



Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Enforcement Protocol

October 2015

Contents

- 1 Preface**
- 2 The Principles of good enforcement**
- 3 What is planning enforcement?**
- 4 Objectives**
- 5 How we will use our discretion and be proportional in our decision making**
- 6 Reporting alleged breaches of planning control**
- 7 Methods of notifying us of an alleged breach**
- 8 Logging an alleged breach**
- 9 Case priorities**
- 10 Resolving a breach of planning control**
- 11 Closing enforcement investigations**
- 12 Disclosure of information**
- 13 Proactive working**
- 14 How we will operate**
- 15 Verbal/physical abuse towards officers**
- 16 Contacts**

Appendix 1: The Enforcement Process: Procedure Map

Appendix 2: Types of Enforcement Action

Appendix 3: Service Standards

1 Preface

- 1.1 This protocol has been produced in response to government advice and has been formulated in the context of national and local planning policies and guidance, as detailed in part 3 of this document. It is intended to assist the Council in undertaking its planning enforcement duties, and inform all parties (including Council Officers, Councillors, complainants and perpetrators) of the processes and procedures involved.
- 1.2 The main background legislation is the Town & Country Planning Act 1990 (as amended). This is supported by Government policy and guidance in the form of the National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG).
- 1.3 This protocol should be read in conjunction with the Council's Corporate Enforcement Policy adopted in August 2015.

2 The Principles of Good Enforcement

- 2.1 Our approach to enforcement has regard to the principles of good regulation. We will exercise our regulatory activities in a way which is:
- (i) Proportionate – Our actions will reflect the level of risk to the public and enforcement action taken will reflect the seriousness of the offence
 - (ii) Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.
 - (iii) Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities.
 - (iv) Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return.
 - (v) Targeted – we will focus and prioritise high risk breaches and activities, reflecting local need and national priorities.
- 2.2 In this Planning Enforcement Protocol we have set out our approach to dealing with non-compliance in relation to breaches of planning control. In making a commitment to good enforcement practices we will avoid imposing unnecessary regulatory burdens and will assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means.
- 2.3 This protocol will outline the process we will take to deal with breaches of planning control:
- Choose risk based approaches based on relevant factors.
 - Deal firmly with those that deliberately or persistently fail to comply.
 - Explain our approach to complainants of non-compliance.
 - Explain our approach to investigating non-compliances.

- Outline the range of actions that may be taken if a non-compliance is found.
- Explain how decisions are made on any enforcement action taken.
- Outline our commitment to keep interested parties informed of the progress of investigations.

3 What is Planning Enforcement?

3.1 The planning enforcement function of the Council is led and co-ordinated by a team of Planning Enforcement Officers within the Development Management team under the supervision of the Planning Manager and the Chief Planning & Development Officer.

3.2 The regime is limited to managing development under the terms set out in the Town & Country Planning Act 1990 as amended by the Planning & Compensation Act 1991, the Planning & Compulsory Purchase Act 2004 and the Localism Act 2011. Councils must also take into account the policies set out in the National Planning Policy Framework (NPPF) and Government Guidance (PPG) and where appropriate the Human Rights Act 1998.

3.3 Section 55 of the Town & Country Planning Act 1990 (as amended) defines development as:

“the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land”.

3.4 Section 171A of the Town & Country Planning Act 1990 (as amended) defines a breach of planning control as:

“the carrying out of a development without the required planning permission, or failing to comply with a condition or limitation subject to which planning permission has been granted”

3.5 Paragraph 207 of the NPPF states:

“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so”.

3.6 National Planning Policy Guidance (NPPG) at paragraph 3 states:

“The provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14 are relevant when considering enforcement action. There is a clear public interest in enforcement planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to

the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control.”

3.7 Following the national guidance set out above, the Council must also ensure that it is led by policies within the Development Plan. The Development Plan comprises:

- The Hinckley and Bosworth Core Strategy 2009
- Saved policies of the Hinckley and Bosworth Local Plan 2001
- Hinckley Town Centre Area Action Plan Development Plan Document
- Earl Shilton & Barwell Area Action Plan Development Plan Document
- Adopted Supplementary Planning Guidance

3.8 In addition to the Development Plan and any other material considerations, the following sets out the legislative framework applicable to breaches of planning control:

- The Town and Country Planning Act 1990 (as amended)
- The Planning (Listed Building and Conservation Areas) Act 1990
- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- Town and Country Planning (Trees) Regulations 1999 (as amended)
- The Town and Country Planning (General Permitted Development) Order 2015
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Anti Social Behaviour Act 2003, Part 8 High Hedges

4 Objectives

4.1 The Council does not condone 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 consent (planning permission). When it is expedient and necessary to take formal and proportionate action against unauthorised development, the Council will do so.

4.2 The main functions of the planning enforcement service are:

- Making sure unauthorised development is brought within the regulations, or its impact is reduced or if it is totally unacceptable it is removed or stopped.
- Making sure that conditions and limitations attached to planning permissions are met or if appropriate, any changes are managed in accordance with the regulations.
- Making sure that development that is given planning permission is built in accordance with approved plans and any conditions that have been imposed to allow it to go ahead.

4.3 Some development is also subject to additional controls including listed buildings, trees and adverts. Breaches of these regulations are criminal matters. However, the principles of investigation and decision making remain the same.

- 4.4 The Government has given express planning permission for a wide variety of structures and uses under Town & Country Planning (General Permitted Development) Order 2015.

5 How we will use our discretion and be proportional in our decision making

- 5.1 It is important to understand that the planning enforcement regime is discretionary.
- 5.2 The focus of our service is to remedy planning harm not to punish people who have not obeyed the rules. It is therefore right that people who breach planning law are given the opportunity to remedy any breach identified. This may be through a retrospective planning application or negotiating a solution acceptable to the Council in line with national guidance, best practice and planning policies of the Development Plan.
- 5.3 Just because something is a breach of planning control is not, in itself, a reason to take enforcement action. Even when it is technically possible to take action we are required to first decide if such action would be expedient. The Council must be proportionate when considering whether the unauthorised activity is causing planning harm having regard to the development plan policies and any other material planning considerations.
- 5.4 National government policy and advice is that ordinarily formal action should be the last resort and we are expected to give those responsible the chance to put matters right before serving a formal enforcement notice. However, if a breach of planning control is deemed to be causing unacceptable serious planning harm or nuisance formal action will not be delayed by prevarication or lengthy negotiation.
- 5.5 In our decision taking we will consider matters of safeguarding, human rights and equality in accordance with the Council's Corporate Enforcement Policy.

6 Reporting alleged breaches of planning control

- 6.1 Before an alleged breach 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 allegation relates. This must be provided as the Council may be required to contact the complainant for more detailed information during the investigation of the case. Where no contact details are supplied the alleged breach of planning control will not be investigated, unless the alleged breach is considered to fall into the high priority category where investigations will normally be carried out.
- 6.2 All complaints relating to breaches of planning control will be investigated and treated confidentially by Officers. The party under investigation or other members of the public will not be allowed access to the complainant file. Complainant information maybe exempt from disclosure under the Freedom of Information Act 2000 or Environmental Information Regulations 2004. The Council will withhold information forming part of a current investigation as it could prejudice an ongoing investigation. In all cases this is subject to the public interest test and as such information release is considered on a case by case basis. However, when the investigation is closed information may be released with redactions and removal of

personal data. All information will be handled in accordance with the Council's Information Governance Framework.

- 6.3 If members of the public do not want to give their personal details to the Council, the local Ward Councillor or Parish Council Clerk should be approached as they may be able to make the enquiry on that persons behalf.

7 Methods of notifying us of an alleged breach

- 7.1 An alleged breach should usually be submitted in writing, preferably online through the planning enforcement section of the Council's planning web pages (www.hinckley-bosworth.gov.uk). This is the most efficient and effective way of reporting a breach of planning control. However, where it is not possible to do this, written allegations may be received by letter instead, providing all relevant information is supplied. The Council will also accept complaints made via telephone. If you do ring then it is important to provide as much information as possible.
- 7.2 The planning enforcement team will liaise with other relevant service areas within the Council and relevant external agencies. They will share relevant information to enable a coordinated approach to resolving issues raised by complainants or observed by officers in the course of their investigation.
- 7.3 The Council is a leading participant in the Endeavour Project which seeks to coordinate community safety and environmental matters between a number of agencies including Police, social services and the Fire and Rescue Authority. Relevant matters may be referred to this group for action.

8 Logging an alleged breach

- 8.1 Within 3 days of receiving the requisite details of an alleged breach of planning control, the case will be logged on the planning enforcement database and acknowledged in writing.

9 Case priorities

- 9.1 The priority of a case will be assigned by the Planning Enforcement Officer in liaison with the Planning Manager on a case-by-case basis. Although the priorities are assigned on a case by case basis, they will usually follow the following classification:

- 1. High Priority Cases** - where works are being carried out which will cause irreparable harm / damage.

Examples:

- a) Unauthorised demolition of a listed building or building within a conservation area; and
- b) Lopping or felling of protected trees;

- 2. Standard Priority Cases** - where works or uses are causing a significant and continued harm to amenity, time sensitive breaches or development that compromise safety.

Examples:

- a) Unauthorised development where the time-limit for taking action will expire within the next 6 months;
- b) Unauthorised buildings, uses or non-compliance with conditions which have the potential to cause serious long-term damage to the environment, which unless positive action is taken quickly are likely to become more acute; and
- c) Small scale house developments such as extensions
- d) Untidy sites
- e) Deviations from the approved plans
- f) Non-compliance with planning conditions

10 Resolving a breach of planning control

- 10.1 Once the case has been logged and assigned a priority, the relevant case officer will visit the premises in order to help further establish the exact nature of the alleged breach.
- 10.2 All enforcement cases will be visited within 7 working days; this is to ensure that the enforcement team are being as proactive and as efficient as possible in gathering evidence of breaches of planning control as early as possible. If any of the alleged breaches fall within the High Priority Case's category then a site visit will usually be undertaken within one working day.
- 10.3 In all cases the Council will take a risk based approach based on the relevant factors in each individual case. In assessing risk the Council will consider not only the material planning factors relevant to the alleged breach but also the individuals involved including the complainant and alleged perpetrator when determining what action to take.

Power to enter land and premises

- 10.4 Due to the nature of planning enforcement work, it may not be appropriate or possible to arrange the initial visit in advance. As such the investigating officer will not normally give advanced warning of a site visit. This may mean that access cannot be gained on the first attempt and consequently it may take longer than the initial site visit period to conduct an effective site visit. Denying access to the investigating officer is an offence and, although the 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.

Establishing a breach of planning control

- 10.5 In establishing whether or not a breach of planning control has actually occurred Planning Enforcement Officers may use a variety of investigative techniques which can include, carrying out detailed site measurements, taking photographs, monitoring activity, researching Council and other agency records and obtaining information from neighbours.
- 10.6 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. In these circumstances, the Council may use its

powers to require information to be provided that is necessary to establish whether a breach has occurred. These powers include:

- Serving a Planning Contravention Notice (PCN) which requires those served to provide certain information in order to help establish a breach.
- Serving a notice under s330 of the Town and Country Planning Act 1990, which requires those served with the notice to provide information as to their interest in the land and its use.
- Utilising powers of entry.

Informal resolution

- 10.7 It is important to bear in mind that it is not an offence to carry out development without first obtaining planning permission. The guidance in Paragraph 207 of the NPPF states that the local planning authority should act proportionately.
- 10.8 Ultimately, the purpose of the planning enforcement regime is to mitigate the harm to amenity that may result from unauthorised development. It would be unreasonable for the Council to issue an enforcement notice solely to remedy the absence of a valid planning permission. Consequently, where it appears that there is a reasonable prospect that planning permission would be granted for the development; the Council will encourage the party responsible for the development to submit a retrospective planning application which is then subject to public consultation and determination against policies of the Development Plan.
- 10.9 When considering a retrospective application for the retention of the unauthorised development or use, the full planning considerations will be taken into account. Planning considerations are considered in the context of the public interest and not personal or private interest. Consequently planning permission not being sought prior to the development being carried out will not influence the Council's decision making and each case will be determined on its own merits.

Taking formal action - serving notices

- 10.10 If informal negotiations fail or a retrospective planning application is refused, the Council will consider the expediency of taking formal action. The case officer will make a recommendation to take formal enforcement action, setting out the planning considerations and assessing the level of harm that is caused by the breach of planning control.
- 10.11 The case officer's recommendation will then be considered and authorised by a senior officer, in accordance with the Council's scheme of delegation. Where formal action is to be taken 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 circumstances of each case. All formal action taken will be in accordance with the Council's Corporate Enforcement Policy.
- 10.12 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 will 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.

10.13 The Enforcement Register is a public record and can be viewed by anyone, and all Enforcement Notices can be viewed on the following link http://www.hinckley-bosworth.gov.uk/downloads/1003/planning_enforcement.

10.14 Anyone served with an Enforcement Notice has a right of appeal against the notice to the Secretary of State. If an appeal is lodged, the requirements of the notice will be held in abeyance pending the outcome of the appeal. The appeal process can be lengthy and may take several months to resolve.

Prosecutions and Injunctions

10.15 Where there is a breach of the requirements of an Enforcement Notice, Breach of Condition Notice, or a Stop Notice, the party concerned is guilty of an offence and the Council may initiate prosecution proceedings. It may also be necessary to prosecute for offences such as advertisement, tree, and conservation area and listed building breaches and also for non compliance with Planning Contravention Notices, s330 notices etc. (see Appendix 2).

10.16 In initiating prosecution proceedings, the Council will have regard to the Crown Prosecution Service's and the Council's Corporate Enforcement Policy:

- 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.

Direct Action

10.17 In some cases, particularly where a Section 215 Notice has been served, instead of prosecuting for non-compliance with the notice, it may be considered more expedient for the Council to undertake the required works in default to remedy the breach or bring the land/building back to an acceptable standard.

10.18 In such cases quotations will be obtained in line with the Council's corporate procurement procedures and subject to the availability of funds, works carried out with the costs re-charged to the landowner as a land charge.

11 Closing enforcement investigations

11.1 Before closing a case the case officer must justify the reasons for closure. A short report detailing the extent of the investigation and the findings will be prepared by the Planning Enforcement Officer and signed off by the Planning Manager

11.2 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 / archived.

Closing a case where action is not expedient to take

- 11.3 Where there is a breach of planning control but it is not considered expedient to take enforcement action, for reasons of probity, recommendations must be presented to the Planning Manager, before the case can be closed.
- 11.4 It is only possible for the Council to take enforcement action where it is fair and reasonable to do so. In making this decision we will assess the circumstances of the case and make reference to our adopted planning policies. In addition we must also consider the National Planning Policy Framework and Planning Practice Guidance.
- 11.5 The National Planning Policy Framework sets out that local planning authority should act proportionately in responding to suspected breaches of planning control.
- 11.6 In considering expediency the decisive issue is whether the breach would unacceptably affect public amenity or use of land that should be protected in the public interest. Any enforcement action should be proportionate to the breach, so for example, it would be inappropriate to take formal action against a trivial or technical breach. This duty means that we would not be acting lawfully if we enforced against every breach of planning control in the Borough. There will be cases where there is a breach of planning legislation but the breach or harm is so minor and cannot be justified therefore it would not be expedient to take enforcement action.

Notifying complainants

- 11.7 Where an investigation has been resolved, the Council will inform the complainant of its intention to close the case, stating the reasons for doing so. This may be communicated by letter, email or by telephone.
- 11.8 Where a complainant is not satisfied with the outcome of an investigation, they are encouraged to discuss this with the case officer. Where still not satisfied or where they believe maladministration has occurred, they may make a formal complaint through the council's complaints procedure. If they are still not satisfied a complaint can be made to the Local Government Ombudsman. Details of this are available on the Council's website:

<http://www.hinckley-bosworth.gov.uk/complaintsandcompliments>

12 Disclosure of information

- 12.1 All personal details of complainants are confidential and will not be passed outside of the Council unless express consent is given. All personal information will be stored, handled and processed in accordance with the requirements of the General Data Protection Regulation.
- 12.2 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 the complainants and the perpetrator. However the Council will always endeavour to provide as much information as possible, however the extent of information disclosed will inevitably vary from case to case. The Council will have regard to the requirements of the Freedom of Information

Act 2000 and the Environmental Information Regulations 2004 in providing disclosures.

13 Proactive working

- 13.1 The enforcement team plays a key role in helping the Council to deliver an effective Development Management service. To further enhance this, we will undertake a proactive approach in monitoring new development and the overall amenity of the borough.
- 13.2 It remains the responsibility of individual developers to comply with the terms and conditions set out in their permissions. However, failure to comply can affect not only the quality of the environment of the borough or the amenity of the neighbourhood but also undermine the reasons and justification for granting planning permission in the first place.
- 13.3 An effective proactive approach will encourage and where needed, enforce, compliance to ensure that development remains acceptable in planning terms, maintaining an attractive, high quality environment in line with adopted development plan policies.

14 How we will operate

- 14.1 As well as investigating alleged breaches of planning control the Council will undertake pro-active monitoring of planning conditions to ensure conditions are complied with in accordance with the planning permission.
- 14.2 As part of our role we will;
- Educate and inform developers of their responsibilities and seek voluntary compliance.
 - Monitor compliance with planning agreements and conditions.
 - Where proportional, actively stop sites that are proceeding without the necessary agreements and permissions in place.
 - Identify opportunities to remove illegal advertising by direct action.
 - Coordinate with other departments and/or agencies to ensure a holistic approach is taken in tackling untidy land and other amenity issues.

15 Verbal/physical abuse towards officers

- 15.1 The Council is committed to ensuring that its officers are able to carry out their work safely and without fear and where appropriate will use legal action to prevent abuse, harassment or assaults on Officers.

16 Contacts

Planning & Development Services
Hinckley and Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
Leicestershire

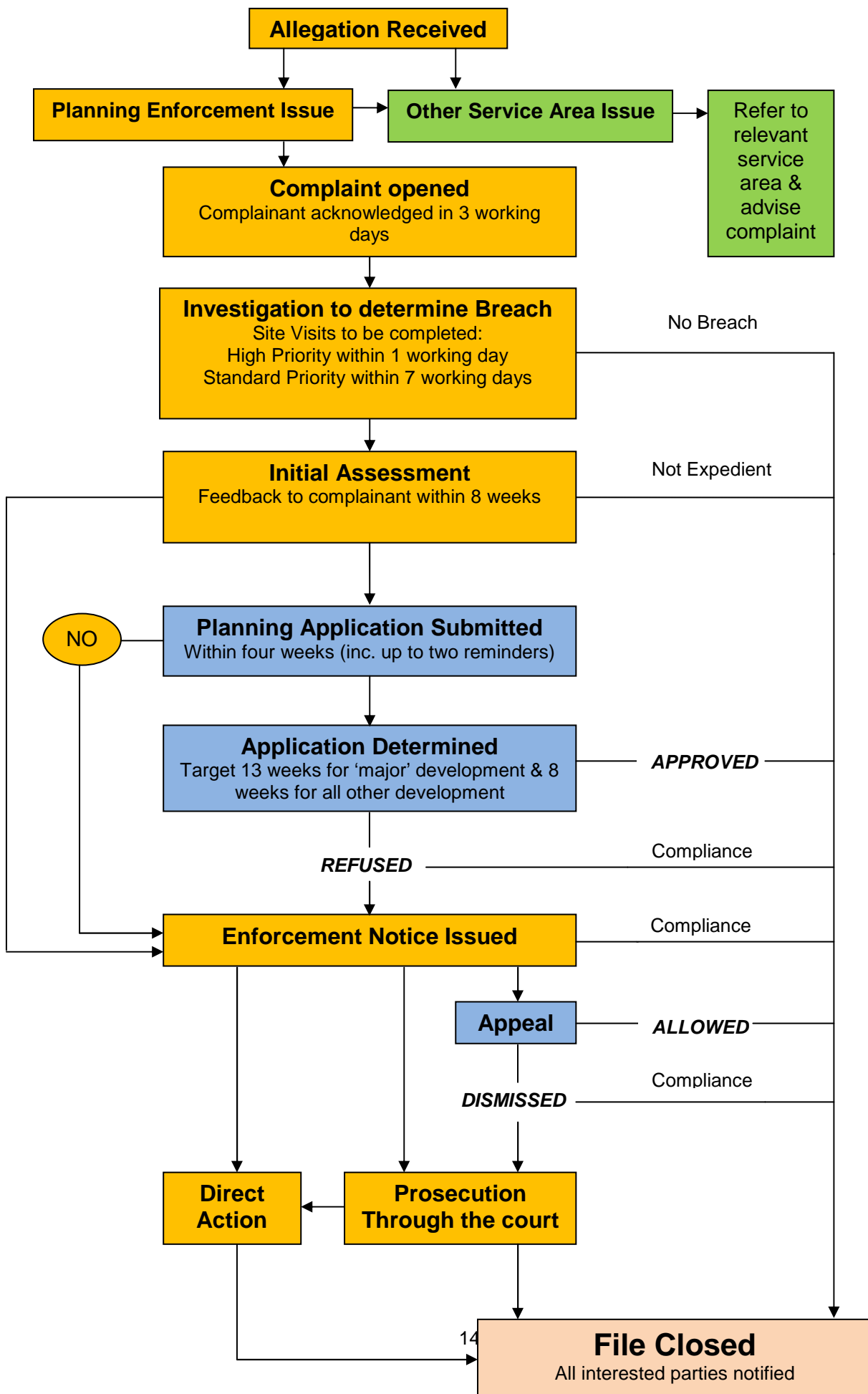
LE10 0FR

T: 01455 238141

E: planning@hinckley-bosworth.gov.uk

W. www.hinckley-bosworth.gov.uk/planning

Appendix 1: The Enforcement Process



Appendix 2: Types of 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 the Council as 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

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

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.

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

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

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

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. Discontinuance Notices

The Town and Country Planning (Control of Advertisements) (England) 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

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.

Prosecution

The Council will consider commencing prosecution in the Courts against any person who has failed to comply with the requirement(s) of any of the above Notices where the date for compliance has passed and the requirements have not been complied with.

The Council will also consider commencing prosecution in the Courts where unauthorised works have been carried out to TPO trees or trees in a Conservation Area, as well as unauthorised works to listed buildings, demolition in a Conservation Area, advertisements or where the recipient of a Planning Contravention Notice or Requisition for Information has failed to provide a response within the prescribed time period or supplied false or misleading information.

Before commencing any legal proceedings the Council will be satisfied that there is sufficient evidence to offer a realistic prospect of conviction and that the legal proceedings are in the public interest. The Council will also have due regard to the Corporate Enforcement Policy in determining the course of action.

Injunction

Where an enforcement Notice has not been complied with and a prosecution is not considered expedient or previous prosecution(s) have failed to remedy the breach of planning control, the Council will consider applying to the Court for an injunction. Such action will only normally be considered if the breach is particularly serious and is causing or likely to cause exceptional harm.

Direct Action

Where any steps required by an Enforcement Notice have not been taken within the compliance period (other than the discontinuance of the use of land), or where any steps required as part of a Section 215 (Untidy Land) notice have not been taken within the prescribed timescales, the Council will consider whether it is expedient to exercise its power under Section 178 and 219 of the Town and Country Planning Act 1990 (as

amended) to: (a) enter the land and take the steps; and (b) recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.

Enforcement Register

In accordance with section 188 of the Town and Country Planning Act 1990, the planning service 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 service at the address below:

Planning & Development Services
Hinckley and Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR
T: 01455 238141
E: planning@hinckley-bosworth.gov.uk
W. http://www.hinckley-bosworth.gov.uk/downloads/1003/planning_enforcement

Appendix 3: Service Standards

SERVICE STANDARDS*	STANDARD TARGET
Acknowledge allegation within 3 days of its receipt	100%
When a site visit is necessary, to conduct the visit within prescribed priority timescale	80%
Close file within 8 weeks where there is no breach of planning control	80%
Close file within 8 weeks where there is a breach of planning control but it is not expedient to take action	80%
Determine action within 12 weeks where there is a breach of planning control and it is expedient to take action	80%
Serve Enforcement Notice within 28 days of instruction	90%
During the enforcement notice compliance period at least one written contact is made, warning of need to comply where appropriate.	100%
To check compliance, review file, determine next action and review date within 10 working days of compliance date stated on Enforcement Notice	100%
Where prosecution or injunction agreed, evidence to be provided to legal within 10 working days of agreement date for action	90%
After prosecution to review file and determine action within 10 days	100%
To reduce the number of formal complaints about the service	Reduce by 25%

* NB – all of the time periods identifies are working days.