



Approved by Full Council 28 November 2012

**ECONOMY AND ENVIRONMENT  
DEVELOPMENT MANAGEMENT  
ENFORCEMENT POLICY**

## **Development Management**

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## 1. INTRODUCTION

- 1.1 This policy sets out priorities for investigation, explains what will be investigated and what will not and outlines the Council's general discretionary powers with regard to planning enforcement.
- 1.2 The integrity of the development management function depends on the Council's willingness to take enforcement action. Such action must, however, be shown to be in the public interest. A reasonable balance needs to be achieved between protecting public amenity and other interests of acknowledged importance and enabling acceptable development to take place even though it may initially have been unauthorised.
- 1.3 There are two strands to planning enforcement:

**Reactive enforcement** - Investigating complaints about unauthorised building operations and uses.

**Pro-active enforcement** - Monitoring developments to ensure compliance with planning permissions, consents, associated conditions and agreements - and continued compliance with extant Enforcement Notices.
- 1.4 This Policy sets out the process and the service standards you can expect from Calderdale Metropolitan Council for investigating and resolving breaches of planning control. The aim is ensure a proportionate, consistent and clear approach to any action that it is decided to take and to record those circumstances where action is not appropriate. In accordance with best practice the policy sets out priorities for action and the decision-making processes.
- 1.5 The Policy incorporates a more pro-active approach to resolving breaches of planning control. To be successful in this approach it is essential that we work closely with members of the public, Elected Members, other agencies and other sections of the Council.
- 1.6 The Enforcement and Minerals Team deal with unauthorised developments. They also monitor Minerals sites and S106 Agreements. Pro-active monitoring of sites also takes place. The Development Management teams deal with planning applications and also with non compliance with permissions and unauthorised householder development. As part of their investigations and pro-active work officers will work in co-operation with the relevant Council Officers for example: Conservation Officers, Building Control Surveyors, Environmental Health Officers, Engineers and officers from external agencies for example the Environment Agency and the Police.

## 2.00 LEGAL CONTEXT

2.1 The Town and Country Planning Act 1990, Planning and Compensation Act 1991 and Planning and Compensation Act 2004 and Localism Act 2011 are the key acts relating to planning enforcement. There are also a number of relevant circulars and best practice guides and these are listed in **Appendix 1**.

2.2 The National Planning Policy Framework states in paragraph 207:

*Effective enforcement is important as a means of maintaining 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. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so. (My emphasis).*

2.3 The Development Plan (Replacement Calderdale Unitary Development Plan, as amended by the Secretary of State 3 August 2009) seeks to ensure that sustainable development takes place and provides the basis for which all new development which requires the appropriate consent from the Council is assessed.

2.4 There are no Government performance targets for planning enforcement, unlike the determination of planning applications. The system does not allow the punishment of persons for not first acquiring the necessary consents before the development is carried out. The Council will not take action to rectify a breach unless there is an unacceptable effect on the environment and on the public.

2.5 However, it is an offence to display an unauthorised advert, carry out unauthorised works to a Listed Building or curtilage buildings (inside or outside the building) or carry out unauthorised works to a Tree covered by a Tree Preservation Order (TPO).

2.6 The Council is committed to the Cabinet Office's Concordat on Good Enforcement published in 1998. The Concordat is based on six principles: setting clear standards, providing clear and open information, helping business by advising on and assisting with compliance, having a clear complaints procedure, ensuring enforcement action is proportionate to the risks involved and ensuring consistent enforcement practice.

### **3.00 ENFORCEMENT POLICY AND PRIORITIES**

3.1 Enforcement work will focus on three key areas:

**A. PRO-ACTIVE WORK WILL BE CARRIED OUT BY A DESIGNATED OFFICER IN THE FOLLOWING AREAS:**

**B. LISTED BUILDINGS, CONSERVATION AREAS AND ENHANCEMENT OF THE HISTORIC ENVIRONMENT**

**C. RE-ACTIVE ENFORCEMENT**

**3.2 A. PRO-ACTIVE WORK WILL BE CARRIED OUT BY A DESIGNATED OFFICER:**

**3.3 Pro-active monitoring of minerals sites.** In order to reduce any adverse impact of mineral sites on the community and to comply with legislation the Service will carry out pro-active monitoring of minerals sites and take any necessary action to secure compliance with the planning permissions. The Regulations provide for the Council to charge for a maximum of up to 8 visits in a 12 month period. Additional visits can be made but cannot be charged for.

**3.4 Pro-active monitoring of Section 106 Agreements.** In order to ensure the agreed contributions are made and compliance with agreements, including Unilateral Undertakings, in relation to planning applications, takes place the Council will carry out pro-active monitoring of such Agreements/Undertakings. The Service will work with all of the relevant sections of the Council to facilitate this and take any necessary action to secure compliance with the Agreements/Undertakings.

**3.5 Pro-active monitoring of planning permissions.** In order to reduce complaints about non compliance with planning permissions, the Service will carry out pro-active monitoring of planning permissions and seek to encourage compliance with planning permissions in the early stages of the development. This will involve Development Management being aware of all commencements of planning permissions by liaising with Building Control. Applicants/developers will be reminded of the need to comply with planning conditions when decision notices are sent out and also following receipt of commencement notices. Random checks will be made on site to assess compliance with the planning permissions and applicants will be made aware of this. Prioritisation of sites for monitoring will take place. Major developments will take priority, including those applications determined by the Planning Committee. It will take any necessary formal action to secure compliance with the planning permission.

**3.6** Those site which have potential to cause harm, including unacceptable levels of dust, emissions, noise or disturbance in close proximity to places where the public live or work, or have potential to cause a highways danger or where

other service areas could be compromised such as non-compliance with Legal Agreements requiring open space, affordable housing etc. will be progressed through timely site visits and the preparation of appropriate notices and actions.

## **B. LISTED BUILDINGS, CONSERVATION AREAS AND ENHANCEMENT OF THE HISTORIC ENVIRONMENT**

- 3.7 The Conservation Strategy and Action Plan 2011-2014 was adopted by Cabinet on 31 October 2011. One of the objectives of the Conservation Service is to secure a more sustainable future for Heritage At Risk within Calderdale.
- 3.8 The Council will therefore seek to take timely enforcement action, where appropriate in order to assist with this. Priority will be given to investigating unauthorised works in the following order: Grade I Listed Buildings, Grade II Listed Buildings and Grade II\* and works in Conservation Areas. Where cases are received about alleged unauthorised works, these will be assessed in the first instance with Conservation Officers.
- 3.9 Where unacceptable work is progressing quickly, officers will concentrate on these cases, which may result in other cases taking a little longer to resolve. Where appropriate we may use Temporary Stop Notices and Stop Notices and may caution perpetrators at the earliest opportunity. Formal action will not be taken where there are minor works which do not adversely affect the Listed Building. Officers will work in consultation with Conservation Officers and English Heritage, where necessary, in order to resolve cases.
- 3.10 Some cases can take some considerable time to resolve and involve high levels of input from numerous officers at all levels. When we are dealing with such cases, this can result in other cases not being progressed as quickly.

## **C. RE-ACTIVE ENFORCEMENT**

- 3.11 The Council will investigate alleged breaches of the following:
- Planning Control –
  - Advertisement Control
  - Tree Preservation Order Legislation
  - Listed Building and Conservation Area Legislation
  - Hedgerow Legislation

- High Hedges Legislation

3.12 The following are not planning issues and therefore will not be investigated:

- Obstruction of a highway or public right of way
- Parking a caravan within the residential boundary of a property provided that its use is ancillary to the host dwelling i.e. additional bedroom. However, we would need to assess if this was the case and whether permission was required.
- Clearing of 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 residential amenity. This is a matter of fact and degree and we would need to assess whether permission was required.
- Boundary disputes and trespass – disputes about ownership are a private matter and cannot be controlled under planning legislation;
- Deeds and covenants are a private matter and cannot be controlled under planning legislation;
- Development which is 'permitted development' under the Town and Country Planning Development 1990 - General Permitted Development Order 1995 (As amended). The legislation is complex and we would need to establish whether the development was permitted development or whether permission was required.
- Health and Safety at work issues

3.13 If anyone raises non planning issues, it will be made clear to them that they are not planning issues. However, if there is another section of the Council or Agency which can deal with the matter, their concerns will be passed on to the relevant section of the Council or Agency.

3.14 The following will be accorded the highest priority:

1. Danger to the public or where there is a serious adverse effect on the public
  2. Irreparable damage to a listed building or building within a curtilage of a Listed Building
  3. Contraventions about to go out of time – there are time limits for taking action: 10 years from when the breach of a planning condition first occurred, 10 years for changes of use of land and 4 years from substantial completion for operational development and use of land and buildings as a dwelling house.
  4. Cases where retrospective applications have been refused by the Council or an appeal has been dismissed.
  5. Developments which are progressing at a fast rate in contravention of permissions and causing demonstrable harm.
- 3.15 Minor breaches (for example fences, walls, developments just beyond permitted development rights) will take the lowest priority.
- 3.16 We will also investigate in consultation with Housing and Environment Officers whether it is appropriate to issue a Section 215 (of The Town and Country Planning Act 1990) Notice to remedy land which is adversely affecting the amenity of the area.
- 3.17 In considering formal action alleged breaches will be assessed with regards to the following:
- The Development Plan Policies (Replacement Calderdale Unitary Development Plan) and its successors
  - Government Legislation, Policies, Circulars and Guidance
  - National Planning Policy Framework (March 2012) and good practice guides and other Government Policies

The Key areas in the above documents include:

- Public amenity
  - Access/egress/parking issues
  - Compatibility with the area's character
  - Crime and Disorder
  - Any other relevant planning matters
- Conservation Strategy for the Historic Environment

- Case law and appeal decisions
  - Advice from specialist consultees for example Environmental Health, Housing, Highways and Environment Agency
- 3.18 Some cases can take some considerable time to resolve and involve high levels of input from numerous officers at all levels. For example court cases, appeals, especially those dealt with by way of Public Inquiry of Informal Hearing procedure, or non compliance with Enforcement Notices which include formal interviews and preparation of detailed documentation. When we are dealing with such cases, this can result in other cases not being progressed as quickly.
- 3.19 The Council will only investigate re-active cases when the breach is brought to its attention by a member of the public, a Parish Council or Parish Councillor, Councillor, Member of Parliament or other Service area or Organisation:
- By email including the online service on the Council's website or
  - In writing
  - By telephone if from a Councillor or MP (these are the only cases that do not require the name and address of the complainant).
  - At the discretion of the Team Leader Enforcement and Minerals, anonymous complaints regarding unauthorised works to Listed Buildings and trees covered by a Tree Preservation Order (TPO) will be investigated. All other anonymous complaints will not be investigated. An email only address is classed as anonymous.
- 3.20 All concerns received, including names and addresses will be kept confidential, save for the requirements of the Freedom of Information Act and Data Protection Act. Anonymous concerns raised about unauthorised developments will not be investigated, except for Listed Buildings and Tree Preservation Orders, noted above in 3.19. Anyone wishing to remain anonymous can contact their Councillor or Member of Parliament to raise their concerns on their behalf.
- 3.21 Action will not normally be taken on minor breaches of planning control or where the development is slightly beyond that which permitted development rights allow for (ie development not requiring express planning permission in accordance with planning legislation). Nor will it be taken where there is little or no significant harm, having regards to the considerations noted in 3.17.

Action is not necessarily taken just because the resultant development is not in complete compliance with the planning permission.

- 3.22 There is scope for “under enforcement” where action is not appropriate in relation to the whole breach of planning control. An Enforcement Notice (see **Appendix 4**) could be served in relation to the unacceptable aspects of the development.
- 3.23 Enforcement action will not and cannot be taken to regularise development or to punish anyone just because planning permission has not been obtained first. However, in accordance with Government guidance we would encourage developers to regularise development with the submission of the relevant application.
- 3.24 The Council will attempt to resolve breaches through negotiation in the first instance and by the invitation of the submission of a planning/other relevant application. However, formal enforcement action will be taken where it is considered expedient, having regards to the criteria set out in 3.17 above.
- 3.25 The legislation allows the Council to deal with retrospective applications and Central Government guidance encourages Local Planning Authorities to resolve breaches of planning control through the submission of an application. An assessment of the application must be made on its individual merits and the fact that the application is retrospective cannot influence the final decision which is made. If the application is to be refused an assessment as to the disturbance which may be created for resolving the breach has to be made. If a retrospective application is refused, it is likely that formal action will follow, having first ensured that such action is proportionate. Officers will work in a timely manner with the developers to seek a resolution before taking formal action.
- 3.26 If a valid appeal is lodged with the Planning Inspectorate against the refusal of planning permission within 3 months of the date of the decision, it is unlikely that formal action will be taken until the outcome of the appeal. The appeal decision will inform the Council as to whether an Enforcement Notice should be served. If the appeal is dismissed, then the Council is likely to be successful with an Enforcement Notice appeal. If the appeal is allowed the development is no longer unauthorised and an Enforcement Notice could not be served.
- 3.27 Where appropriate Temporary Stop Notices and Stop Notices may be served. Furthermore, an Injunction may be sought from the court. These courses of action would only be taken where there may be irrevocable harm and or in emergency situations.

## 4.00 ENFORCEMENT PROCEDURES

- 4.1 Working effectively with partners to achieve satisfactory solutions will take place, especially with the Environment Agency and other Council Services including Building Control, Environmental Health, Housing, Highways and Engineering and Licensing.
- 4.2 Documentation reminding developers/owners/operators of the need to comply with permissions and agreements will be sent out at the appropriate time. This will include the use of electronic communication. If compliance is not achieved within a reasonable timescale formal action will be considered.
- 4.3 Planning enforcement is not a quick fix solution and it can take some cases can take some considerable time to resolve. More straight forward cases can be resolved quickly in some instances.
- 4.4 The diagram in **Appendix 2** details the key steps in dealing with an enforcement case. The key timescales are outlined in **Appendix 3**. **Appendix 4** outlines the notices and actions which can be served to try to resolve breaches of planning control.
- 4.5 The Council will aim to acknowledge the receipt of complaints (about alleged unauthorised development) within 5 working days in writing or by email, as appropriate. The acknowledgement will provide a reference number, case officer and telephone number, along with some general information about planning enforcement.
- 4.6 Officers will aim to carry out a site visit with 15 working days of receipt of the complaint, subject to prioritisation. Any potential serious damage to a listed building or a Tree covered by a Tree Preservation Order will require a visit within a shorter timescale.
- 4.7 Random unannounced site visits may take place to check compliance with planning permissions and a note on the decision notice will explain that these may take place.
- 4.8 Other investigations including: site history checks, land registry searches, consultations with other Council Services or other organisations and the gathering of relevant information will be carried out. Planning Enforcement is not always the most appropriate Service to resolve problems and therefore where appropriate it will refer the matter to the appropriate organisation/service to progress the matter. This will be done in a timely manner and provide all of the relevant information to the organisation/service.

- 4.9 If it is suspected that a breach of planning control has taken place a letter will be sent to the developer/operator/landowner. This letter will highlight that an alleged breach of planning control has taken place and requests that the development ceases, or the relevant application is submitted, highlights that an offence may have been committed or to submit evidence to show that a breach has not taken place. The letter will provide the contact details of the case officer and will suggest that the above actions take place within 14 days and or the recipient of the letter contacts the officer normally within 14 days of receipt of the letter.
- 4.10 Officers will update those raising concerns of significant progress with the case, in a timely manner.
- 4.11 If no significant progress is made by the developer/operator/landowner, then consideration will be given to taking formal action, having regard to the criteria set out in 3.13 above. Normally if a planning application is submitted then no further action will be taken until the application has been determined. Likewise if a planning appeal has been submitted to the Planning Inspectorate, no further action will normally be taken until the appeal has been determined, subject to discretion. **Appendix 4** provides information on the types of action that can be taken and the consequences of serving such notices.
- 4.12 The service of notices will take place in consultation with the Council's Legal Officer. Instructions are prepared by officers and the Legal Officer will issue the Enforcement Notice, within a reasonable timescale, normally within 14 days. However, this may be longer depending on the complexity of the case.
- 4.13 Prosecutions for unauthorised display of adverts, unauthorised works to a tree covered by a TPO or unauthorised works to a Listed Building or non compliance with a notice, will be sought where appropriate, in the public interest and in accordance with the Code for Prosecutor's. Prosecutions are sought in consultation with the Council's Legal Officer.

## **5.00 COMPLAINTS PROCEDURES**

- 5.1 If anyone is not satisfied with the service they have received then there is a formal complaints procedure. We take formal complaints seriously and always welcome feedback on the service which we provide.
- 5.2 Complaints should be submitted to the Head of Planning and Highways, Northgate House Northgate Halifax HX1 1UN or to the Corporate Complaints Officer, Complaints and Compliments Unit, Westgate House Westgate Halifax HX1 1PS.

- 5.3 If the complainant is not satisfied with the response from the Head of Planning and Highways then they can request the Chief Executive investigates the matter and provides a response.
- 5.4 If the complainant is still not satisfied they can contact the Local Government Ombudsman who can investigate whether maladministration has taken place. Contact details for the Local Government Ombudsman are contained in **Appendix 1.**

## **Appendix 1**

## **Legislation, guidance notes and contacts**

### **Key Legislation and Guidance**

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Planning and Compensation Act 1991

The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations 2006

Use Classes Order 1987 and 2004 and subsequent amendments

Town and Country Planning General Permitted Development Order 1995 and subsequent amendments

Circular 10/97 on Enforcing Planning Control and associated Guidance to Local Planning Authorities entitled Enforcing Planning Control: Good Practice Guide

Circular 11/95 Planning Conditions. The use of conditions in planning permissions  
National Planning Policy Framework

Localism Act 2011

The Code for Crown Prosecutions November 2004

Concordat on Good Enforcement – the Enforcement Concordat March 1998 –  
Cabinet Office

Applying the Regulators' Compliance Code and Enforcement Concordat – Local  
Better Regulation Office briefing for local authority regulatory services March 2008

## **Contacts and references**

Calderdale Council's website provides information about Council Services  
[www.calderdale.gov.uk](http://www.calderdale.gov.uk)

The Environment Planning and Building Section, provides details of planning applications, Listed Buildings, Enforcement Notices and Breach of Condition Notices served since 2000. It also contains information about planning and planning enforcement.

An online form can be found on the website to raise concerns about possible unauthorised development.

**Environment Agency** Phoenix House Global Avenue Leeds LS11 8PG

Tel. 0113 2134723 - deal with Environmental Permits, pollution of land and water courses and transfer of waste and tipping, landfill sites.

**Department of Communities and Local Government. Government** Department responsible for planning matters. Detailed information can be found on their website [www.DCLG.gov.uk](http://www.DCLG.gov.uk)

**Planning Inspectorate:** arm of Central Government dealing with all types of planning and planning enforcement appeals. Detailed information can be found on their website: [:www.planningportal.gov.uk](http://www.planningportal.gov.uk)

The Planning Inspectorate: Temple Quay House 2 The Square Bristol BS1 6PN

**The Planning Portal:** [www.planningportal.gov.gov.uk](http://www.planningportal.gov.gov.uk) The Government Gateway to planning information throughout the UK. It provides information on plans, appeals, applications, high hedges and how to submit applications.

## **Local Government Ombudsman**

Anne Seex

Beverley House

17 Shipton Road

York YP30 5FZ

Telephone: 01904 Fax 01904 380 269

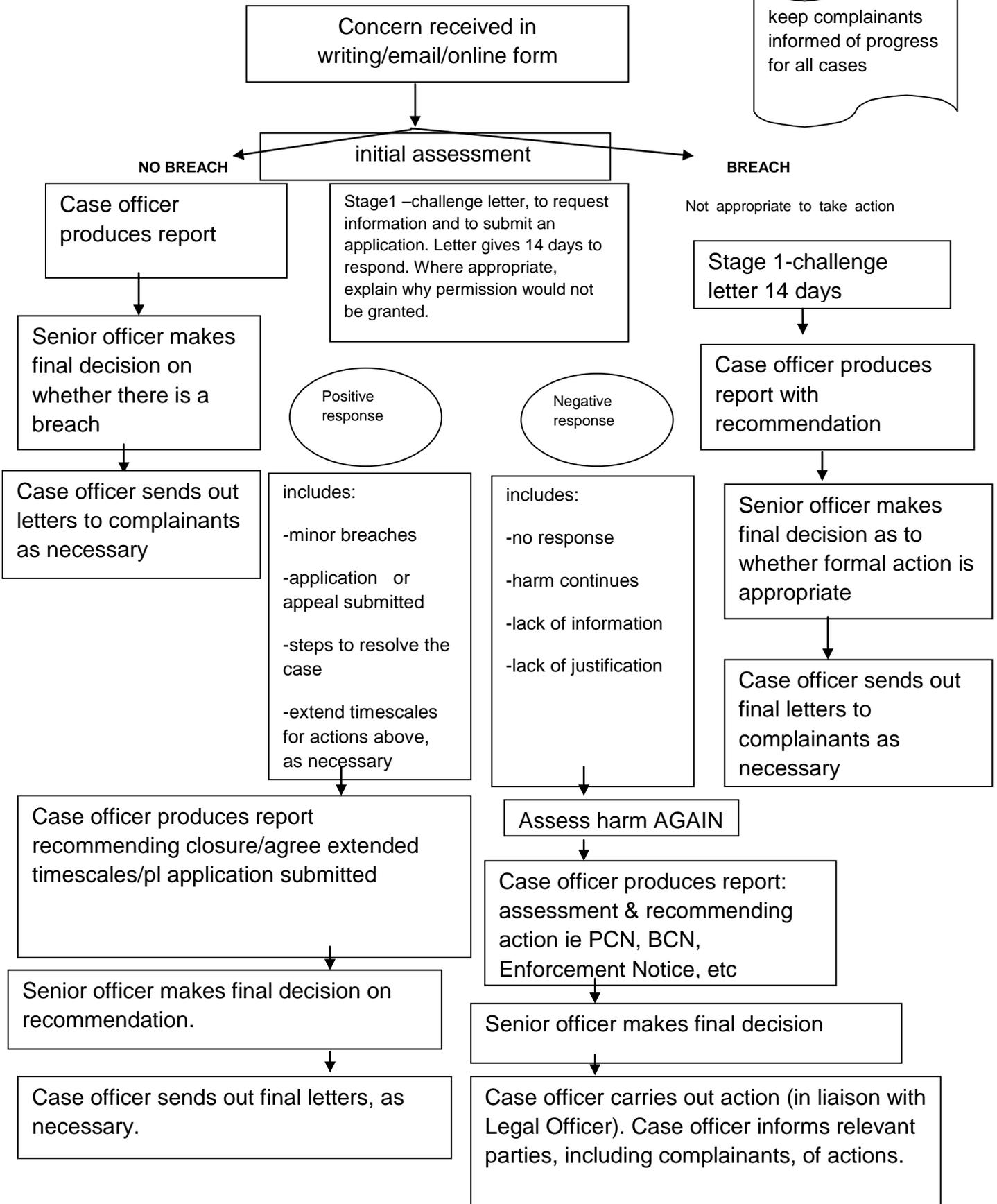
## **Appendix 2**

### **Flow chart highlighting key steps in dealing with an enforcement case**

# FLOW CHART FOR THE ENFORCEMENT PROCESS

(NO ANONYMOUS COMPLAINTS, UNLESS VIA COUNCILLOR or MP. TELEPHONE COMPLAINTS ABOUT LISTED BUILDINGS, ADVERTS OR TREES, ON MERITS)

keep complainants informed of progress for all cases



## **APPENDIX 3 KEY TIMESCALES**

<b>Action</b>	<b>Timescale</b>
Acknowledge receipt of concern about unauthorised development	Within 5 working days of receipt of complaint
Site visit to be undertaken following receipt of concern	Within 15 working days of receipt of complaint.
Site visit in relation to Listed Buildings, Tree Preservation Orders and those cases which may involve an immediate danger to the public	Within 5 working days of receipt of complaint.
Inform developers/owners/operators etc of any formal action to be taken/not to be taken – including reasons	Within 10 working days of the decision to take action.
Inform those raising concerns about the development of any formal action to be taken/not to be taken – including reasons	Within 10 working days of the decision to take action.
Inform those raising concerns about the development of the action which has been taken	Within 10 working days of the notice being issued and served
60% of all cases received to have a decision as to what action should be taken within 3 months of receipt of concern	
Review all cases by Senior Officers every 6 months to determine whether action should or should not be taken	

## **APPENDIX 4 TYPES OF ACTION WHICH CAN BE TAKEN**

## APPENDIX 4

### INFORMATION ABOUT THE NUMEROUS NOTICES WHICH CAN BE SERVED TO TRY TO RESOLVE A BREACH OF PLANNING CONTROL

Notice type	When/why it is used	Right of appeal to PINS	Maximum fine	Effectiveness and comments
<b>S330</b>	Requests details of names and addresses of owners of land	No	£1 000	<ul style="list-style-type: none"> <li>• Can be served by Officers in Development Management, no right of appeal</li> </ul>
<b>Planning Contravention Notice (PCN)</b>	Asks a series of questions about a possible breach of planning control. A response is required within 21 days from when it is served on the person.	No	£1 000	<ul style="list-style-type: none"> <li>• Alerts offender that the LPA is serious about wanting to resolve the breach.</li> <li>• Can result in the breach being resolved quickly.</li> <li>• Assists the LPA to determine whether a breach has occurred.</li> <li>• It does not require any steps to be taken to remedy the breach.</li> </ul>
<b>Breach of Condition Notice (BCN)</b>	Where a breach of a planning condition attached to a planning permission is taking place and the breach is causing problems and contrary to planning policies.	No	£2 500	<ul style="list-style-type: none"> <li>• Can be effective if served in the early stages of the development.</li> <li>• Must relate specifically to the condition.</li> <li>• Ineffective if conditions are inaccurately drafted.</li> <li>• Many conditions are imposed as a “belt and braces approach”. When the development goes ahead, non-compliance with a condition may not necessarily that harm is being created.</li> <li>• Not every breach of condition would involve the service of a BCN.</li> </ul>
<b>Enforcement Notice</b>	Where a breach of planning control is taking place and the	Yes It must be received	£20 000	<ul style="list-style-type: none"> <li>• Costs can be awarded against the appellant or LPA, following an appeal, regardless of the procedure, ie written representations, informal</li> </ul>

	development is contrary to planning policies and demonstrable harm is taking place	before the notice becomes effective, normally 6 weeks from service.		<p>hearing or public inquiry, for unreasonable behaviour.</p> <ul style="list-style-type: none"> <li>• Clear steps have to be included in the Enforcement Notice to remedy the breach.</li> <li>• Can be very effective to remedy a breach of planning control.</li> <li>• Remains in place unless a planning permission is granted or it is withdrawn.</li> <li>• Fee is payable to the Planning Inspectorate and the LPA if an appeal is lodged, subject to criteria.</li> <li>• If an appeal is lodged then no further action can be taken until the appeal has been determined. The timescales for compliance would run from the date of the Inspector's decision.</li> </ul>
<b>Temporary Stop Notice</b>	Where a breach of planning control is taking place and the development is contrary to planning policies and demonstrable harm is taking place	No. Can be challenged through Judicial Review		<ul style="list-style-type: none"> <li>• The Temporary Stop Notice expires after 28 days or any shorter period as set out in the notice. During the 28 days the Council must decide whether it is appropriate to take formal action</li> </ul>
<b>Stop Notice</b>	Can be served where irrevocable harm is taking place. Very few are served. An Enforcement Notice has to be served as well.	No	£20 000	<ul style="list-style-type: none"> <li>• Can be effective in ceasing operations on land</li> <li>• Can result in compensation claims</li> <li>• Can result in high court challenges</li> <li>• No right of appeal but can be challenged in the Court</li> <li>• There is a right of appeal to the accompanying Enforcement Notice</li> <li>• Compensation issues for the Council</li> </ul>
<b>Section 215</b>	Power to require	Right of	Liable on	<ul style="list-style-type: none"> <li>• Can be effective in tidying up land</li> </ul>

<b>Notice</b>	owners of land to be cleaned up when its condition adversely affects the amenity of the area.	appeal to the Court, before the notice takes effect	summary conviction to a fine not exceeding level 3 on the standard scale	<ul style="list-style-type: none"> <li>• Appeal is to the Court and not the Planning Inspectorate</li> <li>• Need to ensure that there is an amenity argument and not just an untidy area</li> <li>• Government produced a “Best Practice Guidance” to LPAs in 2005</li> <li>• Direct Action can be taken by the LPA and a charge can then be placed on the land</li> </ul>
<b>Prosecutions</b>	Prosecutions can be sought for the display of unauthorised adverts, unauthorised works to trees covered by Tree Preservation Orders and unauthorised works to Listed Buildings. Prosecutions can be sought for non – compliance with PCNs, BCNs and Enforcement Notices			<ul style="list-style-type: none"> <li>• If notices are not complied with then consideration is given to seeking a prosecution, having regards to Code for Prosecutors ie a prosecution can be brought where it is in the “public interest” and there is a good chance of gaining a conviction.</li> <li>• Can be very time consuming and a successful prosecution only results in a fine. In most cases the threat of prosecution can resolve the case.</li> </ul>
<b>Injunctions</b>	Obtained from the court where irrevocable harm may take place		The Council would have to prove to the Court that an injunction was appropriate	<ul style="list-style-type: none"> <li>• For use in very serious cases</li> <li>• Compensation issues for the Council</li> </ul>

