South Derbyshire District Council

Local Enforcement Policy - March 2026

Service Area: Planning

Head of Service: Steffan Saunders

Version Control

Version	Reason for review (Review date/legislation/process changes)	Author (A) / Reviewer (R)	Effective date
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Approvals

Approved by (Committee/Leadership Team/Head of Service)	Date
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1.0 Content

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2.0 Introduction

2.1 The Local Enforcement Policy sets out the Council's policy and procedure for enforcement action to ensure that resources are put to best use dealing with breaches of planning control that threaten the local built and natural environment or the amenities of neighbours. This Policy sets out what Officers, Councillors and the public can expect from the Council as the Local Planning Authority in relation to enforcement and will provide greater clarity for all parties engaged in the development process.

2.2 The Policy has been produced having regard to the Council's Corporate Enforcement Policy and Associated Guidance (April 2025) to reflect the Council's on-going commitment to openness, transparency, proportionality, accountability, helpfulness and consistency. It recognises the importance of ensuring that these principles are implemented corporately in close working relationships between all regulatory functions.

2.3 This Policy has also been devised in accordance with the advice contained within the National Planning Policy Framework (NPPF) August 2026.

2.4 Local Planning Authorities have a general discretion and must only take enforcement action where they regard that it would be expedient to do so. In each case, the Council must decide whether in planning terms it is expedient and in the public interest to take enforcement action in respect of a breach. It is not the role of planning enforcement to act against breaches of planning control which do not significantly harm residential amenity, the environment and/or public safety. The Council must also ensure that any decision to act in respect of a planning breach is reasonable and proportionate having regard to the harm caused.

2.5 In general terms the Council does advise that if you are proposing any development, in the interest of good neighbour relations, you first discuss your proposals with any neighbours who are likely to be affected. Early engagement with neighbours can often avoid any complaints or issues later.

3.0 Objectives

3.1 The Council will endeavour to carry out its planning enforcement functions in an equitable, effective, efficient, practical and consistent manner in line with the Council's Corporate Enforcement Policy and within the remit of The Town and Country Planning Act 1990 (as amended) and any other associated legislation.

3.2 The Council will always endeavour to reach a position, by negotiation, whereby an acceptable scheme of development or outcome can be achieved without the need for

formal enforcement action. Wherever possible, the Council will endeavour to work with the developer and/or property owner to achieve a positive outcome.

4.0 Link to the Council Plan

4.1 The policy will contribute to all three of the Council's key priorities (Shape our Environment, Drive our Economy and Support our Communities).

5.0 What is 'Development'?

5.1 Section 55(1) of The Town and Country Planning Act 1990 (as amended) defines development as:

"Except where the context otherwise requires, "development" is 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".

5.2 Any works or change of use that are not 'development' as defined above do not constitute a breach of planning control. In these instances, the Council has no power or justification to take any further action.

5.3 With the exception of a Listed Building, there will be no breach in planning control in most cases (i.e. not development) for:

- Works which only affect the interior of a building; or
- Works which do not materially affect the external appearance of a building.

6.0 What is a Breach of Planning Control?

6.1 A breach of planning control is defined in Section 171A (1) of the Town and Country Planning Act 1990 (as amended) as:

"carrying out development without the required planning permission; or failing to comply with any condition or limitation subject to which planning permission has been granted".

6.2 Planning enforcement investigations need to establish whether, as a matter of fact, a breach of planning control has occurred. Breaches may consist of the following:

- 'Operational development' such as building or engineering works, carried out without the benefit of planning permission.

- A material change of use of land or buildings, taking place without the benefit of planning permission.
- Deliberate concealment of unauthorised building works or material change of use.
- Development not being built in full accordance with approval under a grant of planning permission.
- Failure to comply with a planning condition attached to a grant of planning permission.
- Unauthorised works to a Listed Building.
- The display of signage or advertisements without consent.
- Unauthorised works to trees the subject of a Tree Preservation Order (TPO) or located within a designated Conservation Area, or rural agricultural hedgerows, without consent.
- Neglect of land or buildings to an extent that causes significant harm to the visual amenity of the locality.

6.3 The approach to Planning Enforcement is a proactive and proportionate one, which means in practice that if potential breaches of planning control can be avoided with proactive site monitoring, then this is a far better approach than responding retrospectively. With this in mind the Planning Enforcement Team will liaise with the Central Building Control Partnership with the aim of visiting sites with planning permission that are under construction as soon as practicable to ensure development is undertaken in line with the relevant planning permission, and also where conditions have not been discharged this is brought to our attention as soon as possible. The necessary chase-ups can then be carried out in an effort to secure the acceptable details irrespective of whether there is a complaint or not. Further details of agencies where a joint development team approach will be encouraged are at Appendix B.

7.0 Matters that are NOT a Breach of Planning Control

7.1 The Council is the responsible planning authority for development relating to housing, commercial, industry, shopping and leisure, and trees.

The County Council is the responsible planning authority for development relating to minerals and waste. They also deal with planning applications for school sites or libraries where the County Council has a significant interest and may be the landowner.

Appendix C provides further information on matters that are not a breach of planning control.

Note: The carrying out of unauthorised development is not a criminal offence, except for works to a listed building without the benefit of consent. The display of unauthorised advertisements or works to protected trees without the benefit of consent is a criminal offence. Furthermore, it is an offence to fail to comply with the requirements of any formal notice.

8.0 How to report an alleged Breach of Planning Control

8.1 The Council considers more than 300 planning enforcement complaints per year. To enable us to deal with your complaints as promptly as possible, it is important that you provide us with as much information as you can. Information that will assist us in dealing with your complaint includes:

- A full and accurate description or address for the site in question.
- A detailed description of the activities taking place that are cause for concern.
- Names, addresses and telephone numbers of those persons responsible for the alleged breach (if known) or landowner's details.
- The date and time when the alleged breach took place.
- Details of how the alleged breach impacts on your amenity and the amenity of the area.
- Your name, address, email address and contact telephone number – the Council does not investigate anonymous complaints.
- Any other information or evidence that may assist our investigation.

8.2 Whilst an officer will have a brief telephone discussion about a potential breach of planning control, a complainant will be requested to confirm their concerns in writing, as follows:

- By completing the form on the Council's website via the link www.southderbyshire.gov.uk/our-services/planning-and-building-control/planning/report-works-or-activity
- By email to planning@southderbyshire.giv.uk
- In writing to Planning Enforcement, South Derbyshire District Council, Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH

8.3 Officers will always endeavour to gain sufficient evidence without reliance upon the complainant, however in some cases where this is not possible, the complainant will be asked to provide evidence which may be relied upon to take action. In such circumstances, you will need to consider whether you are prepared to assist the Council by collecting evidence and potentially acting as a witness at an appeal or in Court. The Council's Senior Enforcement Officer will explain what may be required in these cases. You may be asked to keep a log of your observations of the relevant activities, noting times, dates, names, addresses and details of any vehicle involved.

8.4 The Council does not investigate anonymous complaints. Any details provided by a complainant are private and confidential and will not be disclosed without permission. If a complainant does not feel comfortable providing their personal details, then they may wish to contact their Local Ward Councillor, who may submit the enquiry on behalf of the complainant so they can retain their anonymity. (Enforcement

complaints regarding concerns about a Listed Building, Conservation Area or protected trees may be investigated, even if reported anonymously).

8.5 **Vexatious, malicious or repetitive complaints** that are without substantive planning reasons for the complaint will not be investigated.

9.0 What you can expect if you report an Alleged Breach of Planning Control

9.1 The Council will:

- Investigate all alleged breaches of planning control reported to the Council in accordance with Part 8 of this Local Enforcement Policy.
- Always keep your personal details confidential, unless required to be disclosed as part of Court proceedings.
- Once your complaint has been registered, provide you with an acknowledgement either by email or letter, containing a unique case reference number with a named officer as a point of contact.
- Negotiate with those responsible for any breach of planning control, affording them a reasonable opportunity to resolve the issues before considering formal enforcement proceedings, unless the breach is so serious that it warrants immediate action or where negotiations become protracted with no prospect of a resolution.
- Keep you informed of the progress of the case and of any decisions made regarding what action, if any, will be taken, along with estimated timescales.

10.0 How we will prioritise your complaint and timescales for investigation

10.1 It is important to prioritise the complaints received in accordance with the seriousness of the allegations. Taking enforcement action can be a long and involved process requiring significant officer time. The resources available to devote to enforcement casework are limited.

10.2 Following the receipt of a complaint, the Council will endeavour to ensure that it is registered and allocated to an officer as soon as possible to facilitate an initial site visit within the timescales detailed below.

Suspected breach	Response time to investigate on site
Category A - Works that may comprise a criminal offence. This includes works to Listed Buildings, TPO trees, works in breach of an extant enforcement notice or any other matter that may amount to a crime.	Within 24 hours
Category B - Matters that may be causing serious harm to amenity in the area due to noise, dust, vibrations, or other similar issues.	Within 2 working days.
Category C - Other breaches of planning control not falling within the above 2 categories but not comprising householder development.	Within 5 working days
Category D - Householder development such as erecting a fence, outbuilding or extension	Within 10 working days

10.3 There may be some crossover between these categories and if so, the response time will be based on the higher category. For example, if there are suspected unauthorised works to a listed building that is also a residential property (i.e. householder) the response time would be 24 hours. Breaches of conditions will also be categorised in line with this table. For example, if there is a failure to provide details required by condition in relation to a listed building, this would be a category A case, if on the other hand it was a failure to provide details for a householder extension this would be category D. These details together with a general guide as to factors relating to the expediency of taking action are given in Appendix A to the Enforcement Plan

11.0 What are the Possible Outcomes of an Investigation

11.1 **No breach established** – Following a site inspection it may be found that no breach of planning control has occurred because for example, the unauthorised use has ceased, or the development is permitted development.

11.2 **Permitted Development** – Under the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (as amended), certain developments and changes of use are permitted development and therefore do not require further written approval from the Local Planning Authority.

11.3 **A breach of planning control is established** – If this is the case then negotiations will take place with a view to finding a solution – In accordance with the National Planning Policy Framework –

'Where there has been unauthorised development and local planning authorities are considering whether enforcement action is expedient, they should take account of their local enforcement plan, the impact of the breach of planning control, and the extent to which the breach would otherwise be acceptable.

In cases of unauthorised development where consideration is being given to an application for retrospective planning permission (or through an enforcement appeal, whether to grant planning permission in respect of a breach of planning control), if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.'

Only when negotiations fail to secure a resolution should formal action be considered. Such action is always a last resort.

11.4 **Retrospective Planning Applications** – One such resolution may be to invite a retrospective planning application, in accordance with S73A of the Town and Country Planning Act 1990 (as amended), for the Council's consideration. A retrospective planning application will be invited where it is considered that the breach does not cause significant harm and where there is a reasonable prospect that planning permission may be granted or where a development could be made acceptable subject to the imposition of conditions. A review of retrospective applications at Development Management Committee during 2025/26 is that of the applications at committee for a decision, 6 applications were to retain development already carried out. When the Council is negotiating for the submission of a retrospective application the following timescales will apply.

- A period of 28 days will be given for a response or an application to be submitted.

- Where an application is submitted that remains invalid the same period of 28 days will be given for outstanding information to be provided.

- This will be treated with some flexibility where documents are in preparation and there is agreement to submit the necessary information, but where there is no positive engagement from the applicant, the Council will revert to considering the need for more formal action on the planning merits of the case.

- Once an application has been refused permission, the Council will progress with Enforcement Action as soon as practicable to remedy the breach of planning control. When an appeal is lodged, the Council cannot continue to pursue action pending the outcome of the appeal, but the Council will not

delay the serving of notices with a stated intention on the part of the applicant to appeal. The serving of both Enforcement and Stop Notices occurred in respect of a recent refusal of permission in March 2026, and this is now subject to a conjoined appeal in relation to both the refusal of planning permission and the serving of the Enforcement Notice.

Remember: It is not generally a criminal offence to carry out development without the benefit of a grant of planning permission.

11.5 **There is a breach of planning control, but it is not considered expedient to pursue** – If a breach is found to exist, it does not automatically mean that formal action will be taken. Enforcement powers are discretionary and minor technical breaches or breaches which have little or no impact on the environment or neighbouring properties may be considered too minor to warrant or justify the necessary time and resources to pursue. In these cases, we will present the matter to the ward members and the Chair of Development Management Committee explaining the reasoning why enforcement action is not considered expedient. If this is agreed the file will be closed and complainants updated. If this approach is not agreed the matter will be reported to Development Management Committee for consideration.

11.6 **The development is lawful as it has become immune from enforcement action through the passage of time** – This is when an unauthorised development or change of use has occurred over a long period of time without being brought to the attention of the Council.

12.0 What happens if an allegation is made against you?

12.1 If a complaint is received that affects your property, firstly you or your agent will be contacted by the enforcement team (if your details are known) or a visit will be made to the site by an enforcement officer. The initial site inspection may be undertaken without any prior notification.

12.2 In many cases, breaches of planning control are unintentional and may have resulted from a misunderstanding of the planning regulations or a person being unaware of the requirements of the planning system. Therefore, if you receive a letter or visit from an Enforcement Officer, you will be encouraged to respond in a positive manner and provide the information required to resolve the matter in a timely way.

12.3 The Council has a duty to investigate alleged breaches of planning control, even if they prove to be unfounded. The Council is unable to disclose the identity of the complainant to you.

12.4 The purpose of the initial visit is to establish the facts and whether there is any basis for the allegation. During the visit the officer is likely to take measurements and photographs of the development or activity taking place.

12.5 If a breach of planning control is established, you will be informed of the details and advised what steps need to be taken to either rectify the breach or regularise the situation. Subject to the nature of the breach, you will be given a reasonable timeframe to resolve the issue. The Council will always endeavour to resolve matters by way of amicable negotiation or by the submission of a retrospective planning application. However, where compliance cannot be achieved through these channels, formal action may be instigated.

12.6 Whilst no assurance can be given as to a successful outcome to any retrospective planning application, if refused, such applications do carry a right of appeal.

12.7 If you are served with a formal notice, the case officer will be able to explain the meaning and help you to understand the implications. However, enforcement officers cannot act as your advisor. In these circumstances it is strongly advised that you seek independent advice from a legal professional and/or qualified planning consultant.

12.8 Please note that under the Freedom of Information Act 2000 the Council is not obliged to provide details of the source of any complaint, although you will be entitled to know the name of the Councillor who lodges a complaint on his/her own behalf or for someone else. There is the ability to raise anonymous complaints via your ward Councillor.

13.0 Powers of entry

13.1 Section 196A of The Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990 and Part 8 of the Anti-Social Behaviour Act 2003 provide officers of the Council the legal power to enter land and/or premises at all reasonable hours to undertake his/her official duties. Wilful obstruction of a person exercising a lawful right of entry is an offence.

13.2 Entry to a building used as a dwellinghouse cannot be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier. In the case of an industrial or commercial building, (such as a factory or shop), where there is also residential accommodation (such as a caretaker's flat), the requirement to give 24 hours' advance notice applies only to the residential part of the building. However, this advance notice requirement does not apply to the outbuildings or garden land in the curtilage of a dwellinghouse, unless access to them can only be gained by going through the dwellinghouse.

14.0 Time limits for taking formal action

14.1 Section 171B of the Town and Country Planning Act (1990) provides time limits for taking enforcement action. The Council cannot serve a notice after ten years where the breach of planning control involves operational development, for example, extensions to dwellings, new buildings, laying of hard standings; or for a change of use of any building to a single dwelling house, from the date of commencement of the breach. Other unauthorised changes of use and breaches of conditions are also subject to a ten-year time limit. There are certain circumstances where these time limits do not apply, for example in the case of listed buildings or where there has been deliberate concealment.

15.0 Formal action

15.1 The Council has a range of formal powers under the provisions of the Town and Country Planning Act 1990 (as amended) that may be used to remedy breaches of planning control. Any action undertaken may be in liaison with the Planning Committee, in accordance with the Council's Scheme of Delegation. The serving of the more common forms set out in Appendix E.

15.2 The Council may also apply to the Court for an injunction to take direct action to remedy a breach and to prosecute for non-compliance where it is in the public interest and expedient to do so.

15.3 The Council will comply with the provisions of the Police and Criminal Evidence Act 1984 when interviewing persons suspected of a criminal offence and with the Criminal Procedures and Investigations Act 1996 and Section 222 of the Local Government Act 1972, when carrying out prosecutions.

15.4 Under the provisions of Section 70C of the Town and Country Planning Act 1990 (as amended) the Council may decline to determine an application for planning permission for the development of any land where it involves a pre-existing enforcement notice.

16.0 What happens following the service of an Enforcement Notice?

16.1 Once an Enforcement Notice is served the recipient will either:

- Comply with the requirements of the notice.
- Appeal to the Planning Inspectorate against the service of the notice.
- Fail to comply with the notice either in part or in whole and risk prosecution or direct action being taken to remedy the breach.

The Appeal Process

16.2 Following the service of an Enforcement Notice the recipient has 28 days in which to appeal to the Planning Inspectorate. An appeal can be lengthy and a time-

consuming process and may be dealt with by the Inspectorate in one of the following three ways:

- By written representations
- By way of a hearing, or
- By way of a formal inquiry process.

16.3 There are seven grounds of appeal available against an Enforcement Notice served under Section 174 of the Town and Country Planning Act 1990 (as amended). These are:

- **Ground A** – that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.
- ***Note: an appeal may not be brought on Ground A where the enforcement notice was issued after the making of an application for planning permission that relates to the enforcement notice.***
- **Ground B** – that those matters have not occurred.
- **Ground C** – that those matters (if they occurred) do not constitute a breach of planning control.
- **Ground D** – that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
- **Ground E** – that copies of the enforcement notice were not served as required by section 172.
- **Ground F** – that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
- **Ground G** – that any period specified in the notice in accordance with section 173 (9) falls short of what should reasonably be allowed.

Note: More than one ground of appeal may be cited in any application.

16.4 If an appeal against a notice is dismissed, then the enforcement notice will come into effect. If the appeal is upheld and/or if planning permission is granted, then this will usually conclude the matter. However, any conditions that have been imposed may need monitoring for compliance. If the notice is upheld or there is no appeal, but compliance has not been achieved, the Council will then consider prosecution proceedings.

16.5 Further information regarding the appeal process can be found at The Planning Inspectorate on the www.gov.uk

16.6 Comparatively with neighbouring authorities this Council is proactive in taking formal action, serving Temporary Stop, Enforcement and Stop Notices, where justified and expedient to do so. The up-to-date information is given in Appendix F and this will be kept under review and updated annually.

Direct Action

16.6 Direct action may be used where considered necessary to ensure that remedial works are undertaken to secure compliance with an enforcement notice. In such cases, the Council will seek to recover the costs of taking direct action from the offender, which may result in a legal charge being placed on the land or property to enable the recovery of monies later.

17.0 Monitoring and compliance

17.1 In some instances when planning permission is granted it may be necessary to impose conditions, for example, requiring further details of materials or a landscaping scheme to be submitted for written agreement for the development to be carried out in a prescribed manner. The onus is on the developer to ensure that all necessary consents are in place, and conditions are fully complied with. A failure to do this may result in intervention from Planning Enforcement and risks formal action being taken to remedy the matter.

18.0 Reviewing the Local Enforcement Policy

18.1 The Policy will be reviewed from time to time and at least every four years, taking account of changes to legislation, government guidance and the Council's Constitution and procedures.

18.2 The Council is committed to providing the highest possible quality of service delivered in a fair and consistent manner. It may not be possible to ensure that all parties are ‘happy’ with an outcome. The service is constrained to operate within the parameters of planning legislation. However, on occasion problems may arise. Issues concerning the enforcement service should be brought to the attention of the Head of Planning Services in the first instance.

18.3 If you remain dissatisfied you may wish to submit a formal complaint following the Council’s complaints procedure, details of which are available on the South Derbyshire District Council website https://www.southderbyshire.gov.uk/about-us/have-your-say/comments-compliments-and-complaints

Appendix A – factors relating to expediency

In all cases a check of the planning history for the subject site will be carried out to establish any planning permission or related consent that may be in place prior to a site visit.

Taking account of expediency –

- The Council will decide whether the breach of control unacceptably affects public amenity or the existing use of land and buildings meriting protection in the public interest
- Enforcement action should not be taken just because development has commenced without planning permission or compliance with conditions attached to an approval.
- The Council does not always have to take action, but the particular material circumstances of each individual case must always be considered.
- Enforcement action should be commensurate with the breach of planning control. Formal action is not normally taken against a technical or minor breach of control that causes no demonstrable harm.
- Where a retrospective application is capable of remedying a breach of control it would not normally be in the public interest to pursue further.
- Timescales for responding to requests will be given commensurate with the breach. For example, where a retrospective application is invited an initial 28 days will be given for submission. This will be extended for a further 14 days, providing steps are being taken to prepare an application.
- Where an application is submitted and further details are required for validation a timescale will be given. Failure to provide the necessary information to progress the application will result in consideration of formal enforcement proceedings.

Appendix B - Development Team approach

The Council aims to provide a high quality re-active and pro-active approach to monitoring and planning enforcement which includes collaborative work with other departments within the Council and agencies across many specialists, where appropriate, having regard to GDPR. These will include, but not exhaustively –

- Central Building Control Partnership – info@centralbc.org.uk
- Natural England – enquiries@naturalengland.org.uk
- Derbyshire Wildlife Trust
- Derbyshire County Council – Planning and Highways Department
- The Environment Agency – enquiries@environment-agency.gov.uk
- National Forest Company – www.nationalforest.org
- Police (including wildlife crime)
- Coal Remediation Authority
- Historic England

For example –

The discovery of a two-bedroomed timber lodge within National Forest woodland resulted in consultation with the National Forest Company where an Enforcement Notice was issued.

The change of use of agricultural land to a traveller site within a former coal mining risk area resulted in working with the Coal Remediation Authority.

The dilapidation of a Grade II Listed Building and steps to seek remedial works involved close consultation with Historic England.

It should be noted that whilst good collaboration with Natural England and/ or DWT is a key aspect of investigating potential breaches of planning control regarding ecological matters, there remain separate legislative provisions outside of the Planning Acts for breaches of BNG requirements.

Appendix C – matters that are NOT a breach of planning control

The following list, which is not exhaustive, provides examples of matters which do not constitute a breach of planning control:

- Any works which constitute Permitted Development in accordance with The Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- Advertisements that benefit from either deemed or express consent under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- The parking of caravans on residential driveways or within the curtilage of a domestic property, providing that they are incidental to the enjoyment of the property.
- Land ownership disputes or trespass issues.
- Loss of value to land or property.
- Disputes relating to damage to land or property.
- Non-compliance with a covenant, which is a legal obligation contained in the title deeds to a property or land.
- Internal works to a non-listed building.
- Obstruction of a highway or public right of way or the parking of any vehicle on the highway or on grass verges, which is dealt with by Derbyshire County Council who are the Highways Authority.
- The running of a business from home where it is genuinely ancillary to the primary use of the dwelling.
- Issues relating to the physical way in which any development has been constructed or concerns relating to potentially dangerous structures, which are handled by Central Building Control – info@centralbc.gov.uk
- Issues relating to nuisance caused by noise, smell, light, vermin, fly tipping or high hedges, which are investigated by the Council's Environmental Health Team – Environmental.health@southderbyshire.gov.uk
- Issues relating to compliance with covenants or other legal restrictions, which are private civil matters.
- Issues relating to Biodiversity Net Gain (BNG), which are covered under the Environment Act 2021.

Appendix D – Condition monitoring and coordination

- We will routinely work with Central Building Control Partnership to establish commencements of development via Building Control.

- Conditions monitoring will take place, and sites will be visited to ensure compliance where the development needs to be undertaken in accordance with approved details, for example – materials, window detail. This will occur whether a complaint is made in relation to the site or not.

- Priority will be given to major development sites with numerous conditions to discharge

Appendix E – Glossary of Planning Enforcement action

- A Notice under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 requires information relating to owners, occupiers or any other persons with an interest in the land. *Clarifies interested parties ahead of the serving of a formal notice.*
- A Notice under Section 330 requiring information as to interests in land and/or premises. *Clarifies interested parties ahead of the serving of a formal notice.*
- A Planning Contravention Notice (PCN) under Section 171C requires the persons upon whom it is served to provide information in relation to land or activities on land where a breach of planning control is suspected. *Clarifies interested parties ahead of the serving of a formal notice.*
- Under Section 172ZA an Enforcement Warning Notice requires steps to be taken to retrospectively apply or remove development to remedy a breach of planning control within a specific timeframe. *It encourages the submission of a planning application but carries no penalty for non-compliance.*
- Under Section 172 an Enforcement Notice requires steps to be undertaken to remedy a breach of planning control within a specific timeframe. *It carries a right of appeal. Non-compliance is a prosecutable offence.*
- Under Section 187A a Breach of Condition Notice requires compliance with conditions imposed within a grant of planning permission. *There is no right of appeal. Non-compliance is a prosecutable offence.*
- Under Section 215 a notice requires the proper maintenance of land and buildings. *Non-compliance is a prosecutable offence and triggers the opportunity to carry out works in default.*
- Under Section 183 a Stop Notice requires the immediate cessation of unauthorised activities. A Stop Notice may only be served alongside an Enforcement Notice. Stop Notices should not be used as a matter of routine. Where the associated Enforcement Notice is quashed, varied or withdrawn or the Stop Notice is withdrawn, *compensation may be payable in certain circumstances, subject to various limitations in Section 186 of The Act.*
- Under Section 171E a Temporary Stop Notice requires the immediate cessation of unauthorised activities. It expires after 56 days and is designed to provide an opportunity for the Council to consider the most favourable course of action to take. *Compensation liabilities apply, as above.*
- The display of an advertisement that does not meet the criteria set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 is illegal unless they have been granted express consent and may be subject to prosecution proceedings.

NOTE: This list is not exhaustive.

Appendix F – Enforcement actions undertaken and appeal decisions

- Notice served under S215 of the Act. Non-compliance resulted in a prosecution in the Court of Magistrates. A planning application and Listed Building Consent application has been submitted to seek to develop the site and bring it back into use.

- Enforcement Notice Section 172 served for unauthorised development involving the material change of use of woodland to use for siting a residential timber lodge – appeal dismissed and the terms of the Enforcement Notice upheld in full.

- Development approved retrospectively – numerous garden outbuildings, conversion of integral garages into habitable accommodation, boundary fences, and householder extensions.

- Enforcement Notice Section 172 served for the unauthorised material change of use of agricultural land to use for vehicle storage and sales – appeal pending.

A summary of enforcement action is given int the table below.

Enforcement Action 2025-2026 – data from Government live tables PS1/PS2.

	Enforcement. Notice	Stop Notice	Temporary. Stop Notice	Planning Contravention Notice	Breach of Condition Notice	Injunction
Qu.1						
Amber Valley	0	0	0	0	0	0
Derby City	0	0	0	0	0	0
NWL	0	0	0	1	0	0
SDDC	1	0	0	0	0	0
East Staffs	0	0	0	0	0	0
Qu.2						
Amber Valley	0	0	0	0	0	0
Derby City	0	0	0	0	0	0
NWL	0	0	0	1	0	0
SDDC	1	1	1	0	0	0
East Staffs	1	0	0	0	0	0
Qu.3						
Amber Valley	0	0	0	0	0	0
Derby City	0	0	0	2	0	0
NWL	0	0	0	0	0	0
SDDC	0	0	1	0	0	0
East Staffs	0	0	0	0	0	0

Qu.4						
Amber Valley	0	0	0	0	0	0
Derby City	1	0	0	0	0	0
NWL	0	0	0	2	0	0
SDDC	0	0	0	0	0	0
East Staffs	0	0	0	0	0	0
Totals	Enf. notice	Stop notice	Temp. stop notice	PCN	BoC	Injunction
Amber Valley	0	0	0	0	0	0
Derby City	1	0	0	2	0	0
NWL	0	0	0	4	0	0
SDDC	2	1	2	0	0	0
South Staffs	1	0	0	0	0	0