

# Planning Enforcement Protocol

January 2007 (Revised: November 2023)

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## Preface

This document has been formulated in the context of the government's policies and guidance, as detailed in parts 1 and 10 of this document. It is intended to assist the Development Management and Enforcement service in undertaking its planning enforcement work, and inform all parties (including council officers, councillors, customers 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 planning enforcement team sitting within Development Management and Enforcement – which forms part of the Climate & Inclusive Growth Directorate.

### 1.2 National and local 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 us must be led by the council's Development Plan (consisting of the [Lambeth Local Plan](#), the [London Plan](#) and accompanying supplementary planning guidance) and all other material planning considerations. Local Plan 'Policy D5 Enforcement' refers specifically to this document.

We also adhere to the advice and procedures contained principally within the [National Planning Policy Framework \(NPPF\)](#) and [National Planning Practice Guidance \(NPPG\)](#). Both sets of guidance advocate the existence of an enforcement plan such as this, which clearly lays down the procedures and priorities we have. Other policy and guidance documents that are relevant are listed in part 10 of this document. The protocol is carefully aligned to our 'Lambeth 2030: Our Future Our Lambeth' borough plan.

### 1.3 Objective

Our primary objective 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, we 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 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, we will do so.

Our 'Lambeth 2030: Our Future Our Lambeth' borough plan identifies clear strategic priorities which our team directly contribute to;

- Making Lambeth neighbourhoods fit for the future;
- Making Lambeth one of the safest boroughs in London; and
- Making Lambeth a place we can all call home.

## 2.0 What the planning enforcement team investigates

### 2.1 The planning enforcement team's remit

We are responsible for investigating breaches of planning control. Failure to do so in a reasonable manner will normally be considered maladministration by the [Local Government Ombudsman](#). 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.

Examples of breaches that we investigate 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 public house as a shop;
- breaches of conditions – breaching conditions attached to planning permissions, for example, conditions restricting hours of operation of a hot food takeaway;
- unauthorised works to a listed building that affect its character as a building of special architectural or historic interest – for example, replacing original timber sash windows with uPVC ones;
- unauthorised total or substantial demolition in a conservation area;
- unauthorised display of advertisements;
- unauthorised works to protected trees; and
- untidy private land or buildings that is adversely affecting the amenity of an area.

### 2.2 Non-planning issues

We receive many requests for service regarding issues that do not involve a breach of planning control. To ensure these are dealt with effectively, it is important to identify those issues which are relevant to planning and those which do not come within our remit.

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 Buildings;
- party wall, ownership or land-grab disputes such as the positioning of a boundary fence;
- purely 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 could be confirmed as permitted development when received.

[Examples of where developments may be permitted include:](#)

- small residential extensions;
- satellite dishes;
- fences and walls;
- means of access and hard-standings;
- outbuildings, sheds or greenhouses;
- loft conversions, dormers or roof-lights;
- internal building works;
- heat pumps, solar panels or other greener energy improvements
- small advertisements; and
- the alteration or insertion of doors or windows in houses.

Full details of permitted development rights can be found [here](#).

### 2.3 Referring requests for service to other departments

Although we 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 9 of this document.

### 2.4 Pro-active work

In line with the NPPF and PPG detailed in part 1 of this protocol, we aim to undertake pro-active work where resources allow. Such pro-active work is aligned to the ‘Lambeth 2030: Our Future Our Lambeth’ borough plan which, through work with our citizens, sets out the aspirations for Lambeth. In the main, the planning enforcement team’s pro-active work contributes to the delivery of the first and second overarching borough plan priority – making neighbourhoods safe and fit for the future.

We do not have sufficient resource to monitor the implementation of all planning permissions. Indeed, the onus is on developers to ensure their developments are built out in accordance with consents. However, we proactively monitor the implementation of

selected schemes, ensuring compliance and assisting developers in delivering their schemes. Which cases are selected for monitoring is a decision made in line with current resources and will normally be limited to selected major schemes. Where complaints are received alleging the construction of developments at variance with planning consents; they will be investigated in the normal way.

We also monitor compliance with the [Non Road-Mobile Machinery \(NRMM\) register](#) to ensure construction is undertaken in compliance with the relevant conditions.

## 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 customer 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 we may be required to contact the individual for more detailed information during the investigation of the case. Where no contact details are supplied, the request for service will not be logged as a case, and where there are only minimal details provided, the customer will be asked to provide more information.

Customers details are held in strict confidence in accordance with government legislation and the policy set out in part 7 of this document.

### 3.2 Methods of submitting a request for service

A request for service should be submitted using our [online forms](#) in the [planning enforcement area](#) of the council's planning web pages. This is the quickest way of reporting all breaches of planning control and ensures we are able to investigate promptly. However, where it is not possible to do this, written requests for service may be received by letter or email instead, providing all the required information is supplied.

### 3.4 Anonymous/Vexatious requests

We will not investigate anonymous requests for service to avoid wasting resources investigating potentially vexatious issues. This includes requests from individuals or groups where a specific contact name and address is not provided. Where an individual or group are believed to be making vexatious reports the appropriate head of service will make a decision on the best way of dealing with the enquiries. This may include informing the customer that we will not deal with their enquiry.

## 4.0 Logging a request for service

### 4.1 Recording a case

Within three days of receiving a request for service, we aim to log the case on the council's database, providing we have received the minimum information outlined in part 3 above. The case will be assigned a priority and a case officer.

### 4.2 Case priorities

Although 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 irreparable 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.

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

### 4.3 Case allocation

Cases will generally be assigned to a planning enforcement officer covering the north/east area or south/west area, but in some instances, they may be assigned to a specialist officer.

- North/East Area - Waterloo and Southbank, Kennington, Vauxhall, Stockwell West and Larkhall, Stockwell East, Myatt's Fields, Brixton North, Oval Brixton Windrush, Brixton Rush Common, Herne Hill and Loughborough Junction, St Martin's, West Dulwich and Gipsy Hill
- South/West Area - Streatham Common and Vale, Streatham Hill East, Streatham Hill West and Thornton, Streatham St Leonards, Streatham Wells, Knight's Hill Clapham Common and Abbeville, Clapham East, Clapham Park, Clapham Town and Brixton Acre Lane

### 4.4 Acknowledging a request for service

Once the case is logged on the database, we will notify the customer by letter/email 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 customer 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 they do not require planning permission.

## 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

The case officer assigned to a new 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 case 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

### 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 primarily seek the co-operation of the owner/occupier of the premises through discussion or service of a Notice of Intended Entry (see [Annex 2](#)), they may have to obtain a warrant to enter and/or prosecute for wilful obstruction.

### 5.4 Co-operation with other departments

We will, of course, 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. We most commonly works with departments and agencies such as those listed in part 9 of this document.

Whilst we 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), customers may be encouraged to contact the relevant department or agency directly.

## 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 we have a number of tools at our disposal to aid in obtaining the necessary information:

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

## 5.6 Informal resolution

It is important to bear in mind that it is **not normally an offence** to carry out development without first obtaining any planning permission required for it. In line with the NPPF and NPPG detailed in part 1 of this document, the council should first attempt to resolve breaches of planning control informally through negotiation with the landowner or developer.

We must act proportionately when responding to a breach of planning control. It would be unreasonable and inappropriate for us to issue an enforcement notice solely to remedy the absence of a valid planning permission. Where we issue a notice for this reason, we will remain at risk of an award against us 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, we will encourage those 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 made in the context of public interest and not personal or private interests. Consequently, a failure to seek planning permission prior to the development being carried out will not influence the council's decision making – unless it was carried out intentionally and harm could have been mitigated against had permission been correctly sought and granted - which in the majority of cases is unlikely.

## 5.7 Taking formal action - serving notices

If informal negotiations fail or a retrospective planning application is refused, we 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.

The issues considered by the case officer are limited to planning issues and the fact that planning permission was not sought cannot be a reason to consider the matter unfavourably - unless it was carried out intentionally and harm could have been mitigated had permission been correctly sought and granted. 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 not be appropriate to take formal enforcement action against a trivial or technical breach of planning control – especially where no or minimal planning harm arises.

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. Cases where no formal action has yet been taken may not show up on land searches so prospective purchasers should make sure relevant enquiries are made as to the status of 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 - see [Annex 3](#) for further information on how to do this.

Many types of planning enforcement notice can be appealed against, and if an appeal is lodged, the notice will be held in abeyance pending the outcome of the appeal. Appeals are dealt with by the [Planning Inspectorate](#) and the process can be lengthy. If a notice is served on you and you would like further information about the appeals process, your enforcement case officer can provide further advice.

## 5.8 Prosecutions and Confiscation Orders

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 we can initiate prosecution proceedings. Offences also arise for matters such as illegally displayed advertisements, unauthorised works to protected trees, and unauthorised works to listed buildings and such matters may be subject to prosecution proceedings. Failure to respond to Planning Contravention Notices and Section 330 notices are also offences that may be prosecuted (see [Annex 2](#) for a full list of enforcement actions).

In initiating prosecution proceedings, the planning enforcement team 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?

The provisions of the Proceeds of Crime Act 2002 will be sought to be applied in court where appropriate, to request confiscation of monies gained as a result of breaching planning control - both to help cover the costs of enforcement actions arising and to act as an effective disincentive to ongoing breaches of planning control.

## 5.9 Injunctions

In certain cases it may be appropriate and necessary to seek an injunction. This may include long term situations where multiple prosecutions have not resulted in compliance with a notice or immediate destructive works to a listed building i.e. where we have exhausted all other remedies or the breach is irreparable. It is normally a last resort, taking into account the personal circumstances of those concerned (as non-compliance can result in imprisonment) and has to be a proportionate response to the breach taking into account the severity.

## 5.10 Direct Action

We also have powers to enter land and carry out the requirements of a notice ourselves and it is an offence to obstruct them. These powers should be used when other methods detailed above have failed. We can then recover our costs from those responsible.

Other legal sanctions may also be considered where appropriate, taking into account all relevant circumstances and any legal sanctions policies.

## 6.0 Closing enforcement investigations

### 6.1 Recommending a case for closure where there is no breach

When closing a case, the planning enforcement officer will explain the reasons for closure. Junior officers are required to present their written recommendation to the Planning Enforcement Manager or 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 file confidentially electronically archived.

### 6.2 Closing a case where action is not expedient

Where there is a breach of planning control but it is not considered expedient and appropriate to take enforcement action, for reasons of probity, recommendations must be signed off by two of either the Planning Enforcement Manager, Principal or Senior Planning Enforcement Officer - before the case can be closed.

Where a decision is made to close these types of case, we 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 regularise the situation via the formal submission of the relevant application.

### 6.3 Confirming works as lawful (or as "permitted development")

Further to investigations that established works to be lawful, it is advisable to recommend that the owner of the property submits an application for an LDCE, although it is important to note that this type of application is not a requirement. 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 a formal decision notice for an LDCE.

An LDCE provides formal confirmation from the council that the development described in the application is lawful and does not require planning permission. 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 customers of case closure

Where an investigation has been resolved, we will normally inform the customer of our 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. If a long period of time has passed since the requestor contacted the planning enforcement team, contact may not be made to avoid rekindling forgotten issues, or where, for example, they are aware that retrospective planning permission has been granted.

## 7.0 Disclosure of information and complaints

### 7.1 Personal information and confidentiality

All customer details are confidential and will not be passed outside of the council, 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 perpetrators and complainants. However, the planning enforcement team will always endeavour to provide as much information as possible - but the extent of disclosure will inevitably vary from case to case. We will have regard to the requirements of the Freedom of Information Act 2000 and relevant legislation in providing disclosures.

### 7.3 Complaints

Customers who are unhappy with the service they have received may make a complaint to the council's complaints team. However, they are advised to contact the case officer assigned to the case requesting an update prior to doing so. Complaints may, for example, relate to delays in investigating the matter, record keeping, providing updates or liaising with other council departments. It is important that customers reporting breaches of planning control are not logged and responded to as 'complaints' – but investigated in the normal way.

## 8.0 Paid services

### 8.1 Pre-application advice service

The council offers a [pre-application advice service](#) which can help to give early indications on our view of a planning scheme. Where someone wishes to apply for retrospective planning permission to retain unauthorised development, pre-application advice can be helpful in discussing necessary changes needed to secure a successful application.

If advice is followed, the benefits of pre-application planning advice include:

- help understanding how our policies will be applied to a scheme;
- input from all relevant teams where needed;
- clarify what, if anything, is unacceptable and helps improve scheme quality;
- can speed up the formal application process and make it more likely for the application to be accepted; and
- save overall costs by reducing time professional advisors spend on proposals.

More information about the pre-application advice service can be found on our website.

## 8.2 Planning Performance Agreements

The council offers the option of a Planning Performance Agreement (PPA) for larger, more complicated development. This is a project management framework where applicants meet with the planning team and other interested parties and agree how a scheme will go through the planning process before submitting a planning application.

Although not appropriate in all cases, early engagement with the enforcement team as part of a PPA can result in a higher quality scheme that pre-empts and tackles any potential enforcement issues before they arise.

There are numerous advantages of a PPA and the level of resource required, including any involvement and consultation with the planning enforcement team, will depend on the nature and complexity of the scheme. As a bespoke service, there will be a charge negotiated before work starts on the project.

## 8.3 Enforcement Notice Compliance Certificates (ENCC)

A request can be made to the planning enforcement team [for an ENCC](#) to confirm whether or not a planning enforcement notice has been complied with. This provides written confirmation that, so far as the council have been able to ascertain, the requirements of a notice were, or were not, fully complied with on a particular date. This can be helpful where there is an intention to sell a property where a notice has been served on it, with potential to speed up conveyancing and the sale process. It can also provide prospective purchasers with peace of mind.

The service attracts a fee and may require a site visit which we will arrange with you. If you would like to request an ENCC, please email the planning enforcement team. Once we have issued an ENCC we can consider the withdrawal of the notice for a further fee if required.

## 9.0 Contact information

### 9.1 Planning contact details

**Planning Enforcement Team** (for enforcement and appeals)

PO Box 80771

London

SW2 9QQ

**W** [Planning enforcement | Lambeth Council](#)

**Planning** (for general enquiries)

PO Box 80771

London

SW2 9QQ

**E** [planning@lambeth.gov.uk](mailto:planning@lambeth.gov.uk)

**W** [www.lambeth.gov.uk/planning](http://www.lambeth.gov.uk/planning)

## 9.2 Other council services

Please consult the council's website: <http://www.lambeth.gov.uk>

## 9.3 External agencies and organisations

**Valuation Office Agency** (council tax records)

<https://www.gov.uk/government/organisations/valuation-office-agency>

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

[www.hse.gov.uk](http://www.hse.gov.uk)

**Metropolitan Police**

<https://www.met.police.uk/area/your-area/met/lambeth/>

**London Fire Brigade – Lambeth**

[http://www.london-fire.gov.uk/FireSafetyCentre\\_LambethFSC.asp](http://www.london-fire.gov.uk/FireSafetyCentre_LambethFSC.asp)

**Considerate Constructors Scheme**

<http://www.ccscheme.org.uk/>

**Royal Town Planning Institute – National Association of Planning Enforcement**

<http://www.rtpi.org.uk/knowledge/networks/planning-enforcement-%28nape%29/>

**Local Government Ombudsman**

<https://www.lgo.org.uk/make-a-complaint/fact-sheets/planning-and-building-control/planning-enforcement>

## 10.0 Further information (policy and guidance)

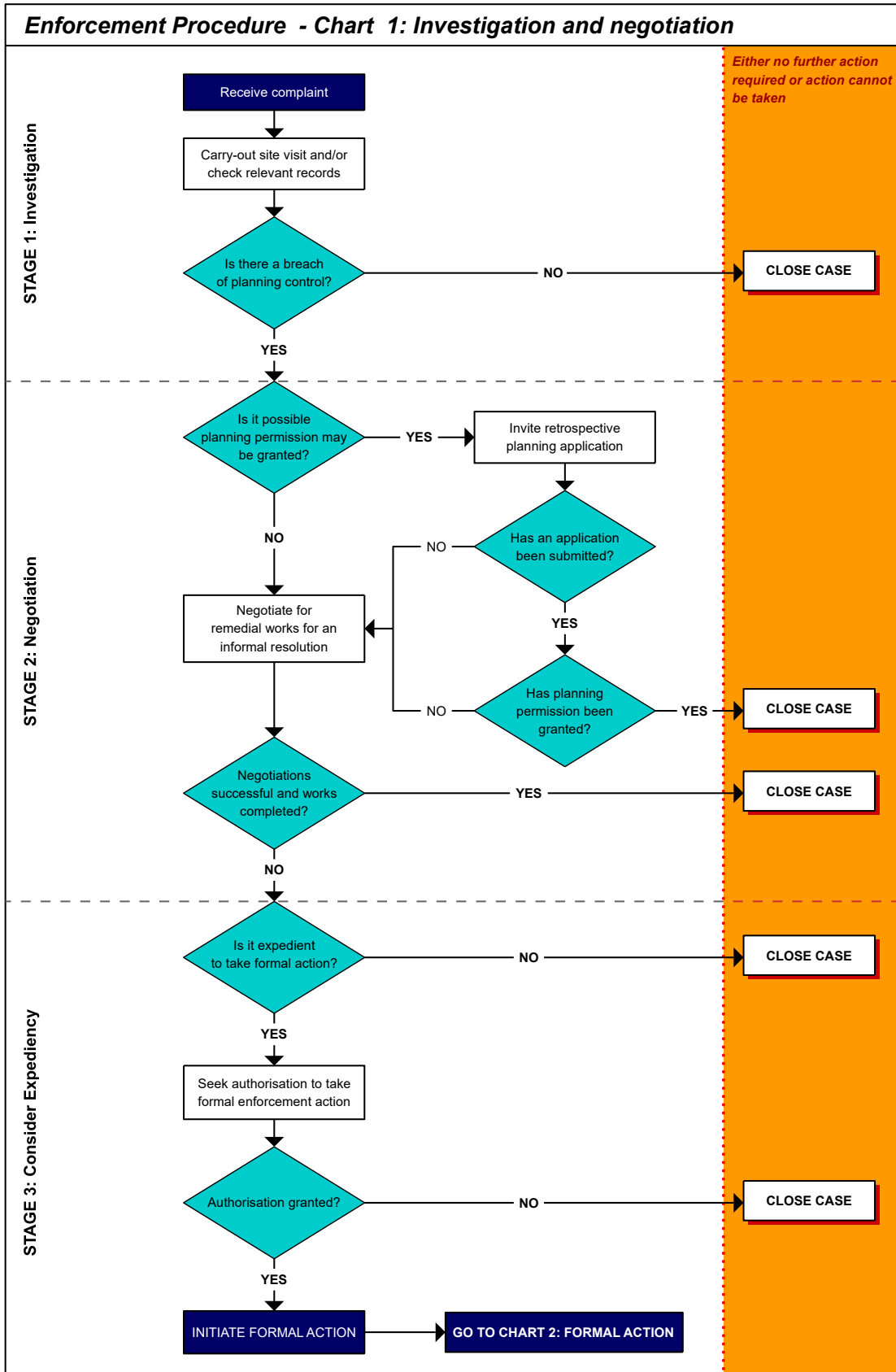
### 10.1 Policy and guidance for planning enforcement

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.

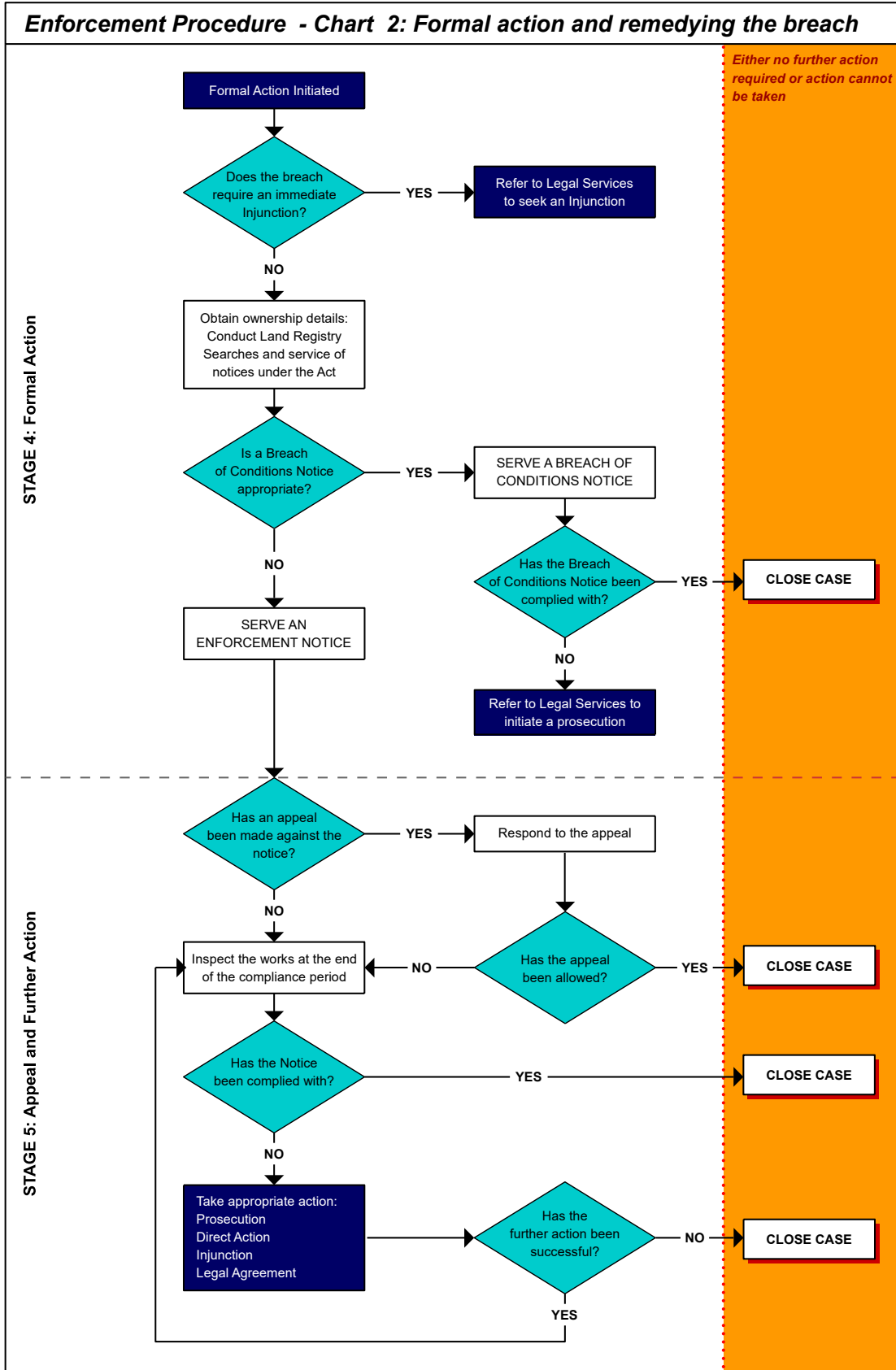
- [National Planning Policy Framework \(NPPF\)](#)
- [National Planning Practice Guidance \(NPPG\)](#)
- [Section 215 Best Practice Guidance](#)
- [The London Plan](#)
- [Lambeth Local Plan and Supplementary Planning Guidance](#)
- [Planning Inspectorate – enforcement appeals guidance](#)
- [Outdoor advertisements and signs: a guide for advertisers](#)

# Annex 1: The enforcement process

## Enforcement Procedure - Chart 1: Investigation and negotiation



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



## Annex 2: Types of formal enforcement action

### 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 us that allow other types of notice to be served. Failure to comply with these notices is also an offence.

### Enforcement Notices

If it is expedient and proportionate to do so, an enforcement notice may be served where there appears to be 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.

### 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 required 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.

### Stop Notices

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. We will be at risk of compensation if it is used in inappropriate cases.

### 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 for a maximum of 56 days.

### Section 215 Notices (s215)

Where the condition of land is adversely affecting the amenity of the area, we 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 we 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.

## Tree Replacement Notice (TRN)

Where a protected tree is removed, uprooted, or destroyed without prior consent, we can serve a TRN requiring, within a specified period, the replanting of a tree of a specified size and species. There is a right of appeal against a TRN.

## Planning Contravention Notice (PCN)

Where it appears as though there may have been a breach of planning control in respect of any land we 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.

## Section 330 Notice (s330)

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

## Advert Removal Notice (s225 and s225A) & Discontinuance Action

Where an advertisement is erected without consent we may 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 also allows us 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 – but only where it is considered that a substantial injury to the amenity of the locality and/or a danger to member of the public has been caused. There is a right of appeal against a discontinuance notice.

## Notice of Intended Entry

This notice is formal confirmation of our 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 we may obtain a warrant to gain entry. There is no right of appeal against a notice of intended entry.

## Planning Enforcement Order (PEO)

PEO's were introduced in April 2012 by the Localism Act 2011. The power allows us 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, we then have 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.

## Annex 3: Planning enforcement notice register

### The register

In accordance with section 188 of the Town and Country Planning Act 1990, we hold a register of all enforcement notices, stop notices and breach of condition notices served. This is available for inspection by the public. If you want to arrange to view the register, please do contact us – details below. Some currently active notices may be available online from the council's [planning applications database](#).

### **Planning Enforcement Team**

Lambeth Civic Centre

6 Brixton Hill

London SW2 1EG

**W** [Planning enforcement | Lambeth Council](#)