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# Planning enforcement

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Most building work and change of use of land and buildings require planning permission.

Sometimes development is carried out without planning permission or does not comply with approved plans.

This can cause serious harm to residents of Blackpool. Planning enforcement investigate such concerns as well as:

- Illegal display of advertisements
- Unauthorised works to protected trees
- Unauthorised work to listed buildings
- Unauthorised works in conservation areas
- Land and buildings in a poor condition
- Overly high hedges

**Make a planning enforcement complaint**

## Types of action

We will investigate unauthorised development and will normally give the owner, or person carrying out the works, the opportunity to rectify the matter without us taking formal action.

In some cases, if the unauthorised development does not cause significant harm, we may take no further action.

We usually try to resolve a planning enforcement case through informal agreement with the people responsible. If negotiation fails to resolve the problem, we have powers to take enforcement action. These include:

### Planning contravention notice

This is served on the landowner/operator to obtain information about suspected unauthorised development. The information provided is used to decide if further action is required. Failure to reply to this type of notice can lead to a fine of up to £1,000.

### Breach of condition notice

This requires a landowner/operator to comply with planning permission conditions which they have breached, within a specified timescale. There is no right of appeal and failure to comply can lead to a fine of up to £2,500.

### Enforcement notice

This is used when serious unauthorised development has occurred and requires the unauthorised development to be rectified within a specified timescale.

A person served with this notice has 28 days to appeal against the notice – the appeal is heard by independent planning inspector.

If the appeal is dismissed, or no appeal is made, failure to comply with the requirements of the notice will usually result in prosecution.

The maximum fine is £20,000. Blackpool Council has direct action powers in the event of continued non-compliance.

## Section 215 Notice

We have the authority to enforce proper maintenance of land and buildings which it considers adversely affects the amenity of any part of its area. This power can help to protect the visual amenity of an area.

A s215 notice requires work to be carried out to bring the land/building back to an acceptable standard.

Appeals against the notice can be made by the recipient, to the magistrate's court. If an owner/occupier doesn't comply with the s215 notice, they commit a criminal offence against which we may decide to prosecute. The maximum fine for non-compliance of a s215 notice is £2,500.

We may also decide to take default action. This is when we enter the land and carry out the works specified in the notice.

The cost of the works is then placed on the land as a land charge. The costs are then recovered when the land is next sold on.

## Tree Preservation Notices

When trees are protected by a Tree Preservation Order, the owner must obtain the council's consent to lop, top or fell the tree. Felling or damaging a protected tree without the council's consent is a criminal offence which can lead to a fine of up to £20,000.

## High hedges

Local councils are able to determine complaints by owners of domestic property adversely affected by evergreen hedges over 2 m high, under the powers contained in Part 8 of the Anti-social Behaviour Act 2003. A non-returnable fee is charged for this service set at £450.

[Further information relating to High hedges](#)

## Stop notices

A measure used only in exceptional circumstances where it is essential that:

- Activities cease immediately to safeguard amenity or public safety in the neighbourhood
- Activities cease immediately to prevent serious or irreversible harm to the environment

A Stop Notice is often issued with an Enforcement Notice to require a particularly harmful activity to cease.

There is no right of appeal but if an Enforcement Notice appeal is made the merits of the Stop Notice may be considered. Non-compliance with a Stop Notice carries a maximum fine of £20,000.

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