

4. In what circumstances can we take action?

The Authority has a duty to investigate alleged breaches of planning control, but must only take enforcement action where it is 'expedient' to do so and any action taken will need to be proportionate with the breach of planning control to which it relates. Sometimes, the personal circumstances of the person in breach must be taken into account e.g. where the Authority is considering whether a prosecution is in the public interest.

Matters that can be taken into account

It will often be 'expedient' to take action if the breach of planning control unacceptably affects the following:

- the landscape
- conservation interests
- public amenity
- public safety
- highway safety

In addition to the above, the Authority also has to be clear that resolving the breach would be in the 'public interest'.

Matters that cannot be taken into account

There are some issues that will not be taken into account when making decisions on expediency, these include:

- change in the value of a neighbouring property
- competition between business
- the loss of a private view
- trespass onto someone else's land
- boundary disputes
- rights or obligations contained in property 'title deeds'
- any matter covered by other legislation such as noise and smell

Although it may be possible to address some of these by way of civil action, these are matters for the individual to pursue and are not matters that the Authority can get involved in. Further advice can be obtained from a solicitor or the Citizens Advice Bureau via the following link:

<http://www.citizensadvice.org.uk/index/getadvice.htm>

Development Plan

In deciding whether to take enforcement action the Authority is also required to have regard to the Development Plan and to any other material considerations including national policies as expressed through Government Circulars and Policy Guidance.

The 'Development Plan' for the National Park currently comprises the Peak District National Park Local Development Framework (adopted October 2011) and the saved policies of the

Peak District National Park Local Plan (adopted 2001). The Authority has also adopted a number of Supplementary Planning Documents on particular subjects.

All of these documents can be accessed via the following link:

<http://www.peakdistrict.gov.uk/planning/how-we-work/policies-and-guides>

National Planning Policy Framework

The National Planning Policy Framework and Planning Practice Guidance can be accessed via the following link:

<http://planningguidance.planningportal.gov.uk/>



Equality Duty

The Equality Act 2010 requires public authorities, in exercising their functions, to give due regard to the need to eliminate unlawful discrimination and harassment and other conduct prohibited by the Act; and to advance equality of opportunity and foster good relations between people who share a relevant protected characteristic (as defined in the Act) and those who do not share it.

The National Park Authority, in carrying out its functions in relation to planning enforcement, will pay appropriate regard to its duty under the Equality Act 2010.

Further guidance on the Act can be found at <https://www.gov.uk/equality-act-2010-guidance>