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INTRODUCTION

1.1 The National Planning Policy Framework (NPPF) recommends that local planning authorities publish a local enforcement plan to manage planning enforcement proactively and in a way that is appropriate to their area. This document sets out the Council's approach to planning enforcement for all those involved in and affected by planning and development in the borough whether developers, businesses or residents to ensure that the Camden 2025 vision is not undermined by breaches of planning control.

PURPOSE OF PLANNING ENFORCEMENT

2.1 Camden 2025 sets out a vision for the future of the borough, where everyone contributes to achieving a safe, fair, creative and active community.

"Together we want to make Camden a better borough – a place where everyone has a chance to succeed, where nobody gets left behind, and where everybody has a voice". Camden 2025

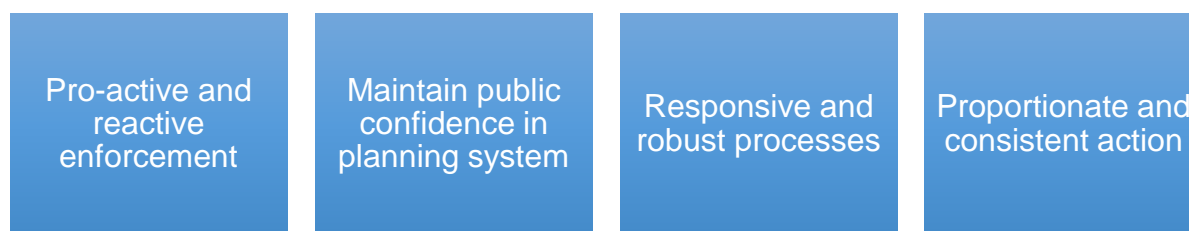
2.2 The planning process is key to ensuring the delivery of the objectives of the Camden Plan. In 2025:

- everyone in Camden should have a place they call home;
- everyone should be able to access the work that is right for them;
- growth in Camden should be strong and inclusive;
- Camden should be safe, strong and open, and everyone should be able to contribute to their community;
- Camden should be a clean, vibrant and sustainable place; and
- everyone in Camden should be able to live a healthy, independent life.

2.3 It is vital that we have an effective planning enforcement process to help deliver these objectives.

"Effective enforcement is important to: tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area; maintain the integrity of the decision-making process; help ensure that public acceptance of the decision-making process is maintained" - Ensuring effective enforcement Guidance - Published 6 March 2014 ([Ministry of Housing, Communities & Local Government](#)).

2.4 The key objectives of Camden's planning enforcement team are:



2.5 We rely on our residents, local businesses and groups to report suspected breaches of planning control to the team. We will seek to work with these people to ensure that the team are tackling problem issues within our neighbourhoods.

WHAT IS A BREACH OF PLANNING CONTROL?

3.1 A breach of planning control is considered to be

- the carrying out of development without the required planning permission; or
- failing to comply with any conditions or limitations attached to a planning permission which has been granted

(Section 171A of the Town and Country Planning Act)

3.2 There are time limits for taking enforcement action. Development can become immune from enforcement if no action is taken:

- within 4 years of substantial completion for a breach of planning control consisting of operational development;
- within 4 years for an unauthorised change of use to a single dwellinghouse;
- within 10 years for any other breach of planning control (essentially other changes of use).

3.3 Other issues that we investigate include:

Unauthorised works to a listed building	<p>Any works for the demolition of the building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised, is a breach.</p> <p>It is an offence to carry out works, or permit works to be carried out, to a listed building which affect its character without listed building consent.</p> <p>The offence is committed by the person who carried out the works (possibly a builder) and by anyone who caused them to be carried out (someone instructing a builder).</p>
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Demolition in a conservation area	Planning permission is required to demolish a building with a volume of 115 cubic metres or more and demolish any gate, fence, wall or other means of enclosure with a height of one metre or more if next to a highway, waterway or open space; or a height of 2 metres or more elsewhere. It is a criminal offence to fail to obtain consent.
Unauthorised advertisements	<p>The majority of advertisements require either express consent or have the benefit of deemed consent granted by Regulation 6 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. There are 3 categories of advertisements:</p> <ul style="list-style-type: none"> • Those permitted without requiring either deemed or express consent from the local planning authority; • Those which have deemed consent; and • Those which require the express consent of the local planning authority. <p>Anyone who displays an advertisement in contravention of the Regulations commits an offence. This includes displaying an advert without the necessary consent or without complying with the conditions attached to that consent.</p>
Tree preservation (Trees covered by TPOs and protected trees in conservations areas)	<p>The types of trees that are protected include:</p> <ol style="list-style-type: none"> 1) Trees that are covered by a Tree Preservation Order (TPOs); 2) Trees with a trunk diameter of more than 75mm when measured at 1.5m from ground level (or more than 100mm if reducing the number of trees to benefit the growth of other trees) in conservation areas. 3) Where conditions have been included as part of a planning permission to protect a tree. <p>Owners of protected trees must not carry out, or cause or permit the carrying out of any works to trees without the local planning authority's written consent.</p>

- 4.1 For other matters such as building control issues, works on the highway, and noise complaints please contact the Council on 020 7974 444. Party wall issues and neighbour disputes are private matters and will not be dealt with by the Council.

RELEVANT LEGISLATION AND PLANNING POLICIES

- 5.1 The following legislation and planning policies will be taken into consideration when assessing a breach of planning control:

- Town and Country Planning Act 1990 (as amended) ("the Principle Act") and all its subordinate and associated legislation.
- National Planning Policy Framework (NPPF) 2019

- National Planning Policy Guidance
- London Plan
- Camden Local Plan 2017
- Supplementary Planning Guidance
- Conservation Area Statements
- Neighbourhood Plans

OUR APPROACH

- 6.1 We investigate all breaches of planning control that are reported to us with the exception of anonymous reports. A breach is not a criminal offence, except for unauthorised works to listed buildings, trees, illegal advertisements (such as illuminated poster hoardings) and demolition without permission. A criminal offence only arises when an Enforcement Notice has been served and has not been complied with.
- 6.2 We will follow these guiding principles during the investigation of any reported breaches of planning control:

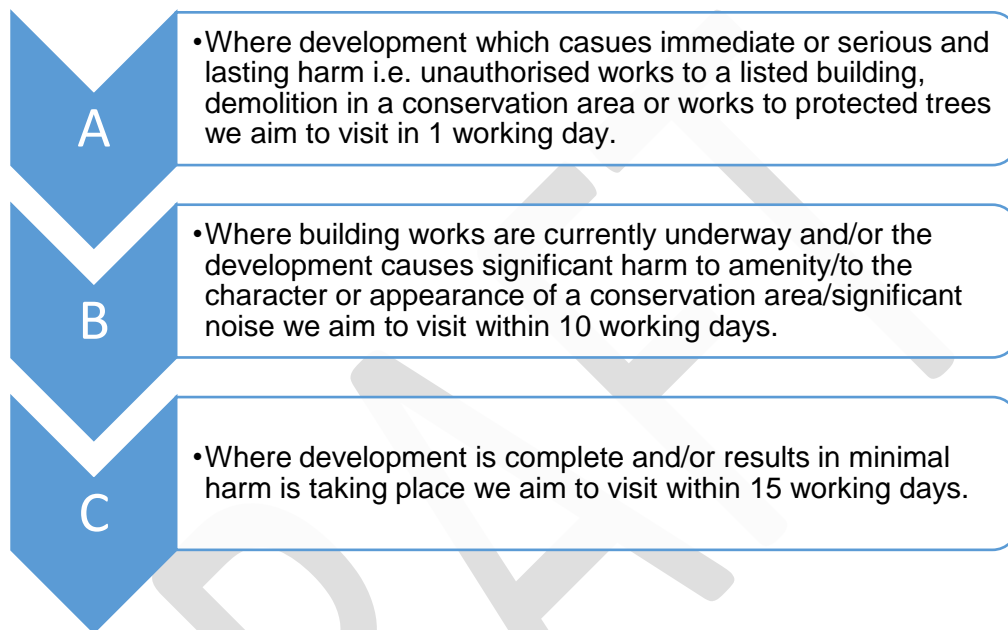


- 6.3 It is at the Councils' discretion whether enforcement action will be taken - many breaches may be unintentional and any action proposed must be in proportion to the breach of planning control to which it relates.
- 6.4 Formal action will not be taken in every case. We can only look to take formal action when
- There is a breach (planning/listed or advertisement control); and

- There is sufficient resulting harm i.e. contrary to planning policies and guidance and/or there is need for control through conditions; and
- Attempts to resolve the breach through informal action have not been successful.

HOW WE TRIAGE REPORTS OF PLANNING CONTROL

7.1 We will prioritise and thoroughly investigate all allegations of planning control breaches. Initial site visits are undertaken inline with the following categories:



HOW TO REPORT A BREACH OF PLANNING CONTROL

8.1 You can report a breach online at www.camden.gov.uk/planningenforcement or via email to planning@camden.gov.uk.

Please provide the following information:

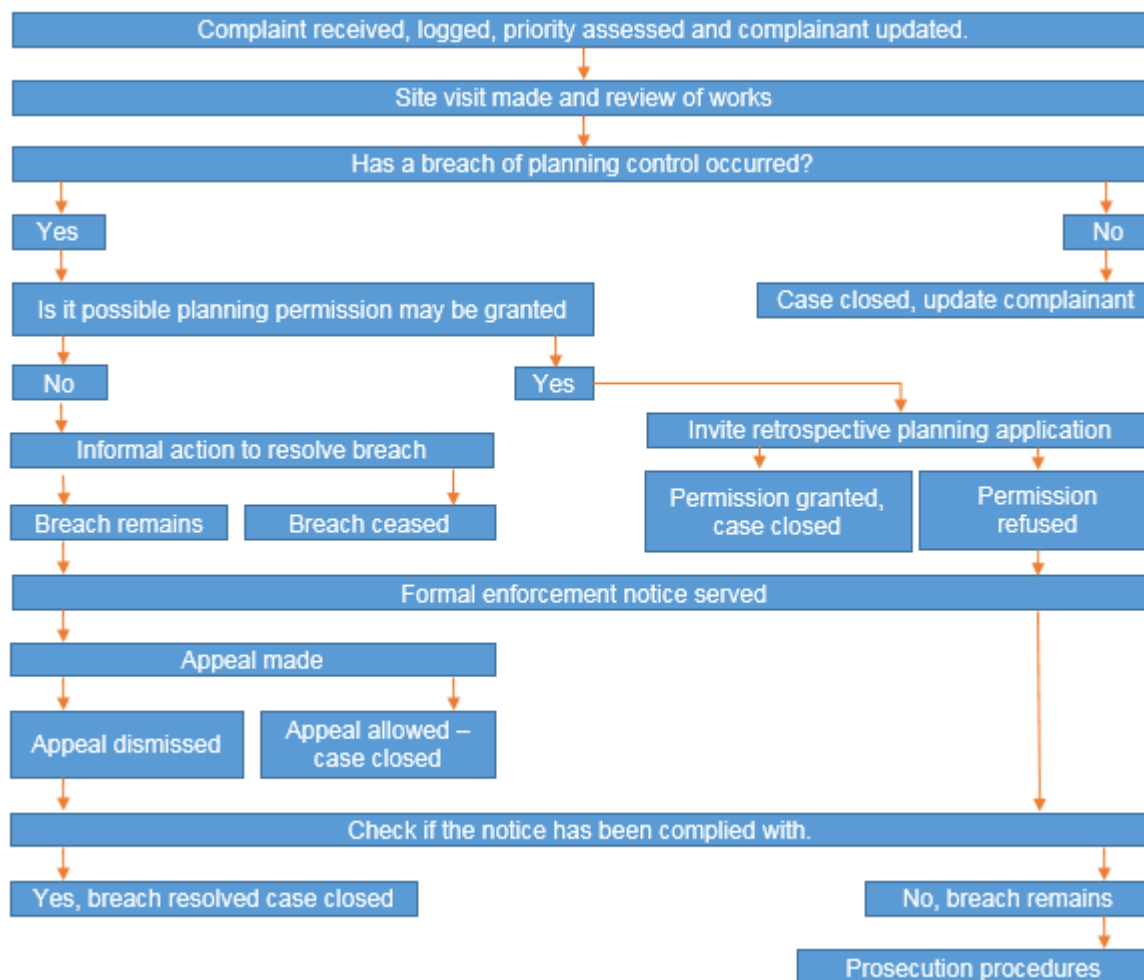
- Your name, address and contact details;
- The location where the breach is taking place;
- What the breach is and when it started;
- A photo of the works (this helps us prioritise the breach).
- Where possible, the name, address, email/telephone number of who is carrying out the work.

8.2 We will not investigate any anonymous complaints.

WHAT HAPPENS AFTER I REPORT A BREACH OF PLANNING CONTROL?

9.1 We will aim to log and acknowledge your complaint via email within 5 working days. The next steps in an enforcement investigation are outlined below:

Enforcement investigation process map



9.2 A planning site inspector (PSI) will make an initial visit to assess if there is a breach. If there is a breach then the case will be allocated to a Planning Enforcement Officer, who will aim to contact you within 1 week of receiving the case. They will provide you with their contact details and update you on the next steps in their investigation.

9.3 The Planning Enforcement Officer will update you with their initial findings within a month and then at least every two months throughout the investigation. You will be updated at key stages of the enforcement process. This will include:

- Initial contact letter with details of next steps and likely timeframes
- Update when intended course of action is determined
- Submission of a planning application
- If formal action is taken
- Appeal submitted

- Case closed

WHAT CAN I EXPECT IF I CARRY OUT WORK WITHOUT PERMISSION?

10.1 Following the initial visit by a Planning Site Inspector to establish if there is a breach, a Planning Enforcement Officer will contact you. They will arrange a site visit, assess the resulting harm caused and determine the next steps. We will formally write to you and those with a legal interest in the property setting out the action required to resolve the breach within a set timeframe. This may include:

- To completely cease the use/development and outline what works are required to rectify the breach;
- To submit a retrospective application to determine whether planning permission should be granted;
- To undertake a number of works to make the breach comply with an approved scheme/conditions/permitted development rights;

In cases where it is considered there is serious or irreparable harm and it is expedient that the activity which amounts to the breach is stopped immediately we may take formal action (i.e. stop notices or injunctive action - see section 13.11).

10.2 If you do not comply with our requests within the specified timeframe and it is expedient to do so, we will then commence with formal enforcement action. This will involve a formal notice being served on all those with a legal interest in the property (see section 13.4). If the notice is not complied with we will then commence with prosecution procedures (see section 14.1).

10.3 We may also advise you to seek paid pre-application advice from the planning service on alternative schemes that may be considered acceptable.

10.4 We will write to you to confirm when our enforcement investigation is closed.

WORKS TO LISTED BUILDING/DEMOLITION IN A CONSERVATION AREA/WORKS TO A TPO

11.1 The Duty Rapid Response Officer will make a visit within 1 working day when unauthorised works to a listed building, demolition in a conservation area or works to a tree protected by a Tree Preservation Order are reported. It is likely a formal caution will be issued verbally and in writing. We will request that all unauthorised works stop immediately, the site be made safe and no materials are removed from the site.

- 11.2 Where we consider that there is a risk works have not stopped or the harm warrants it, we will request you provide a legal undertaking. Failure to do so or a breach of the undertaking will lead to injunctive action.
- 11.3 It is an offence to carry out works to a listed building, demolition in a conservation area to works to a TPO without obtaining the necessary consents. It is also an offence to fail to comply with a condition on a listed building consent. Please be advised that for works to a listed building the offence is committed by the person who carried out the works (such as a builder) and by anyone who caused them to be carried out (someone instructing a builder).
- 11.4 For these types of breaches the we will have regard to the Crown Prosecution Service's tests of prosecution and may involve the following:
- Issuing a formal caution to all those we consider to be involved;
 - Police and Criminal Evidence (PACE) interviews under caution;
 - Formal review of the nature and harm caused by the breach; and
 - We may also issue a notice in order to attempt to rectify the resulting harm caused by the breach.

CONSTRUCTION MANAGEMENT PLANS (CMPS)

- 11.5 Construction management is a very important matter for the Council. The enforcement team has a dedicated CMP Enforcement Officer who investigates breaches of CMPS. CMPS are secured via S106 Legal Agreements. Any deviation from the approved CMP will be considered a breach of the legal agreement. When considering what action to take we will review the following:
- Nature/number of previous occurrences of the breach;
 - Why the breach took place/has the correct procedure been followed; and
 - What steps have been taken to ensure the breach does not reoccur.
- 11.6 Where it is considered there is serious harm or a repeated incidence of a breach we will review the use of injunctive action (including a legal undertaking) to stop those works that we consider necessary. If a legal undertaking is then breached we will consider seeking a formal injunction to stop the development.
- 11.7 Where a CMP bond has been secured we will review whether a draw down from the bond has been triggered.

SHORT TERM/HOLIDAY LETS

- 11.8 The Council takes the loss of permanent residential accommodation as a very serious matter and we are using the latest technology to identify offenders. Any short term let case reported to the team will be dealt with by the Short Term Let Task Force.

11.9 If you are renting your property out or have a legal interest in a property that is being rented out in breach of the Deregulation Act 2015 (for more than 90 nights per calendar year) or the use is considered to be a change of use resulting in the loss of residential accommodation. We will:

- Write to all those with a legal interest, including any banks/lenders to advise that a breach has taken place and that the use must cease immediately.
- Report the unauthorised use to the VOA to ensure that the correct rates are collected for the time the property has been in use.
- Serve a Planning Contravention Notice on all those with a legal interest, The PCN will be entered onto the statutory register. If a PCN is not responded to or incorrect information is provided we will also review prosecution procedures.

11.10 If we are not satisfied that the use has ceased, we will progress with formal enforcement action. If the notice is not complied with prosecution action will be taken.

HOW DO WE RESOLVE INVESTIGATIONS?

12.1 We will write a closure report for all enforcement investigations. We will advise the complainant and offender of the reason for closure.

12.2 There are a number of ways that enforcement investigations can be resolved, this includes:

No breach found	Planning permission already exists for the development or use, or planning permission is not required (the works are de minimus).
Breach found but action not warranted (Not expedient)	It is not expedient to take formal enforcement action where there is a breach of planning control but a) it is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area; b) the use/development is generally in line with planning policies and would be approved if an application was submitted. In these cases we will invite the submission of a retrospective application.
Informal action (resolved informally by enforcement officer)	The enforcement officer has secured the resolution of the breach informally using the threat of formal enforcement action i.e. the unauthorised use has stopped or the extension removed.

Immune from enforcement action	The development is by reason of the passage of time now considered lawful i.e. if an extension/residential use has been in place/use for 4 years or if change of use/breach of condition in place for 10 years.
Notice complied with	We served a formal notice, the requirements have been complied with and the breach has been resolved.
Notice Quashed on appeal	A formal notice was appealed and the Planning Inspectorate (who determine the appeal) either considered that permission should be granted retrospectively/the breach as alleged in the notice had not taken place/the notice should be quashed.
Passed to other department	Not a planning matter/covered by other legislation i.e. environmental health, housing or building control.
Permitted development	There are certain works that can be undertaken without the need for planning permission. These are known as permitted development rights and planning permission is not required. More information at www.planningportal.co.uk .
Planning permission granted	Following the submission of a retrospective application submitted to regularise the breach.

METHODS USED TO RESOLVE BREACHES

13.1 There are a range of tools available to the planning enforcement team to tackle breaches of planning control. These include:

INFORMAL ACTION

OFFICER INFORMAL ACTION

13.2 Addressing breaches of planning control without formal enforcement action can often be the quickest and most cost effective way of achieving a satisfactory and lasting remedy. We will advise the offender what steps are required to resolve the breach or what information should be provided within a specified timeframe, usually 21 days, outlining the risks of formal action being taken if the breach is not resolved. This could include a request to:

- cease the unauthorised use,
- remove the unauthorised development,
- make the development comply with an approved scheme/conditions
- comply with permitted development rights.

RETROSPECTIVE APPLICATIONS

- 13.3 Whilst the submission of a planning application does not mean that planning permission is automatically granted. Planning applications may be used to regularise unauthorised works or to seek confirmation that amendments to the unauthorised works would be acceptable. If planning permission is refused formal enforcement action will then be taken. If there is a breach of planning control but it is not expedient to take formal action we will request the submission of a planning application to regularise the breach.

FORMAL ACTION

- 13.4 This includes serving a formal enforcement notice and for serious breaches or irreparable action to cease the use. Formal notices can include:

PLANNING CONTRAVENTION NOTICES (PCN)

- 13.5 A PCN is a legal notice which allows us to bring the breach to the attention of the owner or occupier and requires the alleged offender to provide certain information. It also invites offender to respond constructively to us about how any suspected breach of planning control may be satisfactorily remedied. The offender has 21 days to respond. It is a criminal offence to fail to respond or provide misleading information to a PCN. We enter all PCNs in the local planning authority's register of enforcement notices, stop notices and breach of condition notices

ENFORCEMENT NOTICES

- 13.6 Enforcement notices are formal legal documents that require the owner or occupier to follow specific steps to correct the planning breach in a set time. If the notice is not complied with, the planning breach will become a criminal offence which can be prosecuted in the courts. We may decide not to require action to be taken to remedy the whole of a breach of planning control. This is known as "under enforcement".

BREACH OF CONDITION NOTICES

- 13.7 These notices can be used where the unauthorised activity is in breach of a condition attached to a planning permission. A BCN will require compliance with the conditions. A breach of the notice will have taken place if the condition(s) has not been complied with, the specified steps have not been undertaken or activities not ceased. There is no right of appeal against these notices

SECTION 215 NOTICES

- 13.8 Section 215 notices can be used to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of part of an area is being adversely affected by the condition of neighbouring land and buildings, a notice can be served on the owner requiring that the situation be remedied. There is no right of appeal, although before the

notice takes effect an appeal may be made to a Magistrates Court by those served with the notice or any other person having an interest in the land.

SECTION 225A NOTICES

- 13.9 These notices allow us to remove and dispose of any display structure, such as an advertisement hoarding, which is used for the display of advertisements in contravention of the regulations. Before we can take this action, we must first serve a 'removal notice' upon the person who appears to be responsible for the erection or maintenance of the structure. Under Section 225B, a person served with a removal notice or a 'permitted appellant' (an owner or occupier who has not been served with the notice) may appeal against the notice to the magistrates court.

DISCONTINUANCE NOTICE

- 13.10 A notice requiring the display of a particular advertisement with deemed consent (or the use of a particular site for displaying advertisements with deemed consent) be discontinued. This action can only be taken where it is necessary to remedy a substantial injury to the amenity of the locality or a danger to members of the public. "Substantial injury" to the amenity of the locality is a more rigorous test than the "interests" of amenity that applications for deemed consent are assessed against.

STOP NOTICES AND COURT INJUNCTIONS

- 13.11 Both these remedies can be used to bring a quick stop to development where a breach is causing serious or irreparable harm and immediate action is justified or where other actions have failed. They will generally only be used in the most serious cases.
- 13.12 **A stop notice** can prohibit any or all of the activities comprising the alleged breach(es) of planning control specified in the related enforcement notice. A stop notice cannot be served without an accompanying enforcement notice. A stop notice's requirements must only prohibit what is essential to safeguard amenity or public safety in the neighbourhood; or to prevent serious or irreversible harm to the environment in the surrounding area. A stop notice may not prohibit the use of any building as a dwelling house. Where the associated enforcement notice is quashed, varied or withdrawn or the stop notice is withdrawn compensation may be payable. A full assessment of the likely consequences of serving the notice should be made.
- 13.13 **Temporary stop notices** –require an activity which is considered to be in breach to cease immediately. The notice does not have to wait for an accompanying enforcement to be issued. It cannot be used to get someone to do something such as remove an extension or stop the use of a building as a dwelling house. A temporary stop notice expires 28 days after the display of the

notice on site (or any shorter period specified). At the end of the 28 days there is the risk of the activity resuming if an enforcement notice is not issued and a stop notice served.

- 13.14 **Injunction** – An application can be made to the High Court or County Court for an injunction to restrain a breach of planning control. Proceedings for an injunction are the most serious enforcement action that can be taken because if a person fails to comply with an injunction they can be committed to prison for contempt of court. The first stage is to formally warn the offender of an injunction and require them to sign a legal undertaking which confirms that the alleged breach will cease. If this undertaking is breached an application is then made for an injunction.

ENFORCEMENT APPEALS

- 13.15 There is a right to appeal an enforcement notice. The notice is held in abeyance whilst the appeal is determined. An appeal could be determined by written representations, hearing or public inquiry. If the appeal is allowed, the enforcement notice would be quashed and the enforcement investigation would be closed. If the appeal is dismissed, the enforcement notice would be upheld and the compliance time would run from the date the appeal is determined. There is no set timeframe for the determination of appeals and this can delay resolution of the breach.

RIGHTS OF ENTRY

- 13.16 Where we are not granted access to a site officers will be authorised to enter land specifically for enforcement purposes (sections 196A, 196B and section 196C of the Town and Country Planning Act 1990). This right is limited to what is regarded as essential, in the particular circumstances, for effective enforcement of planning control

PROSECUTIONS AND CONFISCATION ORDERS

- 14.1 It is a criminal offence to fail to comply with an enforcement notice, breach of condition notice, or a stop notice and we will take prosecution action. Listed building breaches, unauthorised advertisements, demolition in conservation areas and non-compliance with planning contravention notices can all also result in prosecution action.
- 14.2 In initiating prosecution proceedings, we will have regard to the Crown Prosecution Service's tests of prosecution:
- Does the prosecution have a realistic prospect of success?
 - Is it in the public interest to prosecute?

- 14.3 There is potentially an unlimited fine that must take into account any financial gain for failure to comply with an enforcement notice.
- 14.4 In all cases where it is appropriate we will apply for a Confiscation Order under The Proceeds of Crime Act 2002 ("POCA") where an offender has failed to comply with the terms of an enforcement notice and financially benefits from their unlawful activity. This will help to cover the costs of enforcement action and act as a deterrent against future breaches.
- 14.5 As well as prosecuting, as a local planning authority, we have powers to enter enforcement notice land and carry out the requirements of the notice ourselves (section 178 of the Town and Country Planning Act 1990) often referred to as 'Direct Action'. It is an offence to wilfully obstruct anyone who is exercising those powers on the local planning authority's behalf.
- 14.6 We would then recover from the person who is then the owner of the land any expenses reasonably incurred by undertaking this work (regulation 14 Town and Country Planning General Regulations 1992).

PROACTIVE ENFORCEMENT PROJECTS

- 15.1 In order to more effectively tackle common and recurrent breaches of planning control the enforcement team will consider whether it is appropriate to introduce a proactive enforcement project. For example:
- **Regulation 7 Directions** – Because of the proliferation of unauthorised estate agents boards the Council has put in place regulation 7 directions (www.camden.gov.uk/regulation7). It is an offence to display an estate agent board in these areas without express consent. We will look to take prosecution action for any breaches of the direction.
 - **Short term lets** – given the loss of permanent residential accommodation and the impact on the amenity of neighbouring occupiers from Short Term Lets a Task Force and Council wide Forum were established to tackle short term let properties in breach of the regulations.
 - **Construction Management Plan** – given the importance of this issue to our residents and ward councillors, a CMP Enforcement Officer post was introduced in the team. In addition a Construction Management Forum was formed, who meet weekly to discuss on-going management of construction sites.
 - **Lobbying** – We seek to work together with other councils to seek changes to legislation where we consider it is necessary to aid the enforcement process.

- **Compliance checks** – reviewing action to monitor compliance with conditions and obligations.

15.2 An annual proactive project report will be prepared and published on our website. This report will provide an update on current projects and outline any new schemes based on an analysis of key priorities in the borough.

PLANNING ENFORCEMENT FEES

- 16.1 A fee will be payable to confirm that an enforcement related notice has been complied with (Enforcement Notice Compliance Certificate) and to withdraw an enforcement related notice.
- 16.2 There is also a fee to confirm compliance with any condition or legal obligations (Camden Compliance Certificates). Details of enforcement fees are outlined on our website www.camden.gov.uk/planningenforcement.

ENGAGEMENT

- 17.1 It is important to regularly seek the view of our local councillors, residents and groups on their experience of the enforcement process and understand the particular development pressures in their area.
- 17.2 We will provide feedback on a quarterly basis through enforcement newsletters that will be sent to all members and available on the website. Feedback on the enforcement process will be given on a quarterly basis to the Planning Committee.

PLANNING CONTACTS

- 18.1 Enforcement complaints can be reported either:
- Online : www.camden.gov.uk/planningenforcement
 - Email: planning@camden.gov.uk – please put enforcement in the subject title
 - Call: 0207 974 4444.

OTHER AGENCIES/USEFUL INFORMATION

Royal Town Planning Institute - <https://www.rtpi.org.uk/>

Planning portal - <https://www.planningportal.co.uk>

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

Planning aid - <http://www.planningaidforlondon.org.uk/>

National Planning Policy Framework 2019 -

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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