

7. Investigation Process

Acknowledgement

Once the enquiry is received it will be allocated to one of our officers. Written enquiries, including emails, will normally be acknowledged in writing within three working days of receipt, as will telephone enquiries, provided contact details are given.

Site Visit and Rights of Entry

The next step will usually be for one of our officers to visit the site. This will be done as soon as possible, but as we receive a high number of enquiries we will prioritise our visits according to the apparent seriousness of the problem. We do however aim to visit within four weeks of the enquiry or within one week if the issue appears to be particularly serious. The officer will identify themselves to anyone present on the site at the time and explain the purpose of the visit. They may ask questions, take photographs and obtain measurements as these will often be used to determine whether or not there has been a breach of planning control.

Our Monitoring & Enforcement Officers have specific rights to enter land to investigate potential breaches of planning control in order to determine whether enforcement action should be taken and to check compliance with any requirement from earlier enforcement action. They are also entitled to bring third parties onto the land to assist or advise them in carrying out their duties if they consider it necessary. This right to enter land extends to any land, including land adjacent to the site in question.

When exercising its rights of entry the Authority's officers will have regard to the Government's Code of Practice, details of which can be viewed at the following link.

<https://www.gov.uk/government/publications/powers-of-entry-code-of-practice>

Research

The officer may also need to do other work such as researching the planning history of a site, checking Development Plan policies or contacting Council Tax, the Highway Authority or the Land Registry.



Outcomes

If there is no breach of planning control or we decide to close the enquiry for another reason we will contact the enquirer and explain why.

Enquiries may be closed for a variety of reasons including:

- there is no, or little, evidence of a breach
- development has taken place but planning permission is not required, usually as the development benefits from permitted development rights
- the development already benefits from planning permission granted by the Authority

It is important to note that the closure of an enquiry does not preclude the Authority from re-opening the enquiry and making further investigations should the need arise.

If a breach of planning is identified we will advise the enquirer that this is the case and then follow the process set out in section 8.

Planning Contravention Notice

Where it appears that a breach of planning control may have occurred but we wish to find out more information before deciding what if any enforcement action to take we may serve a Planning Contravention Notice (PCN). This can be served on the owner or occupier of the land, anyone who has an interest in the land or anyone who is using the land for any purpose. The PCN requires the owner, occupier, etc. to provide information about ownership and the activities taking place on the land or within any buildings on the land.

The PCN may invite the recipient to meet with the Authority to discuss the matter. This may be useful where the Authority considers that planning permission could be granted after the unauthorised development has been carried out (i.e. a retrospective planning application) but the owner or operator has not made an application.

There is no right of appeal against a PCN and failure to respond may be an offence.

Section 330 Notice

Where it is important to obtain clarification about the ownership and occupation of a property a Section 330 Notice may be served on the apparent owner or occupier requiring them to confirm details of those persons who have a legal interest.

There is no right of appeal against a Section 330 Notice and failure to respond may be an offence.