

Lewisham Planning Enforcement Plan

Draft for public consultation May 2024

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Introduction

The Lewisham Planning Enforcement Plan (PEP) is our document which sets out when and how the Local Planning Authority of the Council will undertake planning enforcement investigations and actions in an open and transparent manner. It will set out the range of tools available to the Council and the circumstances where we are unable to take action.

What is a Local Planning Authority?

A Local Planning Authority is the statutory administrative service which administers planning and development process in the borough. The Local Planning authority is known as the Planning Service who oversees all planning applications and matters of planning enforcement.

This plan pertains only to Planning Enforcement matters, and the powers derived from the Town and Country Planning Act 1990 and associated planning legislation, including those which came into effect as part of the Levelling Up and Regeneration Act 2023.

This plan has been developed following the commitments made in the Statement of Community Involvement (November 2023) but is not a statutory plan and does not form part of the adopted Development Plan (which contains the Councils Statement of Community Involvement and Local Plan). The PEP is sub-divided into the following sections:

- **Section 1 - Planning Enforcement – what do we do, and how?** – This section seeks to give an introduction to the Planning Enforcement service; what our duties are, how we operate, and the processes that we employ
- **Section 2 - The definition of Development and the legislative framework in which Planning Enforcement operates** – An explanation of the definition of development as found within the Town and Country Planning Act, and gives an overview of the legislation from which we derive our powers
- **Section 3 – The limitations of Planning Enforcement** – An explanation of the limitations of our powers.
- **Section 4 - How are cases opened?** – This section describes what we require in order to open an investigation, as well as discussing the main avenues through which we receive reports and information
- **Section 5 - Our duties and priorities – What can you expect of us?** – A description of our duties as a Planning Enforcement service, as well as laying out some of our priorities and where they derive from
- **Section 6 - The Planning Enforcement Flowchart** – The Planning Enforcement Flowchart is a visual representation of the journey of a planning

enforcement case. It shows the various stages/actions that we take, and the potential outcomes/next actions

- **Section 7 - Our tools – how do we resolve breaches?** - Explanation of the formal and informal tools that we use in order to resolve breaches in planning
- **Section 8 - Complaints about our Service** - An explanation of our complaints procedure, and how complaints are dealt with
- **Section 9 - Planning Information Advice Service – Notice Confirmations and Withdrawals** – This section provides information on our various paid services that can be of assistance when selling a property or confirming compliance
- **Section 10 – Monitoring** – Explanation of how we may monitor this enforcement plan.

Section 1: Planning Enforcement – what do we do, and how?

The National Planning Policy Framework (NPPF) (last updated in 2023), is the Government's national document which sets out the economic, environmental and social planning policies for England, and how the Government expects Local Authorities to apply them in day-to-day decision making.

This PEP is consistent with the objectives within the NPPF.

National Planning Policy Framework 2023, Section 59:

“Effective enforcement is important to maintain 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.”

Planning Enforcement works to ensure that unauthorised development, i.e. development that does not benefit from permission or consent, is managed and dealt with in the appropriate way. This can be through a number of avenues such as the approval of a retrospective planning application, the modification of the development to bring it into compliance with planning policy, the removal of the development.

All actions taken by the Planning Enforcement team must be considered both expedient and proportionate. Many technical breaches in planning regulation will not warrant formal enforcement action, nor further investigation, for example, a ground floor rear extension which is built to 3.05m rather than the permitted 3m in depth. Each reported breach is assessed for expediency, to determine whether it is in the public interest to investigate and potentially take action on. The investigating officer must determine whether there is harm being caused by the development and assess it against adopted planning policy.

When a planning breach has been identified and enforcement action is considered expedient, the role of Planning Enforcement is to mediate with and guide those in breach of planning regulation towards a resolution. Our aim is to protect public interest and amenity by ensuring that any unauthorised development is assessed against Local and National Planning Policy and retrospectively approved, modified or removed where appropriate. This requires us to approach cases with effective communication and negotiation, as well as understanding. To achieve this goal, we often work closely with other Council departments, where appropriate, and are often involved in multi-departmental actions where a number of different enforcement powers/legislation may be needed.

Planning Enforcement action should not be punitive, and our aim is only to resolve breaches in planning regulation.

Section 2: The definition of Development and the legislative framework in which Planning Enforcement operates

The majority of our powers exercised are derived from the Town and Country Planning Act 1990. This Act of Parliament, grants Local Planning Authorities the power to control development as defined by Section 55 of the Act.

Town and Country Planning Act 1990, Section 55:

“Meaning of “development” and “new development”.

Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means 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.”

Section 57 further expands on this, requiring that any work that is considered development under Section 55 of the Act be granted express permission from the Local Planning Authority:

Town and Country Planning Act 1990, Section 57:

“Planning permission required for development.

Subject to the following provisions of this section, planning permission is required for the carrying out of any development of land.”

A number of developments are granted ‘deemed consent’ under the General Permitted Development Order 2015 meaning they can be undertaken without express consent from the Local Planning Authority. Some common examples of these are; a Ground Floor Rear extension of up to 3m depth on a residential dwelling, the erection of boundary treatments of up to 2m in height, the conversion of a garage or loft to habitable space, the construction of a rear dormer and the paving over of the front or rear gardens to provide hard surfacing.

For all other development, a planning application must be submitted to the Local Planning Authority for consideration, who will consider the development for compliance with adopted planning policy and undertake public consultation. Permission will then either be approved or refused.

Section 3: The limitations of Planning Enforcement

Circumstances when we will not take action

There are some matters relating to land and property that we will be unable to investigate as we lack the legislative powers to do so. In these instances we advise that you seek independent legal advice.

Civil matters – Any breaching of a lease, title boundary, issue of encroachment, damage to property as a result of building works, or party wall agreement, is a civil matter that the Planning Service has no remit to investigate or prosecute. These civil matters must be resolved between the involved parties and we recommend that advice is sought from the Citizen's Advice Bureau for example.

Not development – All Planning Enforcement powers and provisions draw from the Town and Country Planning Act 1990. This act defines development in Section 55. A number of works can be undertaken to a property/land that do not constitute development under Section 55. This would include; the installation of guttering/lights, digging of foundations or minor excavation, the erection of a temporary structure for less than 28 days; the parking of vehicles or placing of artefacts/fixtures. If works are not considered development under Section 55, we are unable to take action on them.

Building work/construction methods – We have no remit over building work, movement of vehicles, construction methods, hours or dust/noise unless these matters are controlled by a condition that has been imposed on a planning permission.

Although the Planning Service, as Local Planning Authority, cannot take action on the above matters, we do work closely with other Council services such as Building Control and Environmental Protection to ensure any matters causing harm are investigated thoroughly. In these cases, we will pass any matter to the relevant service area and ensure that complainants are updated.

Where we have taken formal enforcement action

When it is decided that Planning Enforcement action will be taken on an issue, we are still subject to various limitations.

Timeframes – Once a breach in planning regulation has been identified, at least 28 days is given for informal negotiations to succeed or fail before formal action is considered. This time period ensures that, in the event that formal action is taken, the developer/owner cannot contest that they were not given sufficient time or notification of the breach. This 28 days can be extended if required. The decision whether to extend this time period is that of the

investigating officer and the Planning Enforcement Manager. This extension may be given in order for an application to be submitted, works to be completed, or a relevant pending application to be determined. If a Notice is served, there is a statutory minimum of 28 days before it takes effect; a reasonable compliance period must then be given after this to avoid a successful appeal. Therefore, in the event a Notice is served, it may be up to 7 months or longer before compliance is required.

Immunity – There is a statutory time limit on Planning Enforcement action being taken. This time limit is 10 years from the date on which the use commenced, the condition was breached, or the structure was substantially completed. This limit requires continuous use/presence of the development; if the use ceased for even a day, or the development was removed and re-constructed, this would reset the immunity clock. The immunity clock is also paused in the event that an Enforcement Notice is served.

Appeals – In the event that a Notice is appealed, this can often significantly delay the enforcement process. Once an appeal is received, the case is then heard by the Planning Inspectorate (PINS); an impartial third party that is not affiliated with the Local Planning Authority. PINS will consider the Notice served, the policy/amenity justifications for it, and the case put forward by both sides. The Inspector will then make a decision to uphold the Notice or allow the development.

Costs Awards – As part of the appeal or prosecution processes, any behaviour on our part deemed to be unreasonable by either the Planning Inspectorate or the courts could make the Local Planning authority liable for costs. For this reason, all formal action must be considered carefully to ensure it passes a number of tests; expediency, proportionality and reasonableness. If the breach is not considered to be causing significant harm, then a Notice should not be served, if the breach can be resolved through the submission and approval of a retrospective application, then a Notice should not be served. We understand that amenity harm, nuisances and disturbances will often lead to those affected to seek immediate and wide-reaching formal enforcement action from the Council, however, this will only occur if there is sufficient policy justification for doing so.

Section 4: How are cases opened?

The vast majority of our cases are opened after we receive a report from a nearby resident who is being affected by the unauthorised work. These reports are most commonly received via the Planning Enforcement inbox which can be contacted via planningenforcement@lewisham.gov.uk, or via completing the form available [online](#)

In order to open a case we require the following information:

- 1. The specific address of the breach** – We require a specific address to open a case, or where not at a property the specific location such as 'land next to specific address'. A specific address allows us to check the sites planning history quickly. Sending an officer out to visit a general area can use up valuable officer time which could be spent on dealing with significant and harmful breaches elsewhere.
- 2. Your (the complainant's) name and address** – In order to avoid anonymous and vexatious complaints, it is Council policy to require the full name and postal address which is kept strictly confidential and is not released in accordance with Data Protection laws.
- 3. Photographs of the development** – Providing photographs with your initial complaint can significantly decrease the time taken to investigate an alleged breach. Although officers may require visits for certain breaches; providing photographs in the first instance can allow us to move straight onto action without having to arrange and undertake a site visit. We appreciate that taking photographs is not appropriate in every case, so if you do not provide photographs with your initial complaint, please give reason as to why.
- 4. A breach to be alleged** – There are many examples of work that does not require planning permission, nor does it constitute a breach in planning regulation. Each report we receive is vetted and assessed to determine whether further investigation is required. In order to open a case and investigate, we require a specific breach in planning regulation to be alleged. We will not open a case if we receive a report stating that 'building work is taking place' or requesting a visit to 'see what is happening there'. We will also not open cases on works that do not constitute breaches of planning regulation such as; boundary disputes, encroachment or any work that is Permitted Development

Section 5: Our duties and priorities – What can you expect of us?

Priorities and challenges

The Lewisham Corporate Strategy (2022-2026) sets out Lewisham Council's challenges and priorities over the coming years. The Planning Enforcement team, and the Planning service as a whole, have taken the Lewisham Corporate Strategy's priorities and used them as the foundation for our own priorities in our day-to-day work.

The Corporate Strategy lays out Lewisham's desire to remain a Borough of Sanctuary, as well as take into account the climate emergency that has been declared. This will inform and guide our decision-making when dealing with breaches relating to trees, environmentally impactful works/developments, temporary housing and accommodation, and uses that support the community or homeless.

The Corporate Strategy prioritises the delivery of quality housing; we support this aim by ensuring that any breaches related to housing, that could be considered high quality or of benefit to the community, are not necessarily enforced on as protocol. We may instead negotiate with the developer to have any high-quality housing regularised via the submission of a retrospective planning application, or require modifications to ensure that units comply with National and Local planning policies. This allows us to bring potentially high-quality housing into use in a regularised and controlled manner.

The desire for high quality housing also means we prioritise the enforcement of any breaches that deliver low quality, sub-standard accommodation. These include unauthorised sub-divisions that lead to small, inappropriately-sized/configured flats, the use of single family dwellings as sub-standard Houses of Multiple Occupation (HMOs), and any non-compliance with approved plans or planning conditions that harms the amenity of those living within the properties, or those within the vicinity of the properties. These breaches make up our highest priority cases.

How do we prioritise a case?

Cases are given a priority based on the severity of the breach. This may be a reflection of their potential amenity harm to surrounding properties/residents, the loss of historical features/character, or a number of other reasons. The priority system reflects our corporate aims and goals discussed earlier, and is laid out below:

1. **Highest Priority** – Listed buildings, demolition in conservation areas, works to protected trees, Houses of multiple occupation and major breaches in planning (including conditions and legal obligations). Any breach that is considered to be causing severe amenity or planning harm. We will undertake a site visit as a priority and generally within 24 hours a breach taking place.

2. **Medium priority 1** – unauthorised residential, non-residential and business uses, residential and commercial extensions. Any breach that is considered to be causing significant harm. Site visits are generally made within 2-3 weeks. We will request photographs are submitted so that negotiations can begin immediately.
Medium priority 2 – shopfronts, detached structures (i.e., garages and sheds), minor breaches in planning, non-compliance with approved plans. Any breach that is considered to be causing substantial harm. Site visits are generally made within 28 days.
3. **Low priority** – adverts and satellite dishes (outside of conservation areas). Any breach that is causing minor planning or amenity harm and could potentially be considered not-expedient. We often request photographs of these breaches rather than carrying out visits, as their harm can often be assessed effectively in this way.

Non-priority/non-expedient breaches

Please be aware that not every breach warrants the opening of a case. If a breach is considered of lower priority than 'Low Priority', we may elect not to open a case. This is to ensure that our resources are directed to the breaches that do require our attention and are known to cause harm.

Planning Enforcement action should not be punitive, and if we consider that formal action is not justified, a case will not be investigated. Examples of breaches where a case may not be opened include minor, acceptable deviations from plans or use of permitted development rights, one-off breaches of planning conditions, temporary breaches that we are informed of, breaches that do not cause sufficient harm to warrant a criminal prosecution, and others.

Our Duties

To the Complainants

The public perform an extremely important function in the Planning Enforcement process. They are our primary source of information relating to development in the borough. Once we receive an enforcement complaint, we will take into account all information and comments made by the complainant relating to the details of the development, as well as how it is affecting the complainant.

We will endeavour to respond to all comments, e-mails and enquiries received from the complainant within the 5 day working days.

We will explain the relevant planning policies and legislation and our enforcement powers to the complainant to ensure that they have an understanding of which actions can and cannot be taken, and the reasons why they are, or are not, being taken.

To the Public

planning enforcement exists to ensure public amenity is protected, and that development is carried out with minimal negative amenity impact. When making planning decisions, we will always place the public interest at the forefront of the decision-making process.

Public interest, in this context, is not just the wishes of an individual complainant(s) or those opposed to a particular development, but also the public funds that are used to facilitate our work.

We must ensure that public funds are used in the most efficient and beneficial way, and must be conscious of how much time and resources are being spent on certain breaches. For this reason, we must balance the harm being caused by the development against the public funds which would be required to take action.

To the developer

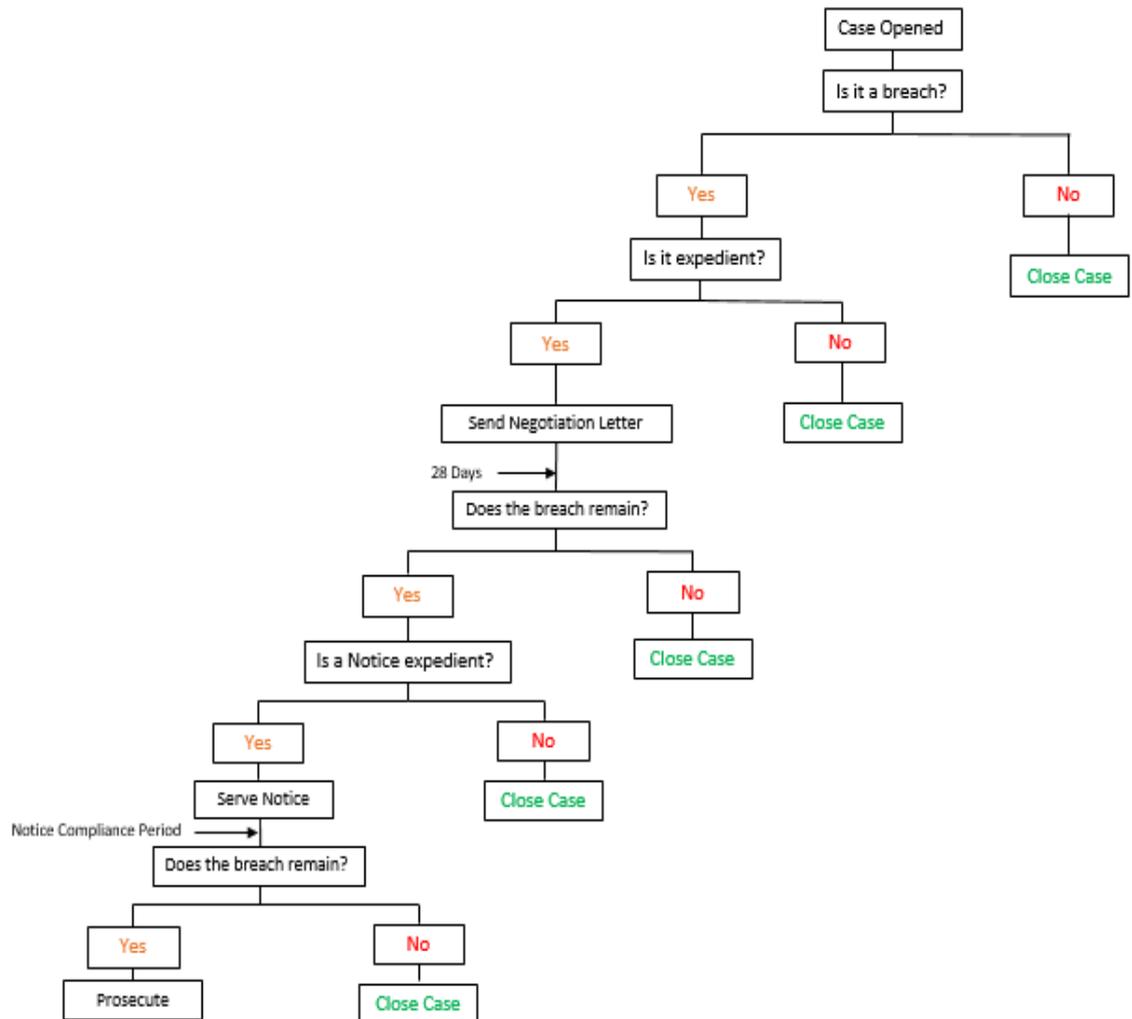
Our priority is to resolve breaches in planning regulation. This can be done in a number of ways, as mentioned in Section 7. The planning enforcement system is not there to punish those that commit breaches, nor is it there to stop development in principle.

development. The planning enforcement team have a duty to ensure all action is proportionate, appropriate and reasonable. We will always initially engage developers in informal dialogue and negotiations before considering formal action.

The majority of cases are dealt with via these negotiation channels, rather than via the service of Enforcement Notices. In cases where formal action is required, we will ensure the scope of the Notice is sufficient to resolve the breach in planning regulation, but does not overreach.

We will ensure every potential solution to resolving the breach is explored, including; the submission and granting of retrospective planning permission, the modification of the development to bring it in line with Permitted Development limitations or local planning policy, the variation of a pre-existing approval, the closure of the case on expediency grounds, and any other avenues available to us.

Section 6: The Planning Enforcement Flowchart (placeholder)



Section 7: Our tools – how do we resolve breaches?

There are a number of tools available to us when resolving breaches in planning regulation. These range from informal, minor decisions to formal legal and criminal proceedings. There are also a range of legislative instruments and formal Notices that we can make use of. A number of these tools and resolutions are listed below:

Determination of non-expediency – If a breach is technically a breach of planning regulation but is causing no identifiable harm, or is extremely minor in nature, an officer may elect to close a case without warranting any further action nor investigation. This is an option available to officers to ensure that time is used effectively in investigating harmful and/or significant breaches. An example of this may be the erection of fencing that is 2.05m rather than the permitted 2m in height.

Retrospective planning approval – Some breaches are significant enough to investigate and pursue, but not necessarily harmful enough to be considered contrary to Planning Policy. In these cases, it can be appropriate to ask the developer to submit a retrospective planning permission to regularise the breach. These applications if approved resolves the breach without any physical work having to be undertaken and is an efficient way to resolve acceptable or minor breaches.

All planning applications received are subject to a period of statutory public consultation, where directly adjoining occupier are notified by letter. Anyone is able to receive automatic notifications of planning applications in their chosen street(s) by registering on our [website](#).

Negotiation – One of the most effective tool available to us, is the use of good communication and negotiation. This can avoid lengthy legal processes and ensure that breaches are dealt with quickly and efficiently, in co-operation with the responsible party. Good negotiation is essential in every step of the planning enforcement process and can be the difference between a breach being resolved within a few months vs a few years. An example of this may be the agreement with a developer/owner to decrease a 5m deep ground floor rear extension to 3m depth in order to comply with Permitted Development limitations.

Formal Action – The Town and Country Planning Act 1990 (and other relevant acts) have provisions in place to allow us to serve legal Notices that require work to be undertaken. These Notices will give a number of actions required to resolve the breach, as well as a compliance period by which these actions must be undertaken. It is a criminal offence to not comply with a Notice and successful prosecution can lead to a fine or imprisonment. Notices are served as a last resort, when all attempts to negotiate and resolve the breach through other avenues have been exhausted. An example may be the use of a single-family dwelling as 3 flats which receives a Notice requiring that the use cease and the various partitions, fixtures and amenities facilitating the use as 3 flats be removed.

Enforcement Notices may occasionally be preceded by an Enforcement Warning Notice, giving a specified time limit for action to be taken before the Notice is served. These notices invite regularisation applications where development has taken place in breach of planning control.

The most common Notices we may serve are listed and explained below:

- **Planning Contravention Notice:** This Notice allows us to bring the breach to the attention to the owner or occupiers and requires the alleged offender to provide certain information. It invites the offender to respond constructively with us about how any alleged breach of planning control may be remedied. The offender has 21 days to respond to a PCN, and it is a criminal offence to fail to respond or provide misleading information.
- **Enforcement Notice:** This is the most commonly utilised Notice in Planning Enforcement. It requires the recipient to undertake specific steps to correct a 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 to not require action to be taken to remedy the whole of the 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 authorities register of enforcement notices, available online. There is a right of appeal against these notices.
- **Breach of condition Notice:** This Notice can be used where the unauthorised activity is a breach of a condition attached to a planning permission. A BCN will require the compliance with the conditions in a specific time period. There is no right of appeal against these notices.
- **Section 215 Notice:** This Notice is served in the event that the condition of land adversely affects neighbouring amenity and require that the situation be remedied. There is no right of appeal to the Planning Inspectorate, although before the notice takes effect an appeal can be made to a Magistrates Court by those served with the notice.
- **Section 225:** This gives the Local Planning Authority the right to remove an unauthorised advertisement. This power is especially useful when we are unable to establish communications with the responsible party. In order to undertake the removal of an advertisement under Section 225, we must contact the responsible party and give them 28 days minimum notification that we intend to remove the advertisement. If no response is received, we are then authorised to physically remove the advertisement.
- **Temporary Stop Notice:** This is a Notice which requires an activity in breach to cease immediately. This Notice can be served independently of any other Notice. A TSN cannot be used to remove development and expires 56 days (or shorter period specified) after the display of the notice. TSNs can also now be served on works to a Listed Building where the council believes the works carried out are without consent, or in breach of a listed building consent.

- **Stop Notice:** Similar to a Temporary Stop Notice, but served in conjunction with an Enforcement Notice. This Notice requires the activity in breach to cease, for the time period until the Notice comes in to effect.
- **Listed Building Notice:** Performs a similar function to the Enforcement Notice, but is used specifically for Listed Buildings

Prosecutions and Injunctions – A number of breaches of planning regulation do not have Notices served, and instead are liable for immediate prosecution. Prosecution is also the next step when a Notice is not complied with. Examples of breaches that are liable for prosecution; unauthorised, advertisements, demolition in a Conservation Area, felling of a tree that is subject to a Tree Preservation Order, unauthorised works to a Listed Building and non-compliance with an Enforcement Notice, Section 215 Notice or Breach of Condition Notice. Criminal prosecution is the absolute last resort and final step in the Planning Enforcement process.

In addition to prosecution, it is occasionally considered expedient to seek an injunction from the Courts to either compel compliance with an Enforcement Notice, or to require all works to cease on a site to protect amenity. Injunctions are rarely sought but can be effective tools in cases where there is no appropriate Notice/power to be used.

Section 8: Comments and Complaints about our Service

If you are unhappy with the service provided by the Planning Enforcement department, you can make a complaint to the Council's in-house Corporate Complaints team. The Council's complaints procedure can be found at the following link:

<https://lewisham.gov.uk/mayorandcouncil/complaints-and-feedback/how-to-send-a-complaint-to-us>

Please be aware that, in accordance with Lewisham Council's complaints policy linked above, disagreement with a planning decision is not valid grounds for a complaint. A valid complaint will need to demonstrate that your case was not dealt with to the high standard that we expect. This can be in relation to; timeframes, communication, lack of thorough investigation, or other matters.

Section 9: Planning Information Advice Service – Notice Confirmations and Withdrawals

When an Enforcement Notice is served on a property, it remains on the land indefinitely. This is to ensure that if the same breach occurs again, the existing Notice can be prosecuted on. Occasionally, when buying or selling properties, solicitor's can query why a Notice is on the land, whether it is considered complied with, and how this may affect potential buyers in the future.

In order to assist in these matters, you can request formal confirmation from us that an Enforcement Notice has been complied with. This same service also allows the interested party to request that the Planning Enforcement Notice be withdrawn from the land.

The current cost for this service is £150 for formal confirmation that a Notice has been complied with, and a further £150 to request the withdrawal of the Notice. These costs cover the officer time required to check all relevant planning and enforcement history, visit the site, confirm compliance with the Notice, and undertake the formal withdrawal, if appropriate.

Please be aware that requesting the withdrawal of a Notice and paying for the service does not guarantee that the Notice will be withdrawn. Notice withdrawals are considered on a discretionary case-by-case basis, and are only undertaken if the investigating officer believes there is no potential risk of a breach re-occurring.

An interested party may request formal confirmation of compliance with the Notice, or formal confirmation of compliance with a Notice **and** Notice withdrawal. However, we do not offer the Notice withdrawal request service on its own, as the decision whether to withdraw a Notice will require a formal confirmation of compliance to be undertaken.

Section 10: Monitoring

This Planning Enforcement Plan will be subject to periodic review, for example to respond to legislation or local circumstances.

There is no requirement in legislation for local planning authorities to consult when reviewing and updating their Planning Enforcement Plans. However, as a matter of good practice, the Council may seek to inform the public of its intentions to update this document.

Contact Information

Planning Service

4th Floor, Laurence House

1 Catford Road

SE6 4RU

Planningenforcement@lewisham.gov.uk

Glossary of terms

Appeal

If an unfavourable decision is made by the Local Planning Authority, the recipient of that decision, or Enforcement Notice, has the right to appeal. These appeals are heard by the Planning Inspectorate, an unaffiliated third party that has the power to overturn or uphold the Planning Authority's Decision.

Article 4 Direction

A restriction on certain Permitted Development Rights, requiring all development named within the Article 4 to receive express consent.

Breach

A breach in planning regulation. Any works undertaken without the required deemed/express consent.

Case

Each report received is given a unique case number and assigned to an officer.

Complaint

Complaints we receive from residents or internal staff that report a breach in planning regulation that we investigate.

Deemed Consent

Consent derived from permitted development rights, that does not require specific approval from the Local Planning Authority.

Developer

The individual or company that is carrying out the building works/development/change of use/activity.

Development

Any works that are considered development under Section 55 of the Town and Country Planning Act.

Express Consent

Consent for development that must be explicitly applied for and approved in writing by the Local Planning Authority.

HMO

A House in Multiple Occupancy. A single-family dwelling that has individual rooms being rented out to tenants. HMO's of up to 6 people do not generally require planning permission, though a borough-wide Article 4 Direction on HMO's came into

effect on 19th January 2024, requiring all HMO's, of any size, to receive express consent before use commences.

Not-expedient

The decision that, although a technical breach has occurred, planning enforcement action against it is not considered to be in the public interest, nor worth the officer time and effort.

Notice

A formal Notice served by the Planning Enforcement team that requires certain actions to be undertaken. Failure to comply with a Notice is a criminal offence that can lead to prosecution.

Party wall

A shared wall between two properties. Matters relating to Party Walls are civil matters between land and property owners.

Permitted Development

Developments that can be undertaken without planning permission/express consent being required. These developments and the restrictions around them are found in the General Permitted Development Order 2015 (As Amended).

Planning Inspectorate (PINS)

The Planning Inspectorate deals with planning appeals, national infrastructure planning applications, examinations of local plans and other planning related casework in England. It is an executive agency sponsored by the Department of Levelling Up, Housing and Communities.

Planning Policy

The policies on which planning and planning enforcement decisions are made. Policy documents are found at the National, Regional and Local levels. All relevant policies are taken into account when determining whether to approve or refuse permission, or serve a Notice.

Sub-division

The dividing of a property into small, independent units. This most often occurs when a single-family dwelling is divided into flats.

Technical breach

A breach in planning regulation that, though constituting a breach in paper, is not considered harmful enough to warrant further action. This terminology is most often used when determining non-expediency.