



Customer Charter for the Town Planning Enforcement Service

Gillian Bishop

Executive Director Environmental Services

Civic Buildings, New Market Street
Wigan WN1 1RP

Telephone: 01942 244991
Fax: 01942 404222



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Introduction

The Town Planning system regulates the development and use of land. This includes:

- the determination of planning applications;
- monitoring of development which has the benefit of planning permission; and
- taking enforcement action where development is carried out without planning permission or contrary to the conditions of consent.

This leaflet explains how the Town Planning Enforcement Service can help you if you have an enquiry or complaint about the way land or buildings are being used or about how development is being carried out.

Enforcement Policy

A related leaflet, 'Town Planning Enforcement Policy', sets out our policy about what businesses and individuals can expect from officers involved in enforcing town planning and related legislation. You can get copies from us or from our website at **www.wigan.gov.uk**

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1 What the Town Planning Enforcement Team do

The Town Planning Enforcement Team:

- Investigate complaints and enquiries from the public about new building work or changes in the use of land or buildings.
- Check that development is being carried out as shown on approved plans.
- Check whether planning conditions controlling how a development is to be operated are being met.
- Take action to bring unauthorised development to a satisfactory conclusion.

These tasks include:

- Protecting listed buildings and other buildings in Conservation Areas from damage by works which are not approved.
- Controlling fly-posting and other advertisements.
- Encouraging private landowners to tidy up their land when it is causing a nuisance or an eyesore.

2 Permissions required for development

Planning permission is required for:

- most new building work, for example a new house or shop; and
- many changes of use of land and buildings, for example a change from a shop to a repair workshop.

Are any other permissions required?

Yes, special, additional permissions are required before:

- the carrying out of any works on a Listed building;
- the demolition of any building in a Conservation Area; and
- the display of certain types of advertisement.

In addition to planning permission, Building Regulation Approval is required for most building works and alterations.

Is planning permission required for all new development?

No, some minor building works such as house extensions may be carried out without the need for planning permission. This is called Permitted Development. But some dwellings in the borough have had their rights to build Permitted Development removed and therefore planning permission would be required for all extensions to them. We can advise whether or not planning permission is required. A form is available to help you, 'Do you require planning permission or Building Regulation consent for building works at your home?'

What is a breach of planning control?

A breach of planning control is:

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

3 The approach we adopt when development is carried out without planning permission or conditions are not complied with

We operate enforcement operations within government guidelines and in accordance with council policy.

This means that:

- We must decide whether there will be an unacceptable impact upon the amenity of the area and its residents.
- Action will not be taken just because development has started without planning permission.
- We do not always have to take action against unauthorised development or uses but the particular circumstances of the case must always be considered.
- It is not normal to take formal action against a minor breach of control that causes no real harm.
- Enforcement action will be taken quickly where necessary.

It is important to note that the carrying out of development without planning permission is not a criminal offence.

The possible implications of enforcement action

We recognise that most people want to comply with legislation. We will take care to help you to meet your legal obligations without unnecessary expense.

However, breaches of planning control and the subsequent enforcement action can have serious implications in certain cases. We will take firm action, including prosecution where appropriate, against those who flout the legislation with total disregard for the consequences of their actions.

Currently the maximum fine for non-compliance with the terms of an enforcement notice is £20,000. In addition buildings erected without planning permission may have to be demolished and unauthorised uses stopped.

Retrospective planning applications

Anyone who has carried out development without first seeking the necessary planning permission is allowed by law to ask for permission to be granted afterwards. But there is no guarantee that permission will be granted and if it is not, the council may take enforcement action against them.

What action can we take?

When the Town Planning Enforcement Team have decided that action needs to be taken they will:

- advise those responsible to stop all work and/or cease all unauthorised uses;
- discuss the circumstances of the case with those responsible and if possible resolve the matter informally;
- where appropriate, request the submission of a retrospective planning application or an application to verify that the works or use are lawful; and
- if necessary, request the Director of Legal Services and Solicitor to the council to start formal enforcement action. This may include serving a formal notice on those responsible advising what steps they should take to rectify the breach of planning control and when those steps should be completed.

How long does this take?

The investigation of complaints about unauthorised development and the taking of enforcement action can take a long period of time. Those responsible for unauthorised development normally have a right of appeal against any formal action by the council and this can take several months to be heard and determined.

4 How to check whether development is authorised, make a complaint or report unauthorised development

When you first become aware of development taking place or a new use starting up you may not know whether or not planning permission has been sought or granted. You may wish to complain about a development which is causing you concern or you may wish to report what you believe to be development taking place without planning permission.

All these types of enquiry are handled by the Town Planning Enforcement Team.

Contacting the Town Planning Enforcement Team

You can contact the team

- by telephone
- in writing
- in person

By telephone

To register a complaint you can telephone a member of the Town Planning Enforcement Team for the appropriate part of the borough:

Senior Enforcement Officer for all areas: 01942 404270

East: 01942 404268

Leigh, Atherton, Tyldesley, Astley, Golborne, Lowton, Mosley Common

West: 01942 404269

Wigan, Pemberton, Standish, Orrell, Billinge, Shevington, Appley Bridge, Winstanley.

Central: 01942 404267

Ashton-in-Makerfield, Ince, Aspull, Haigh, Hindley Town Centre, Platt Bridge, Whelley, Scholes, Hindley Green, Hindley, Abram, Bickershaw, Poolstock, Worsley Mesnes, Hawkley Hall.

Out of hours answerphone for all areas

Telephone: 01942 404301

During the original telephone enquiry you will be advised which Enforcement Officer will be dealing with your enquiry. Normally no written acknowledgement will be provided.

In writing

Written complaints should be sent to:

Executive Director Environmental Services
Wigan Council
Civic Buildings,
New Market Street
Wigan WN1 1RP

Wherever possible your complaint should include details of:

- address and location of activities;
- name of person(s) involved if known;
- nature of complaint; and
- your name, address and telephone number.

Written complaints will be acknowledged in writing within 5 working days of receipt. This acknowledgement will advise you of the Enforcement Officer who will be dealing with your complaint.

In person

You can report your complaint in person by visiting our offices at the Civic Buildings, New Market Street, Wigan and asking at reception to speak to an Enforcement Officer.

The office is open between 9.00 am and 4.45 pm, Monday to Friday and is fully accessible for disabled people.

Normally no written acknowledgement will be provided to complaints made in person.

5 What will happen to your enquiry or complaint?

All complaints will be registered and recorded. This information is strictly confidential and is not open to public scrutiny.

For all enquiries the Enforcement Officer will check all the appropriate council records and carry out a site inspection where necessary. This site inspection will be carried out within 10 working days of the complaint being received. The officer may also carry out interviews to establish if a breach of planning control has occurred.

With your consent you will be kept up to date by telephone where appropriate during the course of investigations.

In all cases you will be advised either by telephone or writing within 15 working days of the complaint of our conclusions and any action we intend to take.

Where formal proceedings are to be taken you will be advised of what formal action we propose to take within 10 working days of a decision being made on what action is to be taken.

Because of the often lengthy and complex nature of planning investigations and limited staff resources, it is necessary to give priority to those cases where the greatest harm is being caused.

Observations by you

If a breach of planning control is confirmed, you may be asked to make a note of your observations and keep a log of any relevant information/activities. It is particularly useful to note times, dates, names, addresses, telephone numbers and registration details of any vehicles involved. The names and addresses of any other witnesses who are willing to provide evidence should also be included.

Confidentiality

We will not normally investigate anonymous complaints.

All complaints are dealt with confidentially and your details will not be made known without your agreement. However, in some cases it may be necessary to rely on your evidence in order to take action. You will need to consider whether you are willing to actively assist us by collecting evidence and acting as witness at an appeal or in court. The Enforcement Officer will explain what may be required in these circumstances.

6 More information

If you need more information about the council's Town Planning Enforcement Service or wish to comment and/or complain about this service you may contact members of the Town Planning Enforcement Team by telephone on the numbers given in section 4.

Website

You can get further information about the Environmental Services Department and the planning system from our website at: **www.wigan.gov.uk**

You can also get further information from our website about other council departments including contact details.

Related documents

This document has been produced in conjunction with both the council's Corporate Enforcement Policy and the Town Planning Enforcement Policy documents. These documents explain how the council undertakes its enforcement duties and are available from the reception and the council's website at www.wigan.gov.uk.