

**Planning Enforcement Charter – March 2024**

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| **How to Make a complaint**The Council’s planning service will investigate complaints alleging that works have been undertaken without planning consent having been granted for those works.Before lodging a planning enforcement complaint with us please read the guidance below on what matters we can and cannot investigate.To lodge a complaint please complete the following online form – [weblink]. If you are unable to complete the online form then please call us on 0191 4247440 and a member of staff will work with you to ensure that your complaint is logged.We are not able to accept anonymous complaints. If you do not wish to disclose your personal details to us then it is suggested that you contact your locally elected South Tyneside councillor [[Councillors](https://www.southtyneside.gov.uk/article/1306/Find-your-councillors)] or MP and ask them to contact us on your behalf regarding your complaint. |

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| **What we can and cannot investigate**We **CAN** investigate the following matters:* Erection of buildings, extensions to buildings and the carrying out of alterations to buildings without planning consent.
* Unauthorised change of use of a property.
* Building work being undertaken which isn’t in accordance with a planning consent that has previously been granted.
* Failure to comply with conditions attached to a planning consent.
* Unauthorised advertisements.
* Felling of or pruning works to protected trees (where such works are not permitted by legislation). Protected trees are those in a Conservation Area or protected by a Tree Preservation Order.
* Unauthorised hedgerow removal (excluding hedgerows in or around residential properties).
* Problems with a high hedge planted by a neighbour.\*
* Untidy land and buildings
* Demolition of buildings in a Conservation Area
* Demolition of or unauthorised works to listed buildings

We **CANNOT** investigate the following matters: * Boundary/ownership disputes including Party Wall Act issues
* Breaches of restrictive covenants
* Works/activities on the public highway\*\*
* Noise complaints\*\*
* Fly tipping\*\*
* Dangerous buildings\*\*

\* You should try yourself and, if necessary, through a mediator to resolve matters with your neighbour before contacting the Council. A fee is payable if the Council’s assistance is sought.\*\*Other Council services may be able to look into complaints concerning these matters. Please call us and we will direct you to the relevant Council service. |
| **What happens after we receive your complaint?**You will receive a **written acknowledgement** confirming that we have received your complaint.We will **investigate the alleged planning breach** that you have complained to us about.You will receive a **written update on the findings of our investigation**. There will normally be 1 of 3 outcomes from our investigation as follows:**No planning breach** has taken place and we will therefore be taking no further action. This includes situations where a breach may have originally taken place but is now immune from enforcement action due to the passage of time or where works have been undertaken but these are works that do not require planning permission from the Council; orA **planning breach** has taken place but we are of the opinion that **no significant harm** is caused by this breach. In such circumstances we will invite the owner/occupier to submit to us an application for retrospective planning consent; orA **planning breach** has taken place and we are of the opinion that **significant harm** is caused by this breach. In such circumstances we will seek to work with the owner/occupier to remedy the breach.We will firstly seek to work with the owner/occupier to **remedy the breach informally** without recourse to formal planning enforcement action (unless substantial / irreversible harm would arise from a delay in taking immediate enforcement action).If it is not possible to remedy the breach informally then **formal planning enforcement action** will normally be progressed. For most planning breaches this will involve serving a formal notice on the landowner setting out the works or actions that need to be undertaken in order to remedy the breach and the timescale within which such works or actions need to be undertaken.If a notice is served by the Council, the owner and/or occupier will in most cases have a **right of appeal** to a Government body called The Planning Inspectorate against the notice. If the owner/occupier lodges such an appeal then any works/actions they are required to take as specified in that notice are put on hold until their appeal has been considered and decided by the Planning Inspectorate.If the owner’s/occupier’s appeal is successful then the Council will not normally be able to take any further planning enforcement action. If the owner’s/occupier’s appeal is unsuccessful then the requirements of the notice that the Council previously served on them will need to be complied with (unless amended by the Planning Inspectorate) and if such compliance doesn’t take place then the Council would normally look to **prosecute the owner/occupier**.In the case of some planning breaches, the Council is able to proceed straight to prosecution without having to serve a notice.. Planning breaches where this is possible include felling or pruning works to protected trees and unauthorised advertisements. |

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| **Our principles in handling complaints*** We aim to strike a fair balance between:
	+ protecting amenity and other interests of importance in the planning system, and
	+ enabling development to take place that is acceptable in principle even though it may initially have been unauthorised.
* We will follow the Council’s PROUD values [[Values](https://www.southtyneside.gov.uk/article/15965/Our-Council-Values-and-Behaviours)]
* We will adhere to the Equality Act 2010 and the related Public Sector Equality Duty [[Equality Act](https://www.legislation.gov.uk/ukpga/2010/15/contents)]
* In assessing whether or not a planning breach results in significant harm and therefore needs to be remedied we will have regard to the Council’s local planning policies and national government planning policy as well as the East Boldon and Whitburn Neighbourhood Plans (for breaches within these neighbourhood plan areas)
* All complaints will be investigated confidentially and complainant personal details will not be divulged to others outside of the Council. Some disclosure of personal details may be requested if legal action is needed to remedy matters.
* In handling complaints concerning planning breaches by businesses (particularly small businesses), community, sports or charitable organisations we will seek to work proactively with those businesses or organisations to remedy breaches in a way which allows the business or organisation to continue operating without interruption, either on its existing site or from an alternative site.
* We will seek to resolve planning breaches informally before resorting to formal planning enforcement action and where formal action is taken any remedies sought will be proportionate.
* If complaints received relate to matters which it is considered may breach other non-planning legislation over which other Council teams or public sector partners external to the Council have jurisdiction, then those matters will also be referred to those teams/public sector partners for consideration by them.
* All notices served by the Council which require planning breaches to be remedied and all Planning Inspectorate decisions in respect of appeals against such notices will be published on the Council’s website. [[Planning Enforcement Notices](https://www.southtyneside.gov.uk/article/11932/Search-planning-enforcement-notices)]
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| **Maximum timescales for action from receipt of your complaint*** **5 working days** – **written acknowledgement** of your complaint including the name and contact details of the Council Officer handling your complaint.
* **10 working days** – **Investigation of highest priority alleged planning breaches\*** **and written update** provided on the outcome of the investigation.
* **30 working days\*\*** – **Investigation of all other alleged planning breaches** **and written update** provided on the outcome of the investigation.
* **At least every 30 working days thereafter** - If we decide that a planning breach has taken place and that significant harm is caused by that breach which needs to be remedied, it can sometimes take a considerable amount of time to resolve the breach. Whilst it is not possible to provide a precise timescale as to how long it will take to remedy breaches, the Council officer handling your complaint will provide you with regular **written progress updates until the breach is resolved**.

\* Highest priority alleged planning breaches are:* Breaches that cause or have the potential to cause life threatening or other serious harm to human health & safety, protected wildlife species or designated wildlife habitats.
* Felling of or pruning works to protected trees
* Unauthorised hedgerow removal
* Demolition works to listed buildings or buildings in Conservation Areas
* Removal of original features from the exterior or interior of listed buildings

\*\*It may take longer than 30 days to investigate a small number of alleged planning breaches (e.g. changes of use) due to monitoring of activity having to be undertaken over a longer period of time. In such cases we will advise you in writing of our target timescales for providing you with our written update on the findings of our investigation. |

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| **Pro-active planning enforcement**In addition to investigating complaints received about alleged planning breaches, the Council’s Planning Service will also pro-actively monitor compliance with planning consents granted by the Council, including conditions attached to those consents.Having regard to available staffing resources, the Council’s Planning Service will generally only monitor compliance in respect of the following matters:**Planning consents for the following types of development:**Major developments\*Works to Listed Buildings**Compliance with conditions attached to any planning consents in respect of:**Temporary permissionsHours of operation restrictionsOdour control equipment installationProtection of existing trees & hedgerows during construction worksDelivery of biodiversity net gain measuresThe carrying out of works to remediate ground contaminationInstallation of sustainable drainage measures**Some planning consents are accompanied by legal agreements entered into under Section 106 of the Town & Country Planning Act which secure infrastructure provision (e.g. affordable housing, contributions for additional school places). The Council’s Planning Service will also monitor compliance with all such Agreements.**\*Major developments are planning consents for the provision of dwellinghouses where the number of dwellinghouses to be provided is 10 or more; or the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether 10 or more dwellings are to be provided; or the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or development carried out on a site having an area of 1 hectare or more or the winning and working of minerals or the use of land for mineral-working deposits; or waste development. |

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| **Performance Management**The Council will publish an annual planning enforcement monitoring report which will include for the previous 12 months key statistics on the number of complaints received, outcomes arising from those complaints and performance against our service standards for the handling of complaints. |

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| **Service Complaints**If you are unhappy with how the Council has handled your planning enforcement complaint then please in the first instance email [planningapplications@southtyneside.gov.uk] our Senior Manager-Planning.If despite having done this you feel that your concerns have not been addressed then you may wish to lodge a formal complaint with the Council’s complaints team. Details on how to lodge a formal complaint can be found on our website by following the below link:[[Council Complaints](https://www.southtyneside.gov.uk/article/5483/Overview)] |