

Planning Enforcement Protocol
January 2007 (Revised: April 2012)

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Annex 1: The Enforcement Process: Procedure Map

Annex 2: Types of Enforcement Action

Preface

This document has been produced in response to government advice and has been formulated in the context of the government's policies and guidance, as detailed in paragraph [1.2](#) and [part 9](#) of this document. This document is intended to assist the Planning Division in undertaking its planning enforcement work, and inform all parties (including council officers, councillors, complainants and perpetrators) of the processes and procedures involved.

1.0 The planning enforcement team and its objectives

1.1 The planning enforcement team

The planning enforcement function of the council is carried out by the Enforcement, Appeals and Telecommunications Team (planning enforcement team) within the Planning, Regeneration and Enterprise Division of the Department for Housing, Regeneration and Environment.

1.2 Framework and guidance

The planning enforcement team operates within the legislative framework of the Town and Country Planning Act 1990 (as amended) ("the Principle Act") and all its subordinate and associated legislation. Further to this, any action taken by the planning enforcement team must be led by the council's Development Plan (consisting of the Core Strategy, the Saved Policies of the Unitary Development Plan not superseded by the Core Strategy, and the London Plan) and all other material planning considerations, as well as closely adhering to the advice and procedures contained principally within the [National Planning Policy Framework \(NPPF\)](#) and [Circular 10/97: Enforcing planning control: legislative provisions and procedural requirements \(July 1997\)](#). Other policy and guidance documents that are relevant to the planning enforcement team are listed in [part 9](#) of this document.

1.3 Objective

The primary objective of the planning enforcement team is to investigate alleged breaches of planning control, acting proportionately and taking action where appropriate and expedient (having regard to planning policies above and any other material considerations). Doing so ensures the integrity of the planning system is not undermined. In striving to achieve these objectives, the planning enforcement team will not take disproportionate action and will not seek to "punish" those responsible for breaches by taking action against merely technical breaches that do not conflict with planning policies. It is important to note however that this Planning Enforcement Protocol does not condone flagrant breaches of planning control – planning permission (including listed building, conservation area and advertisement consent as well as applications to carry out works to trees) should always be sought **prior** to undertaking any form of development that requires express consent (planning permission). Where it is expedient and appropriate to take formal action against unauthorised development, the planning enforcement team will do so.

2.0 What the planning enforcement team investigates

2.1 The planning enforcement team's remit

The enforcement team is responsible for investigating breaches of planning control. A breach of planning control is development carried out without the requisite express consent of the council. Parliament has decided that in law, the carrying out of unauthorised works or changes of use should not initially constitute a criminal offence.

In addition to breaches of planning control, the planning enforcement team investigates unauthorised works to listed buildings, total or substantial demolition in a conservation area, the unauthorised display of advertisements, and unauthorised works to protected trees; all of which do constitute a criminal offence.

Examples of breaches that the planning enforcement team investigates are:

- Unauthorised Operational Development – carrying out of building works, for example, construction of buildings or extensions;
- Unauthorised Material Changes of Use – changing the use of the building, for example, using a shop as a restaurant;
- Breaches of Conditions – breaching conditions attached to planning permissions, for example, conditions restricting hours of operation;
- Unauthorised works to a Listed Building that affect its character as a building of special architectural or historic interest;
- Unauthorised total or substantial demolition in a Conservation Area;
- Unauthorised display of advertisements;
- Unauthorised works to protected trees; and
- Poor condition of private land that is adversely affecting the amenity of an area.

2.2 Non-planning issues

The planning enforcement team receives many requests for service regarding issues that do not involve a breach of planning control. It is important to identify those issues which are relevant to planning and those which do not come within the remit of the planning enforcement team.

Examples of issues that may not be planning matters include:

- unauthorised use of the highway, for example, for car repairs or parking contraventions;
- dangerous structures / subsidence;
- internal refurbishment of buildings that are not Listed;
- party wall, ownership or land-grab disputes;
- noise or light pollution issues; and
- pests or vermin.

Requests for service will also be received regarding works that, although they constitute development, do not require planning permission. These types of “permitted development” may need to be investigated (for example, to accurately measure the dimensions of an extension), but many of these cases can be established as being permitted development at the point of receiving the request for service (see paragraph [4.4](#) of this document).

Examples of where developments may be permitted include:

- small residential extensions;
- satellite dishes;
- fences and walls;
- means of access and hardstandings;
- outbuildings, sheds or greenhouses;
- loft conversions, dormers or rooflights;
- internal building works;
- small advertisements; and
- the alteration or the insertion of doors or windows in houses.

2.3 Referring requests for service to other departments

Although the planning enforcement team will receive enquiries with regard to non-planning matters, requests for service can often be dealt with more efficiently

and effectively by other council departments who have stronger powers in these areas. Even if there are relevant planning issues to be dealt with in a case, there may be issues that should also be referred to other departments. Contact details for relevant departments and agencies are listed in [part 8](#) of this document.

3.0 Receiving requests for service

3.1 Information required

Before a request for service can be logged as a planning enforcement case, it is important that a basic level of information is provided. The complainant must provide a name and full contact details including their address, as well as the address of the property to which the request relates. This must be provided as the planning enforcement team may be required to contact the complainant for more detailed information during the investigation of the case. Where no contact details are supplied, the request for service will not normally be logged as a case, and where there are only minimal details provided, the complainant will be asked to provide more information.

3.2 Methods of submitting a request for service

A request for service should usually be submitted in writing, preferably online through the planning enforcement section of the council's planning web pages (www.lambeth.gov.uk/planning). This is the most efficient and effective way of reporting a breach of planning control and the use of the online forms are always encouraged in the first instance. However, where it is not possible to do this, written requests for service may be received by letter instead, providing all relevant information is supplied (see paragraph [3.1](#) of this document).

3.3 Requests for service by telephone and in person

The duty planner, the planning enforcement team and other planning officers can also receive requests for service directly, normally over the telephone. Although complainants should be encouraged to submit written requests, if a request for service is received by phone or in person, it is important to obtain as much detailed information as possible, including their full contact details. To ensure all relevant information is provided, the officer should use the internal Request for Service Form (either the print version or the e-form) to guide them, or alternatively, complete the online Request for Service Form on behalf of the complainant.

Complainants' details are held in strict confidence in accordance with Government legislation and the policy set out in [part 7](#) of this document.

4.0 Logging a request for service

4.1 Recording a case

Within 3 days of receiving a request for service, the planning enforcement team will log the case on the council's database. Before a case is logged, the minimum information required should be obtained (as outlined in [part 3.0](#) of this document). The case must be assigned a priority and a case officer in accordance with paragraphs [4.2](#) and [4.3](#) of this document.

4.2 Case priorities

The priority of a case will normally be assigned by the Principal Planning Enforcement Officer on a case by case basis. In the absence of the Principal, the Team Leader or a senior officer will assign the priority. Although the priorities are assigned on a case by case basis, they will usually follow the following classification:

- **Top Priority Cases** - where works are being carried out which will cause irremediable harm, for example, the unauthorised demolition of a listed building.
- **High Priority Cases** - where works or uses are causing a significant and continued harm to amenity, for example, the unauthorised use of a residential property as a business premises.
- **Medium Priority Cases** - where works or uses harm the amenity of an area but do not fall into the categories above, for example, the unauthorised erection of an extension.
- **Lower Priority Cases** - where there is a breach of planning control but there is little or no immediate harm to amenity.

4.3 Case allocation

Cases will generally be assigned to a planning enforcement officer on an area basis set by ward, but in some instances, they may be assigned to a specialist officer.

- **North Area Officer**
Bishop, Prince's, Oval, Stockwell, Coldharbour and Vassall
- **East Area Officer**
Herne Hill, Tulse Hill, Thurlow Park, Gipsy Hill and Knights Hill
- **South Area Officer**
Streatham Hill, St Leonard's, Streatham Wells and Streatham South
- **West Area Officer**
Larkhall, Clapham Town, Ferndale, Clapham Common, Brixton Hill and Thornton

4.4 Acknowledging a request for service

Once the case is logged on the database (within three days of receipt of the request for service) the planning enforcement team will notify the complainant by letter of the officer dealing with the case, including their contact details, or will provide another direct contact. The letter may ask for additional information and will allow the complainant to contact the planning enforcement officer so as to notify them of any further issues that may arise at the site. The letter may also confirm that the works constitute, or are likely to constitute, "permitted development" as therefore do not require planning permission (see paragraph [2.2](#) of this document).

5.0 Resolving a breach of planning control

5.1 The planning enforcement process

The case will always be investigated in line with government guidance and will normally follow the process outlined in [Annex 1](#). Every enforcement case is different and therefore each investigation will be different. However, the general procedure and approach will tend to remain the same.

5.2 Initial site inspection

Once the case has been logged and assigned a priority, the planning enforcement officer assigned to the case may need to visit the premises in order to help establish the exact nature of the alleged breach. Where a visit is necessary, the planning enforcement officer will try to visit the site as soon as is practicable, having regard to the priority of the case. The following table sets out the target visit periods:

Priority	Visit target
Top priority cases	Within 24 hours
High priority cases	Within 5 working days
Medium priority cases	Within 10 working days
Lower priority cases	Within 15 working days

Throughout the investigation, the planning enforcement officer will consider whether it is necessary to reprioritise the case.

5.3 Power to enter land

Due to the nature of planning enforcement work, it is not normally prudent or possible to arrange the initial visit ahead of time and the case officer will therefore not normally give advance warning of a site visit. This may mean that access cannot be gained on the first attempt and as such it may take longer than the initial site visit period to conduct an effective site visit. Denying access to the case officer is an offence. Although the case officer will seek the co-operation of the owner/occupier of the premises through discussion or service of a Notice of Intended Entry (see [Annex 2](#)), the council may seek a warrant to enter and/or prosecute for wilful obstruction.

5.4 Co-operation with other departments

The planning enforcement team will co-operate with other departments, both internally and with external agencies. This can involve information sharing between sections (to obtain, for instance, site history and ownership details), and may also result in a co-ordinated response if formal action is taken. The planning enforcement team most commonly works with departments and agencies such as those listed in [part 8](#) of this document.

The planning enforcement team will endeavour to refer any enquiries to the relevant department or agency where those issues raised do not come within the remit of the planning legislation (see paragraph [2.3](#) of this document).

5.5 Establishing a breach of planning control

Although some breaches of planning control are immediately apparent upon the initial site visit, other breaches may be more difficult to identify and the investigation stage may be longer. An unauthorised material change of use and a breach of condition both become lawful, and therefore immune from enforcement action, after a continuous period of ten years. Unauthorised operational development (building work) becomes lawful four years after it is substantially completed. Consequently, it may be necessary to conduct detailed investigations into the history of the site if the time periods involved are not initially clear.

Further to this, a change of use may be non-material, incidental, or ancillary which may not require planning permission. Certain changes of use and types of operational development may constitute "permitted development" and therefore will not require planning permission. Within this context, establishing whether or not a breach of planning control has actually occurred may require detailed measurements and calculations and/or detailed information regarding the nature use of the premises. This can take time to conduct but the planning enforcement team has a number of tools at their disposal to aid in obtaining the necessary information:

- The owner of the premises may be invited to submit an application for a Certificate of Lawfulness for an Existing Use or Development (an LDCE) -

the applicant must provide evidence to show that the use or development is lawful.

- The planning enforcement team may issue a Planning Contravention Notice (PCN) which requires those served to provide certain information in order to help establish a breach.
- The planning enforcement team may issue notices under s330 of the Principal Act, as to the ownership and use of the premises.
- The planning enforcement team may utilise their powers of entry (see paragraph [5.3](#) of this document).

5.6 Informal resolution

It is important to bear in mind that it is **not an offence** to carry out development without first obtaining any planning permission required for it. In line with the [NPPF](#) and [Circular 10/97](#) the Local Planning Authority should first attempt to resolve breaches of planning control informally through negotiation with the land owner or developer.

The planning enforcement team must act proportionately when responding to a breach of planning control. It would be unreasonable and inappropriate for the council to issue an enforcement notice solely to remedy the absence of a valid planning permission. Where the council does issue a notice for this reason, it will remain at risk of an award against them for the appellant's costs in the enforcement appeal. Consequently, where it appears upon a cursory assessment that there is a reasonable prospect that planning permission would be granted for the development, the planning enforcement team will encourage the person responsible for the development to submit a retrospective planning application.

When considering a retrospective planning application for the retention of unauthorised development, the full planning considerations will be taken into account. Planning considerations are considered in the context of public interest and not personal or private interests. Consequently, planning permission not being sought prior to the development being carried out will not influence the council's decision making.

5.7 Taking formal action - serving notices

If informal negotiations fail or a retrospective planning application is refused, the planning enforcement team will consider the appropriateness and expediency of taking formal action in the form of serving a notice (see [Annex 2](#)). The case officer will make a recommendation to take formal enforcement action, setting out the planning reasons. In the case of retrospective planning applications, authorisation to take formal enforcement action can be obtained at the same time as the application is refused.

As outlined in paragraph [5.6](#) of this document, the issues considered by the case officer are limited to planning issues and the fact that planning permission was not sought will never be a reason to consider the application unfavourably. In line with the NPPF, enforcement action taken by the council will always be commensurate with the breach of planning control to which it relates. In addition, the council will only take action where it is appropriate to do so – for example, it would normally be inappropriate to take formal enforcement action against a trivial or technical breach of planning control.

Where formal action is to be taken against small businesses and self-employed persons, the notices should not normally come as a "bolt from the blue" and the periods for compliance will be reasonable and attempt to take into account the personal circumstances of each case. In all cases of formal enforcement action,

Careful consideration will be made of the impact on the equal opportunities issues and human rights of affected parties.

A record of all Enforcement Notices, Breach of Conditions Notices, Listed Building Enforcement Notices, Conservation Area Enforcement Notices and Stop Notices is kept on the Enforcement Register and is recorded on the Land Charges Register. It should be noted that cases where no formal action has yet been taken may not show up on land searches. Consequently, prospective purchasers should make sure relevant enquiries are made as to any works and changes of use at the premises.

The Enforcement Register is a public record and can be viewed by anyone by arranging an appointment with the planning enforcement team (contact details are in [part 8](#) of this document).

Many notices that the planning enforcement team serves can be appealed against and if an appeal is lodged, the notice will be held in abeyance pending the outcome of the appeal. The appeals process is a lengthy one and may take a significant amount of time to resolve.

5.8 Prosecutions and Injunctions

Where someone is in breach of the requirements of an Enforcement Notice, Breach of Condition Notice, or a Stop Notice, they are guilty of an offence and the planning enforcement team can initiate prosecution proceedings. It may also be necessary to prosecute for offences such as advert, tree, conservation area and listed building breaches, and also for non compliance with PCNs, s330 notices and so on (see [Annex 2](#)).

In initiating prosecution proceedings, the planning enforcement team will have regard to the Crown Prosecution Service's tests of prosecution:

- i) Does the prosecution have a realistic prospect of success?
- ii) Is it in the public interest to prosecute?

In certain cases it may be appropriate to seek an Injunction. This may include situations such as multiple prosecutions that have not resulted in compliance with the notice and ongoing destructive works to a listed building.

Other legal sanctions will also be considered where appropriate, taking into account all relevant circumstances. The procedures and protocols for deciding on legal sanctions are covered in more detail in the planning enforcement team's Draft Legal Sanctions Policy.

6.0 Closing enforcement investigations

6.1 Recommending a case for closure

Before closing a case, the planning enforcement officer must explain the reasons for closure and present their written recommendation to the Principal Planning Enforcement Officer. If the recommendation to close the case is agreed, the case will be closed on the council's database and the case will be filed in the 'closed cases' folders.

6.2 Closing a case where action is not expedient

Where there is a breach of planning control but it is not considered expedient or appropriate to take enforcement action, for reasons of probity, recommendations must be presented to both the Principal Planning Enforcement Officer **and** to the Team Leader for approval, before the case can be closed.

Where a decision is made to close these types of case, the planning enforcement team will **not** write to the perpetrator to say that enforcement action will not be taken. If the perpetrator wishes to obtain a formal confirmation that the works are acceptable, they should apply for planning permission. This principle is further outlined in paragraph [6.3](#) of this document.

6.3 Confirming works as lawful (or “permitted development”)

Further to investigations that have established works to be lawful, it is advisable to recommend that the owner of the property submits an application for a certificate of lawfulness for an existing use or development (LDCE), although it is important to note that this type of application is not a requirement. An LDCE provides formal confirmation from the council that the development described in the application is lawful and does not require planning permission. An LDCE often proves invaluable when selling a property but it must be kept in mind that it will normally take approximately eight weeks to obtain an LDCE Decision Notice.

An LDCE provides an existing statutory framework with which to obtain formal confirmation and because of this, planning enforcement officers will not provide written confirmation to owners or solicitors that the works are ‘permitted’ or lawful and do not require planning permission

6.4 Notifying complainants

Where an investigation has been resolved, the planning enforcement team will normally inform the complainant of their intention to close the case, stating the reasons for doing so. This can be communicated by letter, email or telephone, and a record will be kept.

7.0 Disclosure of information

7.1 Personal information

All personal details of complainants are confidential and will not be passed outside of the Planning, Regeneration and Enterprise Division unless express consent is given, notwithstanding any appeal or court proceedings that may require otherwise. All personal information will be stored, handled and processed in accordance with the requirements of the Data Protection Act 1998.

7.2 Other information

The nature of planning enforcement work means that investigations may ultimately result in a prosecution. As such, it may sometimes be necessary to withhold certain information from both those involved with the breach and complainants. However the planning enforcement team will always endeavour to provide as much information as possible, however the extent of information disclosed will inevitably vary from case to case. The planning enforcement team will have regard to the requirements of the Freedom of Information Act 2000 in providing disclosures.

8.0 Contacts

8.1 Planning contact details:

Planning Enforcement Team (for enforcement and appeals)

Phoenix House

10 Wandsworth Road

London SW8 2LL

T: 020 7926 1185

F: 020 7926 1171

E: planningenforcement@lambeth.gov.uk

W: www.lambeth.gov.uk/planning

Planning Advice (for general enquiries)

Phoenix House
10 Wandsworth Road
London SW8 2LL
T: 020 7926 1180
F: 020 7926 1171
E: tpac@lambeth.gov.uk
W: www.lambeth.gov.uk/planning

8.2 Other council sections:

Building Control

T: 020 7926 9000
F: 020 7926 1155
E: buildingcontrol@lambeth.gov.uk
W: www.lambeth.gov.uk/buildingcontrol

Council Tax

T: 020 7649 9311
F: 020 8315 2249
E: lambethctax@capita.co.uk
W: www.lambeth.gov.uk/counciltax

Electoral Services

T: 020 7926 2144 / 2544
F: 020 7926 2688
E: electoralservices@lambeth.gov.uk
W: www.lambeth.gov.uk/elections

Environmental Health (for noise)

Night-time telephone: 020 7926 5999
Day-time telephone: 020 7926 6111
F: 020 7926 6130
E: noise@lambeth.gov.uk

Environmental Health (for pollution and health and safety at work)

T: 020 7926 6111
F: 020 7926 6130
E: regulatoryservices@lambeth.gov.uk

Housing (Lambeth Living)

Lambeth Living Ltd
Hambrook House, first floor
Porden Road
SW2 5RW
T: 020 7926 6000, Monday to Friday, 9am to 5pm
T: 020 7926 6700 (Leaseholders)
T: 020 7926 6270 (Vulnerable tenants)
F: 020 7926 3706
E: feedback@lambethliving.org.uk
W: <http://www.lambethliving.org.uk>

Housing (Private Sector Housing)

T: 020 7926 4444
E: privatesectorhousing@lambeth.gov.uk
W: www.lambeth.gov.uk/housing

Public Health and Pest Control (for vermin)

T: 020 7926 8860

F: 020 7926 8919

E: regulatoryservices@lambeth.gov.uk

Street Care (for street cleansing, fly-tipping and so on)

T: 020 7926 9000

E: streetcarecallcentre@lambeth.gov.uk

8.3 External agencies and organisations

Valuation Office Agency (council tax records)

Council Tax South

Valuation Office Agency

Second Floor

1 Francis Grove

Wimbledon

London SW19 4DT

F: 03000 501 182

E: ctsouth@voa.gsi.gov.uk

W: www.voa.gov.uk

Health and Safety Executive (health and safety on building sites)

Rose Court

2 Southwark Bridge

London SE1 9HS

T: 0845 345 0055

W: www.hse.gov.uk

Metropolitan Police (Brixton)

T: 020 7326 1212

W: www.met.police.uk/lambeth

9.0 Further information (policy and guidance)

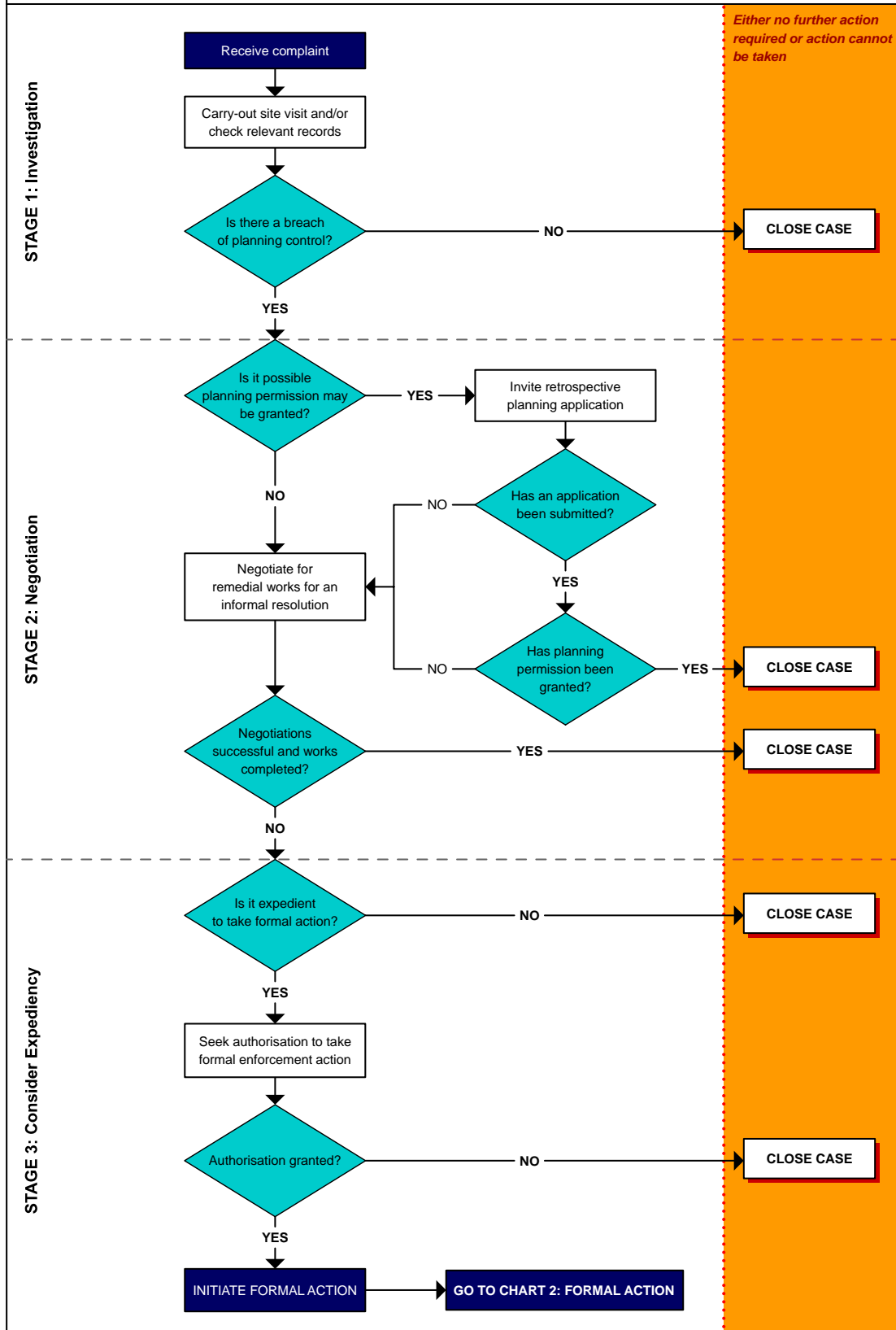
9.1 Policy and guidance for planning enforcement

The following is a list of the main policy and guidance documents that are especially relevant to the work of the planning enforcement team. This list is **not** exhaustive.

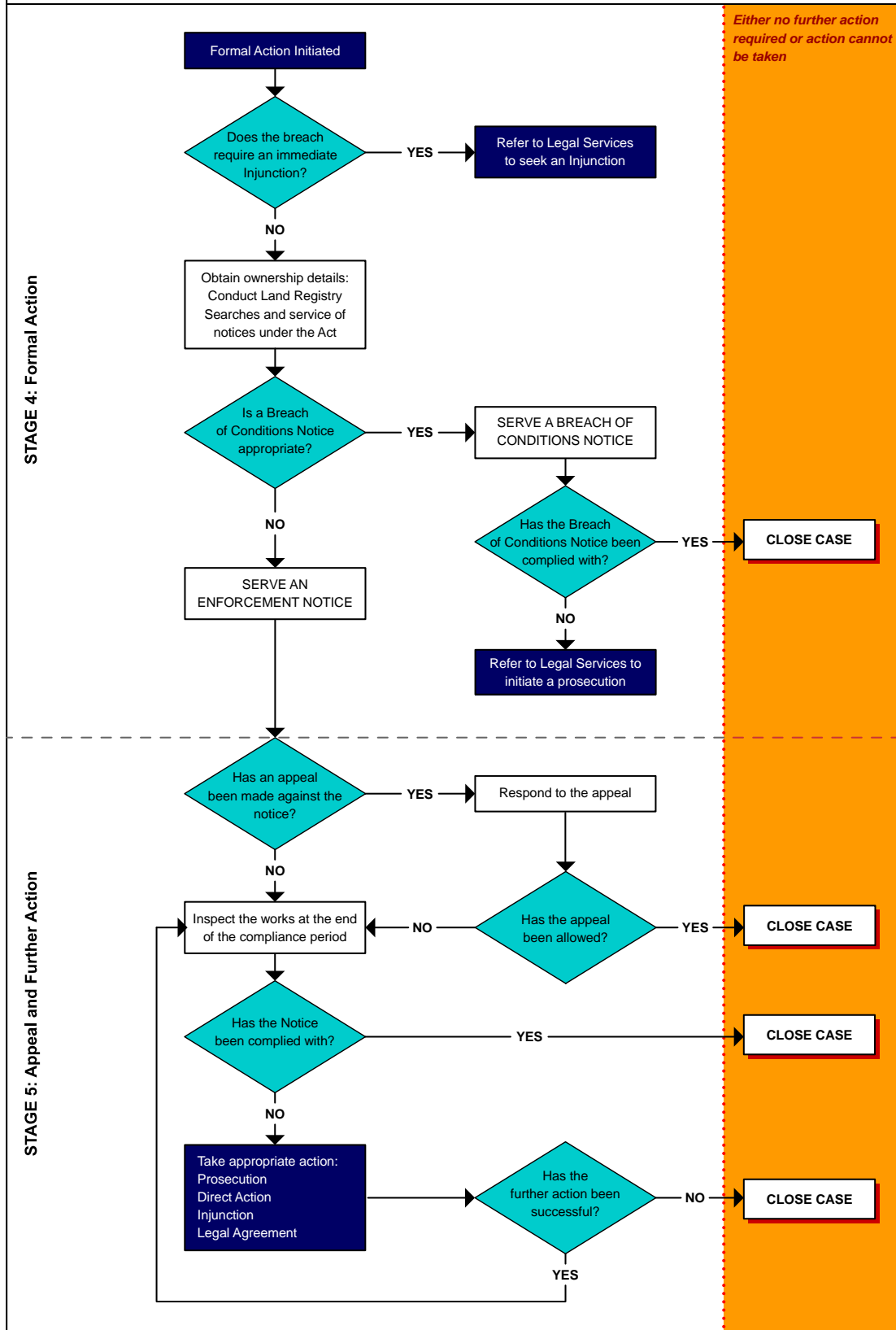
- [The Planning System: General Principles](#)
- [The National Planning Policy Framework \(NPPF\)](#)
- [Circular 10/97: Enforcing planning control - legislative provisions and procedural requirements](#)
- Enforcing Planning Control: Good Practice Guide for Local Planning Authorities
- [Circular 02/02 \(ODPM\): Enforcement appeals procedures](#)
- [Best Practice Guidance on Listed Building Prosecutions](#)
- [Section 215 Best Practice Guidance](#)
- [The London Plan](#)
- [London Borough of Lambeth Planning Policy](#)

Annex 1: The Enforcement Process: Procedure Map

Enforcement Procedure - Chart 1: Investigation and negotiation



Enforcement Procedure - Chart 2: Formal action and remedying the breach



Annex 2: Types of Enforcement Action

Types of formal enforcement action that the Local Planning Authority can take

Enforcement Action

The Town and Country Planning Act 1990 defines taking formal "enforcement action" as the issue of an enforcement notice or the service of a breach of conditions notice.

Failure to comply with either constitutes an offence: There are also a number of supplementary powers granted to the Local Planning Authority (LPA) that allow other types of notice to be served. Failure to comply with these notices is also an offence.

1. Enforcement Notices (EN)

If it is expedient to do so, an enforcement notice may be served where the LPA believes there has been a breach of planning control involving an unauthorised material change of use, operational development or breach of a condition. The enforcement notice will state the reasons for action being taken and specify the steps which the LPA require to be taken in order to remedy the breach. There is a right of appeal against an enforcement notice.

2. Breach of Condition Notices (BCN)

A BCN may be served where a condition attached to a planning permission is not being complied with. The BCN will specify the steps which the LPA require to be taken in order to secure compliance with the condition as is specified in the notice. There is no right of appeal against a BCN.

3. Stop Notices (SN)

In certain cases, a stop notice can be served in order to cease an unauthorised activity on the land. A stop notice can only be served at the same time as, or after, the service of an enforcement notice. There is no right of appeal against a stop notice, only the enforcement notice to which it is attached. The LPA will be at risk of compensation if it is used in inappropriate cases.

4. Temporary Stop Notices (TSN)

In certain cases, a TSN can be served before an enforcement notice has been served in order to cease an unauthorised activity on the land. These notices remain in effect only for a maximum of 28 days.

5. Section 215 Notices (s215)

Where the condition of land is adversely affecting the amenity of the area, the LPA may serve a notice under s215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land. The s215 Notice will specify the steps that the LPA require to be taken in order to remedy the condition of the land. There is a right of appeal in the Magistrates' Court against a s215 Notice.

6. Tree Replacement Notices (TRN)

Where a protected tree is removed, uprooted, or destroyed without prior consent, the LPA can serve a tree replacement notice requiring, within a specified period, the replanting of a tree of a specified size and species. There is a right of appeal against a Tree Replacement Notice.

7. Planning Contravention Notices (PCN)

Where it appears as though there may have been a breach of planning control in respect of any land, the LPA may serve a PCN requiring information about activities on land. There is no right of appeal against a PCN and failure to respond is an offence.

8. Section 330 Notices (s330)

To enable the LPA to exercise other powers under the provisions of the Town and Country Planning Act 1990, the LPA may serve a notice under S330 requiring information

as to interests in land, including ownership and occupation details. There is no right of appeal against a s330 Notice and failure to respond is an offence.

9. Advertisement Removal Notices (s225 and s225A)

Where an advertisement is erected without consent the LPA can, in certain instances, serve notices under s225 and s225A of the Town and Country Planning Act 1990 securing their removal.

The Town and Country Planning (Control of Advertisements) Regulations 2007 allows the LPA to serve a discontinuance notice against any advertisement, or the use of any advertisement site, which normally has the benefit of deemed or express consent. There is a right of appeal against a discontinuance notice.

10. Notice of Intended Entry (NOIE)

This notice is formal confirmation of the LPA's intention to enter land without a warrant. If entry to the land (or any part of it) is refused, that person obstructing the officers will be committing an offence and the LPA will obtain a warrant to gain entry. There is no right of appeal against a notice of intended entry.

11. Planning Enforcement Order (PEO)

Planning Enforcement Orders were introduced in April 2012 by the Localism Act 2011. The power allows the LPA to apply for a court order (a PEO) seeking permission for an extension for the time available within which to take enforcement action (see paragraph [5.5](#)). If granted, the LPA then has a year to take enforcement action from the date the PEO has taken effect, whether or not the normal four or ten years' enforcement deadline has passed. For a PEO to be granted the breach must have been **deliberately concealed** and the court must consider it just to make the order having regard to all the circumstances.

Enforcement register

In accordance with section 188 of the Town and Country Planning Act 1990, the planning division holds a register of all enforcement notices, stop notices and breach of condition notices served in the Borough. This is available for inspection by the public. If you wish to arrange to view the register, please contact the planning enforcement team at the address below. Some currently active notices may be available online from the council's [Planning Applications Database](#). Requests for copies of notices from the register or confirmation of compliance may attract a fee – please consult our schedule of [Non Statutory Fees and Charges](#) for further details.

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