adverse impact on neighbours, for example, traffic or parking problems, excessive noise, mess or disruption
- boundary disputes are a private matter and cannot be controlled under planning legislation
- high hedge disputes are dealt with under part eight of the Anti-Social Behaviour Act 2003
- deeds and covenants are a private matter and cannot be controlled under planning legislation
- adding more windows to residential properties – once a building has been occupied windows may be inserted into existing walls, provided there is not a planning condition to prevent this
- where development is ‘permitted development’ under the Town and Country Planning (General Permitted Development) (England) Order 2015
- trespassing on land
- health and safety issues

## What can I do if I think something's wrong?

The planning enforcement service is concerned with resolving serious breaches of planning control. It does not deal with neighbour disputes or a change to the environment that an individual or group of residents may not like. There must be significant harm to public amenity, safety or the environment generally. ‘Amenity’ includes how something might look or impact on the character and quality of an area.

**First of all, consider if the potential breach is something you could resolve yourself by speaking with your neighbour or the person you feel is causing the breach. It is far better to resolve things amicably if you can, than formally by involving the council.**

However, if you feel unable to do this and significant harm is being caused, you can contact us by phone, letter, e-mail or fax. We will not deal with anonymous complaints, so we will need your details, as well as:

- the site address or location
- what the development is
- what times things are happening, if applicable

Details of how to contact us are on the back of this leaflet.

## Will my details be made public?

The identity of a person making a complaint is confidential under the *Local Government Act* and will not be released. However, we cannot prevent someone correctly guessing who made the complaint against them. But, if a case proceeds to formal action, we may need to use your evidence as part of our case and you would not be able to retain your anonymity.

If you are worried about giving your name and address, you can contact your local ward or parish councillor, who can make the complaint on your behalf.

## What will you do with my complaint?

We will log and acknowledge each complaint within two working days of it being received. A site visit will be arranged, with priority according to the severity of the alleged breach of planning control.

### Priorities

Some breaches can cause considerably more harm than others. We must ensure our resources are used to deal with those that have the most impact. For example, the potential permanent loss of, or damage to, an historic building or protected trees will have greater priority than the temporary nuisance of mud on the road from the development of a new housing area, or the arrival of a new shed in a neighbour's garden.

	Priority	Examples (not exhaustive)
1	<b>Urgent:</b> site visit within two working days	This would be for a development causing serious threat to public health and safety, or permanent, serious damage to the environment.
2	<b>High priority:</b> site visit within five working days	This is less urgent but considered harmful with the potential to get worse.
3	<b>Standard priority:</b> site visit within 20 working days	This covers the majority of cases, where there is a possible breach but this is unlikely to get worse.
4	<b>Low priority:</b> site visit when workloads and resources allow (aim within 20 days)	This would be for minor cases, such as satellite dishes, adverts, sheds, walls and fences.

## What will happen to my complaint?

The case officer will establish if there is a breach of planning control, its severity and whether it is appropriate to take enforcement action. In the vast majority of cases we will try to reach an amicable agreement with the owner or occupier, rather than serving an enforcement notice.

### Timescales

We aim to make an initial site visit within 20 working days and decide a course of action within eight weeks of the complaint being received. Resolving the breach may take several weeks and in more severe cases, over a year or more, depending on its nature.

If a breach requires action, the person making the complaint and the developer will both be advised of the outcome. If the site visit reveals no breach, we may decide not to contact the developer, to avoid undue worry or inconvenience.

### What if someone complains about me?

We will first visit the site, to establish if there is a breach of planning control. This may be done without your prior knowledge. Relevant building and planning legislation authorises council enforcement officers to enter land and premises at reasonable hours to investigate. Preventing officers from carrying out these duties is an offence under the same legislation.

Taking formal enforcement action, such as serving legal notices, is only used as a last resort. Wherever possible, we would prefer to resolve any breaches of planning control amicably and reasonably.

If there is a breach, we will contact you to explain what the breach is and what needs to be done to resolve it. This may involve:

- submitting a retrospective planning application
- applying for a certificate of lawful use
- removing an unauthorised structure
- stopping an unauthorised activity

You will be given reasonable time to comply with a request to resolve a breach, unless it is causing such harm that it is necessary to sort it out immediately.

## How do I find out more?

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For more information or to contact our enforcement team



**01256 844844**



**[www.basingstoke.gov.uk/planning-enforcement](http://www.basingstoke.gov.uk/planning-enforcement)**

**Basingstoke and Deane Borough Council  
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**If you need this information in a different format, for example large print, CD or braille, please contact the council.**

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