

Planning Enforcement Plan 2023

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1. INTRODUCTION

- 1.1. Reading Borough is mainly urban in character but has attractive areas of waterways, woodlands and open space and includes many Listed Buildings and Conservation Areas . There are many thriving businesses, and the area is economically buoyant. Consequently, there is pressure for development. The Council, therefore, needs to exercise care in balancing the need to protect the environment from the harmful effects of unauthorised development and uses whilst promoting growth.
- 1.2. The National Planning Policy Framework (NPPF) 2021 recommends that local planning authorities publish a local enforcement plan to manage planning enforcement proactively and in a way that is appropriate to their area. This document sets out the Council's approach to planning enforcement for all those who are involved in or affected by breaches of planning control in the Borough.

2. THE READING BOROUGH ENFORCEMENT SERVICE

- 2.1. The Council's Planning Enforcement Team falls within the Community Protection Service and is part of the Council's Public Protection Service.

3. AIMS AND OBJECTIVES

- 3.1. The Council has adopted a Corporate Enforcement Policy which sets out the general principles that the Council intends to follow in relation to enforcement action and prosecutions. It underpins this Planning Enforcement Plan and associated procedures. All authorized officers will abide by this Policy and any revisions made to it when making enforcement decisions.
- 3.2. The Council has two main aims in relation to its regulatory and enforcement functions.
 - Firstly it aims to protect residents, visitors, businesses and the environment from harm and nuisance and to promote health, safety and welfare, and in doing so to generally improve the quality of life for its residents and visitors to the Borough.
 - Secondly, it aims to undertake its regulatory and enforcement functions in a transparent, accountable, proportionate, consistent and targeted manner.
- 3.3. The Key objectives of the Planning Enforcement Team are:
 - Proactive and reactive enforcement.
 - Maintain public confidence in the planning system.
 - Responsive and robust processes.
 - Proportionate and consistent action.
 - We encourage Reading Officers, residents, local businesses and groups to report suspected breaches of planning control to the team.

4. WHAT IS A BREACH OF PLANNING CONTROL?

4.1. A breach of planning control is the carrying out of development without obtaining the required consents; or failing to comply with conditions or limitations attached to a consent which has been granted (Section 171A of the Town and Country Planning Act 1990 as amended):

- Carrying out operational development without the required planning permission.
- Carrying out material changes of use without planning permission.
- Failing to comply with a condition or limitation subject to which planning permission was granted.
- Carrying out works to a Listed Building or protected tree without the relevant permission(s).
- Carrying out certain works in a Conservation Area without the relevant permission(s).
- The display of certain advertisements without consent.
- The neglect of land or buildings to an extent which causes harm to amenity.

4.2. Certain breaches of planning control constitute criminal offences from the outset. Such breaches include:

- **Unauthorised works to a listed building** - Any works for the demolition of the building or for its alteration or extension which affects its character as a building of special architectural or historic interest.
- **Demolition in a conservation area** - demolition of a building with a volume of 115 cubic metres or more and any gate, fence, wall or other means of enclosure with a height of one metre or more if next to a highway, waterway or open space; or a height of 2 metres or more elsewhere (Town and Country Planning Order 1995 as amended).
- **The display of unauthorised advertisements** - The majority of advertisements require either express consent or have the benefit of deemed consent granted by Regulation 6 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). For more detail see link: [Outdoor advertisements and signs: a guide for advertisers - GOV.UK \(www.gov.uk\)](#).
- **Unauthorised works to trees covered by Tree Protection Orders and protected trees in conservations areas (on private land)** - This includes trees with a trunk diameter of more than 75mm when measured at 1.5m from ground level (or more than 100mm if reducing the number of trees to benefit the growth of other trees). Where a hedge has grown into a line or row of trees, they may be protected. Please follow link to check if a tree is protected. [Trees - Reading Borough Council](#)

4.3. Other breaches of planning control where planning enforcement can investigate but does not constitute a criminal offence from the outset include:

- **High hedges** - Part 8 of the Anti-social Behaviour Act 2003 allows local councils to deal with complaints about high hedges whose area contains the land on which the hedge is situated. If the height of a high hedge is having an adverse effect on a neighbour's enjoyment of their home and/or its garden or yard action can be taken to put right the problem and stop it from happening again. The legislation also allows councils to set and charge fees for handling these complaints. Please contact the Natural Environment Team 0118 937 8787 or e-mail planning.naturalenvironment@reading.gov.uk to check if the Council can help.

- **Breaches of S106 Legal Agreements** - any deviation from planning obligations including compliance with or failure to submit plans such as Construction Management Plans and Sustainability Plans.
- 4.4. For other matters, not listed above such as breaches of building control, works on the highway, and noise nuisance please contact the Council on 0118 3737397 or visit the Council's website and report issues to the relevant team. Please report any concerns about works to trees located on the street / public land to planning.naturalenvironment@reading.gov.uk or visit [Trees - Reading Borough Council](#).
- 4.5. Party wall issues and neighbour disputes are civil matters and will not be dealt with by the Council. In these cases independent legal advice should be sought.

5. RELEVANT LEGISLATION AND PLANNING POLICIES

- 5.1. All relevant and current legislation and planning policies will be taken into consideration when assessing a breach of planning control, this includes:
- Town and Country Planning Act 1990 (as amended) ("the Principal Act") and all its subordinate and associated legislation.
 - National Planning Policy Framework (NPPF) 2021.
 - National planning practice guidance.
 - Development Plan for Reading Borough (currently the Reading Borough Local Plan 2019).
 - Associated local guidance as published on the Council's website, including adopted Supplementary Planning Documents (SPDs).

6. OUR APPROACH

- 6.1. The Planning Enforcement Team plays a key role in delivering an effective Planning service. It is understood that breaches may be unintentional and therefore any action proposed shall be proportionate to the breach of planning control to which it relates.
- 6.2. Planning Enforcement is not an isolated activity simply limited to reacting to complaints. The team shall aim to take a positive and proactive approach in relation to the monitoring of planning conditions, as well as the monitoring of sites as they are developed to ensure they comply with the planning permission details.
- 6.3. We shall aim to answer the following questions during each investigation:
- Is there development?
 - Is there a breach?
 - Can the breach be resolved through negotiation?
 - Is the breach causing harm?
 - Is enforcement expedient?

7. PROACTIVE APPROACH

- 7.1. We believe a proactive approach to planning enforcement can make a significant contribution to regeneration and sustainable development within Reading.
- 7.2. It is recognized that it is not possible to monitor all developments, as there are a high number of applications received each year. Therefore priority will be given to key identified sites which will undergo direct monitoring to ensure the development is according to the approved plans.
- 7.3. When investigating alleged breaches of planning control, the team will follow central government advice. Government advice is contained in the National Planning Policy Framework and National Planning Practice Guidance: Ensuring Effective Enforcement.
- 7.4. The National Planning Policy Framework (para 59) 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”.

- 7.5. National Planning Practice Guidance: Ensuring Effective Enforcement (NPPG) sets out the general approach to enforcement stating 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. Enforcement action should always be commensurate with the breach of planning control to which it relates; enforcement action should be avoided where:
 - There is a trivial or technical breach of planning control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;
 - Development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development; and
 - In their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.

8. REACTIVE APPROACH

- 8.1. Most of our investigations come from complaints from members of the public and local Councillors. Other sources of enquiries are from Ward Councillors, MPs, residents' groups and other Council departments. The assistance of the public is important to the success of an effective enforcement function.
- 8.2. So to enable us to prioritise resources effectively a person who reports a breach in planning control will be asked to identify a number of key points before the enquiry can be registered and acted upon.
- 8.3. All planning enforcement enquiries are treated as confidential and, in line with the Data Protection Act 1998, it is the Council's policy not to reveal any information that is

likely to identify the complainant. In accordance with the Freedom of Information Act and/or the Environmental Information Regulations, members of the public, or other organisations, may request to see information, including files, held by the Council, and the Council is obliged to comply with such requests. However, where personal information relating to third parties (e.g. details of a complainant's name and address) might be made known, this will not be released without the individual's consent unless it is clearly in the public interest to do so.

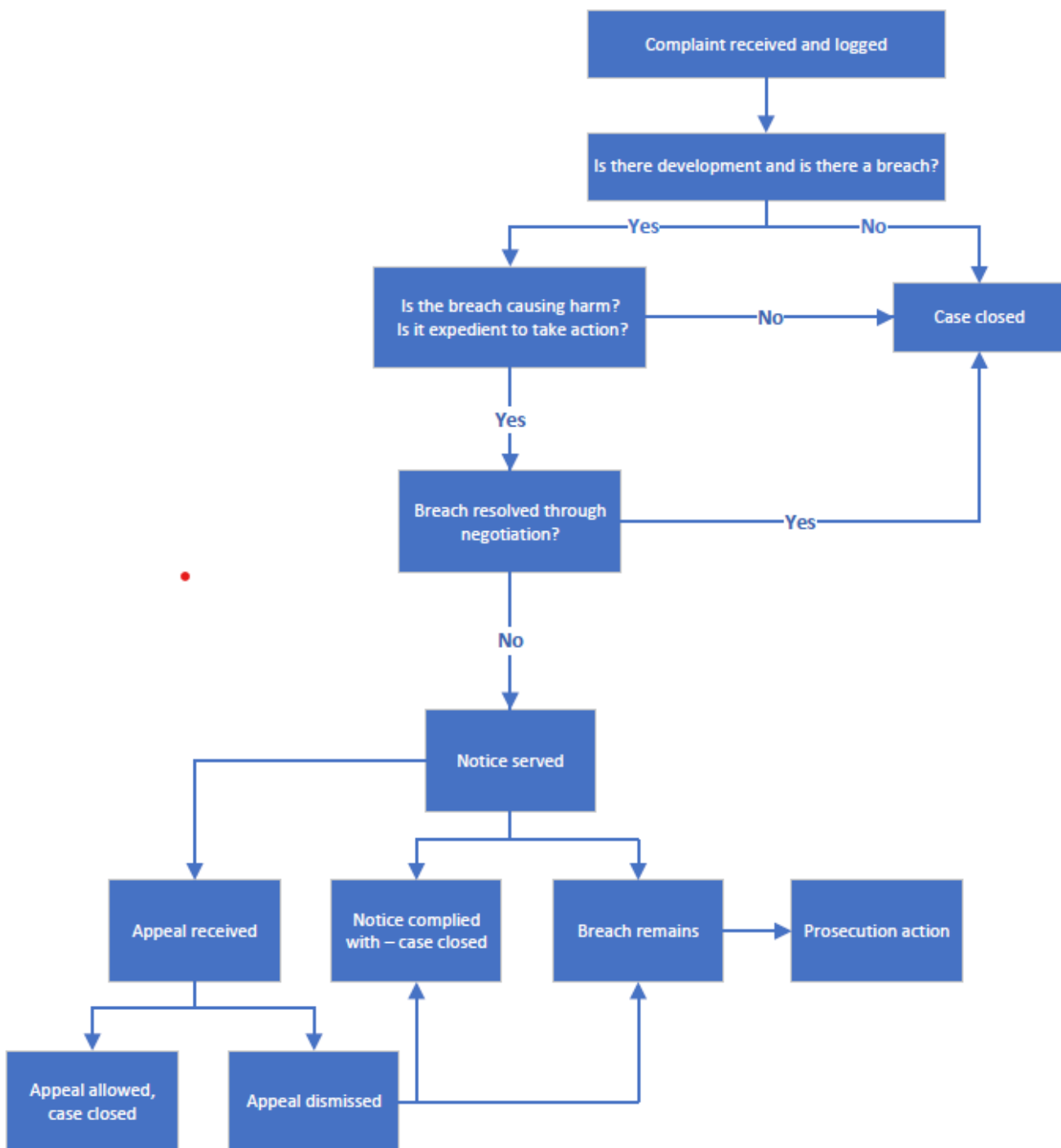
9. HOW TO REPORT A BREACH OF PLANNING CONTROL

- 9.1. Complainants will be expected to substantiate how harm has been caused and, if necessary, may be asked to provide the Council with evidence of the activity and harm caused and attend a Public Inquiry and/or Court at a later date.
- 9.2. A breach can be reported online at [Planning enforcement - Reading Borough Council](#).
- 9.3. We request the following information is provided:
 - Customer name, address and contact details. All details will remain confidential (we do not investigate anonymous complaints):
 - The address where the breach is taking place;
 - What the breach is and when it started;
 - Where possible a photo of the works (this helps us prioritise the breach); and
 - Where possible, the name, address, email/telephone number of who is carrying out the work.

10. WHAT HAPPENS AFTER I REPORT A BREACH OF PLANNING CONTROL?

10.1. Your complaint will be logged and acknowledged via email within 5 working days.

10.2. The steps followed for all enforcement investigations are outlined below:



11. PRIORITY/ RISK-ASSESSMENT

- 11.1. Some alleged breaches need to be given a higher priority than others. Priority will be given to cases where there is the possibility of the most harm being caused.
- 11.2. Urgent cases which have serious or irreversible consequences will aim to be actioned within 1 working day from the receipt of the complaint.
- 11.3. The following priority system will apply to each case according to the following categories:

Category A - High Priority

- This category includes complaints relating to work or development which may lead to irreversible harm and could include:
 - Unauthorised development affecting a Listed Building or a tree protected by a Tree Preservation Order likely to lead to substantial and/or permanent damage (i.e. demolition of a listed building, or part of a listed building, felling of a protected tree).
 - Unauthorised demolition or development within a Conservation Area or other site of special control likely to lead to substantial and/or permanent damage to heritage assets.
 - Unauthorised development that may represent a physical danger to members of the public.
 - Unauthorised operational development and/or material changes of use likely to cause severe permanent damage to the environment/amenity.
 - Breaches of planning control which would otherwise be likely to acquire immunity from enforcement action due to the passage of time.
 - Any breaches of planning control which would lead to serious traffic hazards; contamination and/or pollution being created.
 - Case of temporary or irregular nature.

Category B - Medium Priority

- This category includes any clear or immediate harm to the locality. This will include:
 - Any continuing/renewed breach of planning control where formal enforcement action has been authorised/taken.
 - Breaches of either Listed Building or Conservation Area control not included in Category A.
 - Unauthorised operational development and/or material changes of use causing material harm to the environment / amenity.
 - Non-compliance with certain planning conditions (particularly pre commencement conditions) resulting in significant harm to amenity.
 - Any other unauthorised development / change of use of land or buildings or breach of planning conditions resulting in significant harm to amenity.

Category C - Low Priority

- Breaches which do not fall within Category A or B that are likely to remain stable and are unlikely to give rise to any severe or lasting harm to amenity or will not increase / accumulate over time or may be easily remedied by taking relatively simple steps. Such breaches may include:
 - Development (e.g. the erection of fences/walls etc.) not deemed to be causing significant harm to amenity.
 - non-compliance with other planning conditions.
 - the unauthorised display of advertisements unless they are causing significant harm to amenity.
 - minor developments such as sheds, hard standings and satellite dishes.
 - untidy sites.

Cases that will not be investigated

If the following criteria apply the enforcement investigation will be closed:

- The matter is not a planning issue.
- The works have planning permission.
- The works do not constitute development.
- the works are now lawful by reason of passage of time, e.g. if an extension/residential use has been in place/use for 4 years or if change of use/breach of condition in place for 10 years.
- The works benefit from permitted development (there are certain types of extensions and alterations subject to a set of criteria and conditions which do not require planning permission (see here for more detail)).

12. HOW WILL REPORTED BREACHES BE INVESTIGATED?

- 12.1. In all cases where an alleged breach of planning control is reported to the Council an investigating officer will conduct an initial site visit. From the evidence collected during the site inspection officers will assess if planning permission is needed.
- 12.2. Once an initial assessment of a complaint has been made all further investigation will be conducted in accordance with the priority awarded to the case. Note that investigations can be quite involved and require the service of formal notices on owners/occupiers/users of premises to provide required information within a specified timescale. Though timescales will be determined by a number of factors outside the control of the Council, the Enforcement Team will aim to complete the investigation and determine whether or not a breach of planning control has occurred.

13. NO BREACH OF CONTROL

- 13.1. In many cases, the initial site visit will reveal that there is no breach of planning control. This can be because the matter does not constitute development, or benefits from permitted development rights. The case officer will contact the complainant to explain that the Council is unable to take any action through its planning enforcement powers.

14. POTENTIAL BREACH OF PLANNING CONTROL

- 14.1. In many cases, it is not possible to come to an immediate conclusion whether or not there is a breach of planning control. In some cases it is necessary to carry out more observations over a period of time before we can decide whether there has been a breach. In other situations legal case law and planning history needs to be researched and considered to determine if a breach has occurred.
- 14.2. In such cases, the complainant will be advised that further investigations and monitoring is needed.
- 14.3. If a breach is subsequently identified the case officer will contact the complainant and the property owner/occupier to advise on the next steps in the investigation.
- 14.4. The complainant and the property owner/occupier will, as far as practicable, be kept informed as an investigation progresses and will be notified of the final result as soon as the matter is resolved. In those cases where a breach of planning control has occurred but if the Council does not deem formal enforcement action to be expedient or appropriate, a statement as to the reason for that decision will be provided.

15. HOW ARE BREACHES RESOLVED

- 15.1. There is a range of tools available to the planning enforcement team to tackle breaches of planning control:

Informal Action

- Addressing breaches of planning control without formal enforcement action can often be the quickest and most cost effective way of achieving a satisfactory and lasting remedy. The offender will be advised what steps are required to resolve the breach within a specified timeframe (usually up to 21 days), outlining the risks of formal action if the breach is not resolved. If the steps are followed, the case will be closed.
- Planning/listed building applications may be used to regularise unauthorised works or to seek confirmation that amendments to the unauthorised works would be acceptable. If planning permission is refused, formal enforcement action will then be taken. If there is a breach of planning control but it is not expedient to take formal action, we shall request the submission of a planning application to regularise the breach.

Formal Action

- **Planning Contravention notices** - A PCN is a legal notice which allows us to bring the breach to the attention of the owner or occupier and requires the alleged offender to provide certain information. It also invites the offender to respond constructively to us about how any suspected breach of planning control may be satisfactorily remedied. The offender has 21 days to respond. It is a criminal offence to fail to respond or provide misleading information to a PCN.
- **Enforcement notices** - These are formal legal documents that require the owner or occupier to follow specific steps to correct the planning breach in a set time. If the

notice is not complied with, the planning breach will become a Criminal Offence which can be prosecuted in the courts. We may decide not to require action to be taken to remedy the whole of a breach of planning control. This is known as “under enforcement”. A copy of the notice will be entered on the local land charges register and the local planning authority’s register of enforcement notices, available online.

- **Breach of condition notices** - can be used where the unauthorised activity is in breach of a condition attached to a planning permission. A BCN will require compliance with the conditions within a specified period. A breach of the notice will have taken place if the condition(s) has not been complied with, specified steps have not been undertaken or activities not ceased. There is no right of appeal against these notices. Details of the case will be made available online.
- **Section 215 notices** - can be used to take steps requiring land or buildings to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of part of an area is being adversely affected by the condition of neighbouring land and buildings, a notice can be served on the owner requiring that the situation be remedied. There is no right of appeal, although before the notice takes effect an appeal can be made to a Magistrates Court by those served with the notice or any other person having an interest in the land.
- **Section 225A notices** - can be used to remove and dispose of any display structure, such as an advertisement hoarding, which is used for the display of advertisements in contravention of the regulations. Before we can take this action, we must first serve a ‘removal notice’ upon the person who appears to be responsible for the erection or maintenance of the structure. Under Section 225B, a person served with a removal notice or a ‘permitted appellant’ (an owner or occupier who has not been served with the notice) may appeal against the notice to the Magistrates’ Court.
- **Discontinuance notice** - requires the display of a particular advertisement with deemed consent (or the use of a particular site for displaying advertisements with deemed consent) to cease. This action can only be taken where it is necessary to remedy a substantial injury to the amenity of the locality or a danger to members of the public. “Substantial injury” to the amenity of the locality is a more rigorous test than the “interests” of amenity that applications for deemed consent are assessed against. When an enforcement notice is served and the case becomes ‘formal’ (all cases other than the serving of a PCN) details of the case will be made available online.

15.2. The following remedies can be used to bring a quick stop to development where a breach is causing serious or irreparable harm and immediate action is justified or where other actions have failed:

- **Stop notices** - can prohibit any or all of the activities comprising the alleged breach(es) of planning control specified in the related enforcement notice. A stop notice cannot be served without an accompanying enforcement notice. A stop notice’s requirements must only prohibit what is essential to safeguard amenity or public safety in the neighbourhood; or to prevent serious or irreversible harm to the environment in the surrounding area. A stop notice may not prohibit the use of any building as a dwelling house. Where the associated enforcement notice is quashed, varied or withdrawn or the stop notice is withdrawn compensation may be payable. A full assessment of the likely consequences of serving the notice will be made.

- **Temporary stop notices** -require an activity which is considered to be in breach to cease immediately. The notice does not have to wait for an accompanying enforcement notice to be issued. It cannot be used to get someone to do something such as remove an extension or stop the use of a building as a dwelling house. A temporary stop notice expires 28 days after the display of the notice on site (or any shorter period specified). At the end of the 28 days there is the risk of the activity resuming if an enforcement notice is not issued and a stop notice served.
- **Injunctions** - An application can be made to the High Court or County Court for an injunction to restrain a breach of planning control. Proceedings for an injunction are the most serious enforcement action that can be taken because if a person fails to comply with an injunction they can be committed to prison for contempt of court. The first stage is to formally warn the offender of an injunction and require them to sign a legal undertaking which confirms that the alleged breach will cease. If this undertaking is breached an application is then made for an injunction.
- At any stage of the investigation the investigating officer may pass the matter to another Council Service (e.g. Environmental Health, Highways etc.) if it is believed that action by that Service may be required either in connection with the matter under investigation or any other matter which may come to light during the investigation. The Council may also pass the matter on to, or liaise with, other bodies e.g. neighbouring local authorities, the police etc.

16. MONITORING OF CONDITIONS

- 16.1. When planning permission is granted subject to conditions some of these conditions may require action by the developer either before development starts (pre-commencement conditions), at certain stages during the development (e.g. conditions in connection with materials, landscaping plans etc.) or at the end of development (e.g. conditions in relation to the use etc.). It is important that these conditions are complied with and discharged at the appropriate time to ensure that potential harm caused by a proposed development/use is mitigated. It is particularly important that developers discharge any pre-commencement conditions as the failure to comply with these conditions may render the development/use unauthorised.
- 16.2. The Council will pro-actively monitor pre-commencement conditions, these will predominantly be applied to major development sites. Complaints that conditions have been breached will be investigated in accordance with the priorities set out above. Other conditions will generally be monitored by planning officers on site visits. In such cases the breach of condition will be investigated as for any other alleged breach of planning control and, if deemed appropriate and necessary, enforcement action will be taken accordingly.

17. CONFIRMED BREACHES OF PLANNING CONTROL

17.1. What can I expect if I carry out work without permission?

Where it is established that a breach in planning control has occurred an officer from the Planning Enforcement Team will contact you. Officers will inform you of the action required to resolve the breach within a set timeframe. This may include:

- a) ceasing the unauthorised use/development or removing the structure/

extension.

- b) Detailing works required to make the breach comply with an approved scheme/ conditions/permitted development rights.
- c) Submission of a retrospective application to determine whether planning permission should be granted.
- d) In some cases it may be necessary for the Council to take formal action (such as issuing an Enforcement Notice) while negotiations are on-going to prevent the development from becoming immune from enforcement action (see Time Limits for Enforcement, below).

17.2. The Council will normally write to the owner before issuing a formal Notice giving them the opportunity to voluntarily remedy the situation. This may not be possible in certain circumstances, for example where there is a serious risk of harm to amenity or the environment and a Stop Notice, Temporary Stop Notice or injunction is appropriate, or where a development is likely to become immune from enforcement action if action is not taken immediately.

Deciding Whether to Take Formal Enforcement Action

17.3. If requests of compliance are not done within the specified timeframe and it is expedient to do so, officers will then commence with formal enforcement action. This may include the issuing of a statutory notice or, where a criminal offence has been committed, issuing a formal caution or instituting prosecution proceedings.

17.4. In deciding whether to take formal enforcement action the Council will have regard to:

- a) Its own Planning Policy contained within the Reading Borough Council's Development Plan.
- b) The Council's Corporate Enforcement Policy.
- c) Government advice in the form of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).

17.5. National Planning Policy Guidance (NPPG) provides the following guidance:

- *"In deciding, in each case, what is the most appropriate way forward, local planning authorities should usually avoid taking formal enforcement action where: there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area; development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development; in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.*

17.6. Enforcement action is discretionary and in line with the guidance, the Council may decide that no enforcement action should be taken because the matter is, for example:

- **a non-planning matter** e.g. a boundary dispute, or an issue involving private interests (civil matters); permitted development i.e. something for which express planning permission is not required; de minimis, e.g. something which is only slightly over a limit, and if below that limit would have been classed as permitted development;

- **not expedient.** This is a difficult concept to explain, but generally means that the Council, having considered all relevant factors, does not consider that the breach of planning control causes sufficient harm to warrant formal enforcement action. For example, it is a development where planning permission would be likely to be granted if it were applied for.

- 17.7. The Council can, and will, only take action where it is expedient to do so, where it is clear that material harm is being caused and that planning permission would not be granted for the development or change of use.
- 17.8. The Code for Crown Prosecutors will be taken into account in deciding whether a caution or prosecution is appropriate.
- 17.9. The Council may, where appropriate, decide that enforcement action is appropriate but hold it in abeyance pending determination of a planning application or appeal (however, as noted above, it may proceed with action where a development/use would otherwise acquire immunity due to the passage of time).
- 17.10. The Council will keep a properly documented record of the investigation of each case including the reasons why we decide to take, or not to take, enforcement action. Customers will be kept informed of these decisions and the reasons for them as cases progress.

18. TIME LIMITS FOR ENFORCEMENT

- 18.1. In most cases, development becomes immune from enforcement if no action is taken:
- a) within 4 years of substantial completion for a breach of planning control consisting of operational development.
 - b) within 4 years for an unauthorised change of use to a single dwellinghouse.
 - c) within 10 years for any other breach of planning control (essentially other changes of use).
- 18.2. These time limits are set out in: [**section 171B of the Town and Country Planning Act 1990.](#)
- 18.3. However, the time-limits set out above do not prevent enforcement action after the relevant dates in certain circumstances, including where there has been deliberate concealment of the breach. There is no period giving immunity from enforcement in the case of listed buildings.

19. PLANNING ENFORCEMENT REGISTER

- 19.1. Once issued, certain statutory notices remain in force in perpetuity and apply to all subsequent owners/users of the Land. These notices (e.g. Enforcement Notices) are recorded in the Planning Enforcement Register which will be made available on-line.

20. APPEALS

- 20.1. There is a right of appeal against most statutory Notices issued by the Council (exceptions are Breach of Condition Notices, Stop Notices and Temporary Stop

Notices). Appeals are in most cases to the Secretary of State (the Planning Inspectorate) or in some cases to the Magistrates Court. When a Notice is issued the recipient will also be given the necessary information as to how to exercise their right of appeal. Enforcement Action is held in abeyance while any appeal is processed and determined. There is no set timeframe for the determination of appeals and this can delay resolution of the breach.

21. PROSECUTIONS, CONFISCATION ORDERS AND DIRECT ACTION

- 21.1. In general, breaches of planning control are not criminal offences (with some exceptions). However failure to comply with a Statutory Notice such as an Enforcement Notice is a Criminal Offence and the Council will normally prosecute for non-compliance with such Notices.
- 21.2. It is also an offence to give false or misleading information in response to a Notice and/or a planning application and the Council will also consider a prosecution or caution in these cases.
- 21.3. As well as offences, which follow failure to comply with a Statutory Notice, there are offences that stand alone, such as:
- unauthorised works to a Listed Building.
 - damage to a tree protected by a Tree Preservation Order or in a conservation area.
 - unauthorised display of an advertisement.
 - Demolition within a conservation area.
 - Non-compliance with planning contravention notices.
- 21.4. In initiating prosecution proceedings, we will have regard to the Crown Prosecution Service's tests of prosecution:
- Does the prosecution have a realistic prospect of success?
 - Is it in the public interest to prosecute?
- 21.5. Where it is appropriate, we may apply for a Confiscation Order under The Proceeds of Crime Act 2002 ("POCA") where an offender has failed to comply with the terms of an enforcement notice and financially benefits from their unlawful activity.
- 21.6. We would then recover any expenses reasonably incurred by undertaking this work from the person who is then the owner of the land (under Regulation 14 Town and Country Planning General Regulations 1992).

22. POWERS OF ENTRY

- 22.1. As well as prosecuting, as a local planning authority, we have powers to enter land that is subject to an enforcement notice and carry out the requirements of the notice ourselves (section 178 of the Town and Country Planning Act 1990) often referred to as 'Direct Action'. It is an offence to willfully obstruct anyone who is exercising those powers on the local planning authority's behalf.

23. ASSOCIATED COSTS

23.1. Where an appeal against an Enforcement Notice is made a fee has to be paid which is double the usual applicable planning application fee.

24. COMPLAINTS ABOUT THE SERVICE

24.1. Reading Borough Council recognises that there may be occasions when things go wrong and the customer's complaint is the first step in helping to put matters right.

24.2. The Council has a corporate complaints procedure, which is followed when a complaint is received. Complaints about the service can be made the following link; [Corporate complaints procedure - Reading Borough Council](#)

24.3. All complaints will be recorded. If the problem cannot be resolved immediately it will be passed on for further investigation and action.

24.4. The procedure allows for further investigation if the complainant is dissatisfied with the response. Ultimately the complainant has the right to contact the Local Government Ombudsman and information is available to facilitate this process via the above link.

25. PLANNING ENFORCEMENT CONTACTS

25.1. You can contact the Planning Enforcement Team

Via the website:- [Planning enforcement - Reading Borough Council](#)

Or via telephone:- 0118 937 3797

26. OTHER AGENCIES/USEFUL INFORMATION

26.1. The following links provide additional information on the enforcement process:

- **Advertisement guidance** - <https://www.gov.uk/government/publications/outdooradvertisements-and-signs-a-guide-for-advertisers>
- **Guidance on TPOs and trees in conservation areas** - <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservationareas>
- **National Planning Policy Framework 2019** - <https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- **Planning portal** - <https://www.planningportal.co.uk>
- **Royal Town Planning Institute** - <https://www.rtpi.org.uk/>