



**Development Management
Enforcement Policy**

2026

Status	Version	Author(s)	Date	Changes
Final	V1.0		March 2019	
Draft	V2.1	Stephen Garner – Assistant Director for Development Services Laura Downer – Planning Enforcement Officer	October-December 2025	Comprehensive review of original document taking into consideration range of matters by Officers.
Draft	V2.2	Stephen Garner – Assistant Director for Development Services Laura Downer – Planning Enforcement Officer	January-February 2026	Incorporating suggestions and amendments
Final	V2.2	Stephen Garner – Assistant Director for Development Services Laura Downer – Planning Enforcement Officer	18 March 2026	Adopted by Cabinet

Contents

- 1. Introduction 4**
- 2. Legislative and policy context..... 5**
 - The principles of good regulation 5
 - Regulators’ code 5
 - Planning context 5
- 3. Breaches of planning control 7**
 - What to do if you suspect a breach of planning control 8
- 4. Different types of planning control breaches.....10**
 - Operational Development10
 - Change of Use (CoU)10
 - Breach of a Condition attached to an approval of a Planning Application11
 - Works to a Listed Building.....11
 - Advertisements12
 - Trees13
- 5. Matters that do not represent a breach of planning control.....14**
 - Specific complaints concerning an alleged change of use15
- 6. Time limits for planning enforcement action.....18**
- 7. Reporting a breach of planning control.....20**
- 8. After your complaint has been submitted23**
- 9. The planning enforcement investigation24**
- 10. Outcomes of an enforcement investigation26**
 - No breach of planning control26
 - Negotiations to remedy the breach of planning control (PD)27
 - Request for a retrospective planning application to regularise a breach.....27
 - No formal enforcement action where it is not considered expedient.....28
 - Formal enforcement action29
- 11. Appeals30**
 - Breach of Condition Notice30
 - Enforcement Notice30
- 12. Castle Point Planning Enforcement Glossary33**

1. Introduction

- 1.1. The emerging Castle Point Plan 2026-2043 sets out a positive vision for the borough with the intention of protecting and enhancing Castle Point through development that is guided by policies intended to cater for growth whilst supporting communities and protecting our precious environment.
- 1.2. The planning application process helps to ensure that this vision is implemented through strong decision making. Effective enforcement goes hand in hand with this decision making to ensure that the objectives of the Plan and National Planning Policy are upheld and development that does not meet these objectives is addressed by proportionate and reasonable planning enforcement action.
- 1.3. Planning Enforcement aims to maintain confidence in the Planning System through effective monitoring and investigation whilst achieving a balance between the protection of the public interest and taking enforcement action.
- 1.4. This document sets out the council's approach to planning compliance and enforcement and is a framework for how the council will handle reports of unauthorised development or breaches of planning control, the approach to investigation and the means by which it will seek to resolve them.
- 1.5. A list of Planning Enforcement Frequently asked Questions can be found by clicking on the following link for a quick reference guide;

Planning Enforcement FAQs

- 1.6. A **Castle Point Planning Enforcement Glossary** of terms can be found at the end of this document.

2. Legislative and policy context

The principles of good regulation

- 2.1. The Legislative and Regulatory Reform Act 2006, Part 2, requires the Council to have regard to the Principles of Good Regulation when exercising a specified regulatory function. For local authorities, the specified functions include those carried out by the Local Planning Authority.
- 2.2. The Council will exercise its regulatory activities in a way which is:
 - **Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence;
 - **Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures;
 - **Consistent** – our advice to those the Council regulate will be robust and reliable and implemented fairly;
 - **Transparent** – the Council will ensure that those the Council regulate are able to understand what is expected of them and what they can anticipate in return;
 - **Targeted** – the Council will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

Regulators' code

- 2.3. The Regulators' Code¹ came into statutory force in April 2014 and provides a clear framework for transparent, open and accountable regulatory delivery.
- 2.4. The Regulators' Code is a UK statutory framework setting out principles for how regulators (like local councils) should interact with those they regulate, aiming for proportionate, transparent, and risk-based approaches that help compliance, not hinder growth, by ensuring clear communication, simple processes, and fair complaint mechanisms. It applies by requiring these bodies to develop policies aligning with principles like proportionality, consistency, transparency, and risk-targeting, ensuring businesses understand requirements, can give feedback, and have effective appeal routes, making regulation supportive rather than burdensome.

Planning context

- 2.5. The Castle Point Planning Enforcement Policy has been written in accordance with the advice contained within the National Planning Policy Framework² (NPPF) and Planning Practice Guidance³ (PPG).

¹ [Regulators Code](#)

² [National Planning Policy Framework](#)

³ [Planning Practice Guidance – Enforcement and post-permission matters](#)

2.6. Planning Practice Guidance states:-

*'Local planning authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations. In considering any enforcement action, the local planning authority should have regard to the National Planning Policy Framework...'*⁴

2.7. Planning Enforcement is discretionary and not a statutory function, there is no requirement for Local Planning Authorities to take planning enforcement action in relation to a breach of planning control.

2.8. Therefore, for each planning enforcement complaint that is received and investigated, the council must decide whether it is 'expedient' to pursue the matter further. This decision is reached by considering the most appropriate action and whether this is proportionate to the breach, whether it is in the public interest to take action against the breach and any detrimental harm to the environment and or the quality of life for the borough's residents and businesses.

2.9. The National Planning Policy Framework encourages Local Planning Authorities to publish a Local Enforcement Plan to manage enforcement proactively and maintain public confidence in the planning system.

2.10. This Policy functions as the Councils Local Enforcement Plan and aims to provide an overview of planning enforcement investigations, an insight into the decision-making process and the legislation and policy that guide it.

⁴ Paragraph: 003 Reference ID: 17b-003-20140306

3. Breaches of planning control

3.1. A breach of planning control is defined in Section 171A of the Town and Country Planning Act (TCPA) 1990⁵ as:

- (a) 'carrying out development without the required planning permission; or
(b) failing to comply with any condition or limitation subject to which planning permission has been granted.'*

3.2. Development is defined in the Town and Country Planning Act (TCPA) 1990 under Section 55⁶ as:

- '...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.'*

3.3. Some forms of development benefit from a 'deemed planning consent' by virtue of the General Permitted Development Order 2015 (as amended) 'The Order'⁷. Such development must comply with the conditions listed under the relevant Part and Class of 'The Order.' This also includes certain changes of use.

3.4. These 'deemed planning consents' are more commonly known as Permitted Development (PD) rights and are what are commonly relied upon for small home improvements, sheds and fences, but can also extend to some commercial premises.

3.5. Other changes of use may not require formal planning consent where the use of the land or building falls within the same 'Use Class' under the Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO)⁸.

3.6. A simplified version of the Use Class Order and explanation of what 'Use Class' the use of a land or buildings falls within can be found on the Planning Portal;

[Use Classes - Change of use - Planning Portal](#)

3.7. A common misconception is that the Council holds a list of what use class every property, premises or piece of land falls into within the borough. This is not the case. Whilst it may at times be straightforward to determine the use and/or authorised use of a property, such as a house (which would fall within Class C3), other uses of land, particularly mixed or changing uses can be more complex to determine.

⁵ [§171A of the TCPA](#)

⁶ [§55 of the TCPA](#)

⁷ [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#)

⁸ [The Town and Country Planning \(Use Classes\) Order 1987](#)

- 3.8. Where determining more complex uses or changes or use, the Council requires sufficient evidence to do so, which can take time and can sometimes be inconclusive.
- 3.9. If someone wants to confirm the authorised use an area of land of building falls within, they will have to apply for a Certificate of Lawfulness Existing (CLE) and supply evidence about what use class they believe the building to be within and why. The Council would then assess the evidence and determine the application based upon the evidence available to it.

What to do if you suspect a breach of planning control

- 3.10. You should first assess whether there is in fact a breach of planning control.
- 3.11. The Planning Portal Interactive House and Mini Guides provide a good starting point to deciding whether the suspected breach of Planning Control may fall under development considered to benefit from a deemed consent (Permitted Development) under The Order.
- 3.12. [Interactive House & Mini Guides – Planning Portal](#)
- 3.13. If the development does not fall within any of these classes, prior to reporting any breach, the Council’s website should be checked to ensure that planning permission for the development has not been granted;
- 3.14. [Simple Search](#)
- 3.15. If a development or use falls under Permitted Development or has been granted planning permission, then there would not be a breach of planning control.
- 3.16. Development (including changes of use) that do not benefit from a deemed consent (Permitted Development) and for which formal planning consent has NOT been sought will represent a breach of planning control which require further investigation.
- 3.17. Before submitting a planning enforcement complaint, three questions should be considered in two stages;

Stage 1

- 1. *Is it development?*
(*‘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’*)

- 3.18. If the answer is NO and it is not development or a material change of use, then this does not represent a breach of planning control, and the Local Planning

Authority (LPA) has no powers of enforcement in this respect. There is, therefore, no further action that can be taken.

- 3.19. If the answer is YES, it is development or a material change of use, then this may represent a breach of planning control, and you should proceed to Stage 2 of the consideration.

Stage 2

2. *Is it permitted development?*

(Consider checking the Planning Portal [Interactive House & Mini Guides](#) and Council [website](#) to see if a Certificate of Lawfulness has been granted)

3. *Has planning permission been granted for the development?*

(Check for consent using the link; [Simple Search](#))

- 3.20. If the answer to both questions in Stage 2 is NO, the breach of planning control should be reported to the Planning Enforcement Team for further investigation.

4. Different types of planning control breaches

- 4.1. Breaches of planning control can fall within different categories depending on the activity that has taken place and the site at which this has taken place.

Operational Development

- 4.2. As confirmed earlier in this policy, Development is defined in the Town and Country Planning Act (TCPA) 1990 under Section 55 as:

‘...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.’

- 4.3. For the purposes of the TCPA “building operations” includes—
- (a) demolition of buildings;
 - (b) rebuilding;
 - (c) structural alterations of or additions to buildings; and
 - (d) other operations normally undertaken by a person carrying on business as a builder.
- 4.4. Common household projects that fall within the definition of ‘operational development’ include (but are not limited to) extensions, outbuildings, erection of fences or other forms of boundary enclosure, laying of hardstanding.

Change of Use (CoU)

- 4.5. A material change of use falls within the definition of development for the purpose of the Town and Country Planning Act (TCPA) 1990 under Section 55.
- 4.6. However, addressing a planning enforcement complaint concerning a material change of use of land or a building is often more complex than addressing a complaint concerning operational development. Leading planning enforcement appeal cases confirm that determining whether a material change of use has occurred will be a question of fact and degree in each case.
- 4.7. Examples of material changes of use that represent a breach of planning control include (but are not limited to) change of use of amenity land to residential garden (often goes hand in hand with erection of boundary enclosures), change of use of residential land for storage in connection with operation of a business, change of use of a residential property to a place of worship, change of use of Green Belt land for residential occupation.

Breach of a Condition attached to an approval of a Planning Application

4.8. Where a planning application has been submitted to the Council and subsequently approved, either by the Council or at appeal by the Planning Inspectorate, such approval is often subject to a number of conditions. These conditions can be found on the decision notice which is published on the Council's website;

[Simple Search](#)

4.9. If on reading the conditions attached to the planning approval, it is considered that one or more have not been complied with, the breach of planning control should be reported to the Planning Enforcement Team.

4.10. NOTE: Some conditions are referred to as 'pre -occupation' conditions and will not 'bite' until the development is occupied. In these circumstances, the Council have no powers of enforcement until such time that the development is occupied and the condition is then breached.

Works to a Listed Building

4.11. Castle Point has 36 buildings and items of street furniture that hold national historical or architectural significance.

4.12. These are recognised as heritage assets and are granted Listed Building status under the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.13. A list of these buildings can be found on the Council's website which provides the reference to search further information regarding the listing on Historic England's site;

[Nationally Listed Buildings | Castle Point](#)

[Map of planning data for England](#)

[Find listed buildings, monuments, battlefields and more | Historic England](#)

4.14. Many of the 'deemed consents' (Permitted Development) provided under 'The Order' do not apply to development within the curtilage of a listed building.

4.15. Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990⁹ states that;

'...no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner

⁹ §7 Planning (Listed Buildings and Conservation Areas) Act 1990

which would affect its character as a building of special architectural or historic interest, unless the works are authorised...'

- 4.16. Therefore, any works carried out without formal consent, represent a breach of planning control that should be reported to the Planning Enforcement Team.

Advertisements

- 4.17. For planning purposes, 'advertisement' is defined in section 336(1) of the Town and Country Planning Act 1990¹⁰ (as amended) as:

'...any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the previous provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use, for the display of advertisements...'

- 4.18. Some advertisements do not require express consent where they fall under Schedule 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007¹¹ and meet the criteria and conditions listed therein.
- 4.19. Some advertisements benefit from a deemed consent' (Permitted Development) under Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007¹².
- 4.20. Those adverts that do not fall within either of these categories require the express consent of the Local Planning Authority.
- 4.21. The display of advertisements is subject to a separate consent process within the planning system. This is principally set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007¹³ where reference to their effect on amenity and public safety is controlled.
- 4.22. Any advertisements that do not fall within Schedules 1 or 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for which formal consent cannot be found when checking the Council's website should be reported to the Planning Enforcement Team.
- 4.23. Further guidance on advertisements can be found following the link;

¹⁰ [§336 of the TCPA](#)

¹¹ [Schedule 1 of the Control of Advertisements Regulations](#)

¹² [Schedule 3 of the Control of Advertisements Regulations](#)

¹³ [Part 3 – Express Consent of the Control of Advertisements Regulations](#)

Trees

- 4.24. Legislation relating to Tree Preservation Orders is in Part VIII of the Town and Country Planning Act 1990¹⁴ as amended and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012¹⁵.
- 4.25. Trees that are protected by a Tree Preservation Order (TPO) can be identified by using the Map of planning data for England following the link below;

[Map of planning data for England](#)

- 4.26. Works to trees covered by a TPO require formal planning consent. Any planning consent granted in respect of such works can be found by checking the Council's website;

[Simple Search](#)

- 4.27. Works carried out without formal consent from the Local Planning Authority or Forestry Commission represent a breach of planning control that that should be reported to the Planning Enforcement Team.
- 4.28. If the tree is not protected by a TPO, consider whether the works may require a felling licence. Further information relating to felling licences can be found by following the link below;

[Tree felling licence: when you need to apply - GOV.UK](#)

¹⁴ [Part VIII of the TCPA](#)

¹⁵ [Tree Preservation Order Regulations](#)

5. Matters that do not represent a breach of planning control

- 5.1. Effective planning enforcement is necessary to maintain confidence in the Planning System through effective monitoring and investigation whilst achieving a balance between the protection of the public interest and taking enforcement action.
- 5.2. Matters that do not constitute a breach of planning control cannot be investigated and resolved by the Planning Enforcement Team.
- 5.3. When considering whether to raise a planning enforcement complaint, the Council encourages complainants to follow the guidance within this policy to ensure that the complaint has been directed to the appropriate department/ authority/ organisation. Correct direction along with clear concise complaints, supported with relevant evidence, provides the best chance of a timely and effective resolution.
- 5.4. Some examples of matters that cannot be addressed as a planning enforcement complaint are listed below, though it should be noted that this list is not exhaustive.
 - Boundary/ Land ownership/ Party Wall disputes – private/ civil matter – independent legal advice should be sought
 - Breaches of restrictive covenants on Title Deeds - private/ civil matter – independent legal advice should be sought
 - Parking of vehicles on the highway Highways - Essex County Council - [Tell us - Essex County Council](#)
 - Illegal Parking – Can be defined as anti social behaviour and should be reported to Essex Police - [Report antisocial behaviour | Essex Police](#)
 - Obstruction of a Public Right of Way - Highways - Essex County Council - [Tell us - Essex County Council](#)
 - Overhanging/ overgrown vegetation on the highway network Highways - Essex County Council - [Tell us - Essex County Council](#)
 - Dangerous Structures – Castle Point Building Control - [Building Control | CastlePoint](#)
 - Breach of Building Control Regulations/ Works without a Building Control Application – Castle Point Building Control - [Building Control | CastlePoint](#)
 - Anti Social Behaviour/ Vandalism/ Crime – Essex Police - [Report a crime | Essex Police](#)
 - Noisy Activity, including DIY or Construction Noise outside of Building Work Restriction Hours – Castle Point Environmental Health - [Construction Noise | CastlePoint](#) (There is an exception here where an approval of a planning application has been granted subject to a condition restricting construction times or a 'Construction Management Plan' that may set out working times, in this instance, the breach should be reported to both the Planning Department and Castle Point Environmental Health)

- Unsafe construction practices (even where planning consent was granted by Castle Point) - Health & Safety Executive - [Tell us about a health and safety issue - Contact HSE](#)
 - Concerns regarding child welfare and/ or authority for childcare provision – Essex Social Care - [Report a concern about a child | Essex County Council/ Ofsted](#) - [Complaints procedure - Ofsted - GOV.UK](#)
- 5.5. Links have been provided to those departments/ authorities/ bodies who may be able to assist, however, those persons wishing to report a concern should carry out their own research in order to ensure that concern is appropriately directed and report such concerns to the relevant body direct.
- 5.6. Where a complaint is submitted to the Planning Enforcement team, which does not relate to Planning Enforcement but instead relates to another service area within the Council, this will be forwarded to the relevant department and you will be advised which department this has been forwarded. The Planning Enforcement team will take no further part securing a response to the complaint after it has been forwarded to the correct department.
- 5.7. If a complaint relates to a matter dealt with by an external body, you will be informed of this and wherever possible, details of who to contact regarding your complaint provided.

Specific complaints concerning an alleged change of use

Short term holiday lets

- 5.8. In recent years, there has been a notable increase in the number of properties being advertised and occupied as short-term holiday lets, sometimes known as an 'Air BnBs'.
- 5.9. Where Councils receive high numbers of complaints regarding these uses and such uses have a significant impact on housing supply, residential amenity, demand on local services and change of character of an area, some have adopted supplementary planning documents to control these uses. However, such policies are limited to those instances where the Local Planning Authority can demonstrate a material change of use has occurred.
- 5.10. Castle Point Borough Council receive a very limited number of planning enforcement complaints concerning the use of properties as a short-term holiday let and therefore it is not considered necessary to adopt supplementary planning documents in respect of short-term holiday lets at the current time. Those complaints that are received, are therefore determined on a case-by-case basis when considering the materiality of the change of use and the impact on residential amenity.

5.11. We have provided some illustrative examples below;

Example 1	A property owner constructs a purpose-built outbuilding for the sole purpose of providing a short-term holiday let	Breach likely to have occurred and evidence required to support formal enforcement action
Example 2	A four-bedroom house is let to families at weekends and school holidays and is occupied in the same manner that the house is when not being let	Likely to be considered that there is no breach of planning control
Example 3	A large property is let to large groups of occupants who use the property as a 'party house' in such a way that residential amenity is impacted by way of noise, traffic and increased waste	Breach likely to have occurred and evidence required to support formal enforcement action

5.12. In all these cases, significant evidence by way of diary sheets, photographic evidence and neighbour comments will be required to demonstrate a breach of planning control. The nature of a holiday let is that they are often most used over a weekend when officers are not so readily able to conduct site visits.

Other alleged changes of use

5.13. The Council also receives several enquiries from business owners querying whether formal planning consent is required to operate their business from their home and conversely, complaints from persons alleging a material change of use of a residential property being used for such purposes.

5.14. Where a complaint regarding such a use is received, the determining factor as to whether a material change of use has occurred is whether the use is ancillary to a residential use, or even de minimis (of minimal/small effect).

5.15. Where the primary use of the property remains for residential occupation, it may be decided that there is no change of use to the property. The scale of the use and harm to residential amenity will be a determining factor in these circumstances.

5.16. Considerations in reaching a conclusion as to whether there has been a material change of use of the property for a mixed use are;

- Internal alterations to a property to facilitate the operation of a business
- External staff being employed/working at the property
- Days and hours of operation
- Impact on residential amenity by way of noise, smell and increased pedestrian/ vehicular traffic
- Advertising in respect of the business within the site

5.17. The types of business that are most reported as a breach of planning control and a material change of use to a mixed use are;

- Beauty businesses
- Hot food takeaway
- Home baking/ provision of baked goods
- Car/ vehicle repairs
- Sale of cars/ vehicles

6. Time limits for planning enforcement action

- 6.1. One final consideration before submitting a planning enforcement complaint form should be ‘is the development immune from planning enforcement action.’
- 6.2. Generally, an unauthorised development or change of use is immune from enforcement action if it was carried out ten or more years ago. For example, if a wall which was too tall was built in 1995, enforcement action can no longer be taken if a complaint is received about it now.
- 6.3. The Town and Country Planning Act 1990 sets out such time limits under Section 171B¹⁶;
- 1) *‘Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of—*
 - (a) *in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed...*
 - 2) *Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of—*
 - (a) *in the case of a breach of planning control in England, ten years beginning with the date of the breach.*
 - 3) *(3)In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.’*
- 6.4. There are a few exceptions where development does not benefit from immunity from this act, including;
- Deliberate Concealment of a breach of planning control (in these circumstances, the Local Planning Authority can apply for a planning enforcement order to enable formal enforcement action after the time limits set out under Section 171B have expired.
 - Works to a listed building (The listed building enforcement provisions are in sections 38 to 46 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 6.5. The Levelling-Up and Regeneration Act (LURA) 2023¹⁷ introduced changes which affect the time limits within which enforcement action may be taken by local planning authorities against works (operational development) and material changes of use. It changed some of the time limits from four to ten years, so that

¹⁶ [§171B of the TCPA](#)

¹⁷ [§115 of the LURA](#)



it is consistently 10 years. The provisions of the Act took effect on 25th April 2024.

- 6.6. There is a transitional arrangement in place which means, where substantial completion of operational development that represents a breach of planning control took place before 25 April 2024, the development is immune from enforcement action if no action is taken within 4 years of substantial completion.
- 6.7. Also, where an unauthorised change of use to a single dwellinghouse took place before 25 April 2024, the development is immune from enforcement action if no action is taken within 4 years of the date that such use commenced.
- 6.8. If substantial completion of works occurred after 25 April 2024, then a ten year time limit applies for enforcement action to be undertaken.
- 6.9. Time limits for proceedings in respect of non-compliance with Tree Preservation Order Regulations are provided by Part 6 of the Localism Act 2011¹⁸ amended section 210 of the Town and Country Planning Act 1990¹⁹.

¹⁸ [Part 6 of the Localism Act](#)

¹⁹ [§210 of the TCPA](#)

7. Reporting a breach of planning control

- 7.1. The council relies on our residents and groups, local businesses, Councillors and staff to report suspected breaches of planning control to the team.
- 7.2. Whilst Officers do their best to spot breaches whilst they are out in the borough, which can lead to action being taken even when there is no public complaint, or before one is made, it is not possible to see or witness everything.
- 7.3. Once you have established that;
1. the development does not benefit from a deemed consent under The Order and is therefore unauthorised, and/or 
 2. that there is a breach of a Condition attached to an approval of a planning application or the breach of planning control falls within one of the other categories listed under 'Breaches of Planning Control', a Planning Enforcement Complaint should be submitted via the online form; 

Planning Enforcement Form

- 7.4. When reporting a planning breach you must provide your name, address and contact details. This is so that if we need to get back in touch with you to request further evidence or provide the outcome of an investigation, we can.
- 7.5. The Council does not accept anonymous complaints. This is to prevent spurious or vexatious complaints being made against residents, businesses and property owners within the borough.
- 7.6. The Council will not share your details or divulge who made a complaint to the person(s) subject of the complaint. Even if a Freedom of Information (FOI) request is submitted, the Council would redact personal information from any documents provided under such a request.
- 7.7. Should a member of the public have serious concerns for their welfare and safety if they were to make a complaint and provide their information, they should contact their local Ward Councillor, who will be able to assist in making representations on their behalf.

[Find My Councillor/Ward](#)

- 7.8. The complaint form will form the basis of the investigation and evidence submitted may be required to demonstrate a breach of planning control is occurring and also should it be considered to take formal action and/or the case

reach an appeal stage. In these circumstances, the complainant will be contacted to request consent to release details of the complaint and any subsequent evidence provided to the Council.

- 7.9. Where consent is withheld, this may weaken the Council's case and jeopardise any appeal made against a planning enforcement notice therefore it may not be expedient to proceed with formal enforcement action without this evidence and action may not be taken.
- 7.10. The Council will not be used as a tool to address neighbour disputes and will expect complainants to engage with them up until the appeal stage where necessary.
- 7.11. The following information is also compulsory when reporting a breach and complaints received without the required information will not be registered until they are received;
 1. A detailed description of the breach of planning control.
 2. The type of breach identified (i.e. Operational development without planning permission, breach of condition, the making of a material change of use of buildings or Land, works to a protected tree etc)
 3. When activities/ development commenced.
 4. Any relevant dates and times of activities.
 5. Photographs and/or videos of the breach (videos may be particularly useful when reporting a material change of use).
- 7.12. If all required information is not received when first submitting an enforcement complaint, you will be notified of the missing information and given an opportunity to provide the supplementary information that is missing.
- 7.13. Providing evidence for operational development, development which is taking place, is relatively easy, as this is a physical/tangible act or structure which can be viewed. However, changes of use can be more difficult to evidence, as uses are fluid in nature and witnessing or gathering evidence to demonstrate a change of use has occurred can be difficult.
- 7.14. When reporting a material change of use, you may also be required to provide diary sheets, photos and video footage to support your complaint. The Council receives a high number of planning enforcement complaints and does not have resources for ongoing and regular monitoring of sites and reported breaches. Officers will visit the site to establish whether there has been a breach of planning control, however, diary sheets, photos and video footage provided by complainants are often pivotal in establishing whether a material change of use of a building or land has occurred.
- 7.15. If evidence of the material change of use is not provided and if Officers are unable to corroborate the complaint and witness evidence suggesting a material

change of use first hand when carrying out site visits, no further action will be taken.

- 7.16. Where evidence is provided which suggests a material change of use has occurred, it is vital that this information forms part of the case if the Council seeks to take formal enforcement action. Without this evidence and if the Council has been unable to gather its own evidence, it may not be possible to take formal action, therefore we encourage all complainants to allow us to utilise evidence they provide us to support taking formal action and at appeal.
- 7.17. Where a complaint is received regarding works to a protected tree (with a current Tree Protection Order registered against it) a specific location is required. TPO's can cover individual trees, a 'woodland or 'areas'. If the alleged works reference trees covered by an area order/ woodland order, please ensure that you identify the TPO (the [Map of planning data for England](#)) and are able to describe the specific area where this is taking place.
- 7.18. Officers will not investigate without evidence of unauthorised works taking place. This is due to the amount of complaints received where officer's attend site and there are no works taking place and noise is either travelling from nearby, or it is noise that sounds similar to a chainsaw such as petrol lawnmowers or strimmers being used. This takes up a valuable resource which should instead be investigating and enforcing against confirmed breaches of planning control.
- 7.19. It may often be difficult to judge whether or not a breach of planning has occurred when construction is still on-going. The Council can only act on clear evidence and justification for that action.
- 7.20. Complaints that do not constitute a breach of planning control will not be registered or investigated. The person reporting the breach will be notified of this decision following the initial review of the complaint.
- 7.21. Complaints that are received that relate to breaches of other legislation not considered within the remit of Planning Enforcement will NOT be registered and should instead be registered with the correct department as noted under 'Breaches of Planning Control'.

8. After your complaint has been submitted

- 8.1. If the information provided is sufficient, we will send you an acknowledgement by email, the case will be logged, and an officer allocated to investigate. If you have not submitted sufficient information, we may contact you for further details.
- 8.2. An update will be provided only where:
- An investigation is concluded and there is no breach, or
 - An investigation is concluded and it is not expedient to pursue, or
 - An investigation is concluded and the breach has been resolved, or
 - Where formal enforcement action is taken.
- 8.3. Where further information is not required, the Council will not correspond with the complainant and will not provide updates on planning enforcement investigations.
- 8.4. The Council has a small planning enforcement team and a receives a high number of planning enforcement complaints. Resources are best placed in carrying out site visits, investigations and preparing cases for formal action, rather than providing regular updates on the progress of investigations.

9. The planning enforcement investigation

- 9.1. On allocation of a planning enforcement file, an officer will make an initial assessment of the complaint within 20 working days of the file being set up.
- 9.2. This initial assessment will draw from all available resources and may include (but is not limited to);
 - Planning history for the site
 - Historical planning enforcement investigations
 - Historical planning applications
 - Information gathering and liaison with internal Council departments
 - Information gathering and liaison with external bodies and parties such as the Environment Agency, Essex Highways, Natural England, Police, Essex Social Care
 - Internet searches using Google Earth historical imagery or property listings
 - Researching planning applications for similar development as well as appeal decisions in respect of similar breaches of planning control issued by the Planning Inspectorate
 - Companies House
 - Social Media pages
- 9.3. Once the officer has all available information, an assessment of the breach will be conducted to determine whether a site visit is considered appropriate. This site visit may require representatives from other internal departments or external bodies to be present.
- 9.4. If considered necessary, a letter will be sent to the person thought to be responsible for the breach of planning control to arrange a site visit.
- 9.5. Some breaches of planning control, particularly changes of use, may require a different approach initially which could include monitoring and ad-hoc visits to the site prior to or after contact with the person thought to be responsible for the breach.
- 9.6. Site visits enable the officer to obtain photographic evidence and factual information about the breach of planning control and often provide a starting point to open discussions about the most appropriate form of action to remedy the alleged breach (if there is found to be a breach).
- 9.7. Further investigations and liaison with relevant parties may also continue following the site visit.
- 9.8. The best course of action to assess a breach of planning control will normally be to visit the actual site that the breach is located on. This is because it allows officers to take measurements and properly assess the alleged breach. It will

not therefore always be necessary to visit neighbouring properties to assess the alleged breach.

- 9.9. Where access is not readily available to a site or the officer deems it necessary, a neighbouring property may be visited to assess the breach.
- 9.10. The officer may also consider it relevant to serve a 'Planning Contravention Notice' (PCN)²⁰ which sets out questions relevant to the breach of planning control and requiring information about interested parties in the land. Those served with such a notice have 21 days to provide a response.
- 9.11. Following receipt of an enforcement complaint, an initial assessment will be carried out to establish if there has been a breach of planning control. The case will then be triaged (low, medium and high) based on the level of harm occurring as a result of the breach. The case will then be prioritised in accordance with other enforcement cases and officer caseloads. Examples of how cases may be triaged are set out below:

Breach	Triage Level	Justification
A boundary fence is 30cm taller than is permitted without planning permission.	Low	There may be some impact to residential amenity, but the level of harm established is deemed to be low.
Someone is living in an outbuilding as an entirely independent dwelling, separate from the main dwelling.	Medium	Action is necessary to ensure that satisfactory living conditions and residential amenity for occupants and neighbouring residents is maintained, however, it is not deemed to be so high priority that urgent action is required to be undertaken.
Confirmed felling of protected trees/woodland without consent from the Local Authority or Forestry Commission.	High	Urgent action is required as once protected trees have been felled, they cannot easily be replaced.

- 9.12. Officers' caseloads will consist of a range of cases which have been triaged at different levels. Their caseload management will prioritise higher severity breaches, however, they will also be investigating lower severity breaches around these in order to ensure that caseload numbers are at a manageable level that allows for breaches to be addressed in a timely manner.

²⁰ [Planning Contravention Notice \(PCN\)](#)

10. Outcomes of an enforcement investigation

- 10.1. Planning Enforcement is discretionary and there are no statutory requirements to take planning enforcement action in relation to a breach of planning control. Therefore, for each planning enforcement complaint that is received and investigated, the council must decide on the most appropriate action and whether such action is proportionate to the breach. Further consideration must also be given to whether it is in the public interest to take action against the breach.
- 10.2. Once all relevant information and evidence has been gathered, the officer will consider the most appropriate action to be taken which could be;
- Close the file if there is considered to be no breach of planning control
 - Negotiations to seek an informal resolution to the breach of planning control
 - Where considered appropriate, a request may be made for a retrospective planning application to regularise a breach of planning control.
 - It may be considered that it is not expedient to pursue further action in respect of the breach of planning control.
 - Formal Enforcement Action by way of an Enforcement Notice/ Breach of Condition Notice/ Listed Building Enforcement Notice.

No breach of planning control

- 10.3. The investigations carried out may lead the officer to conclude that there has been no breach of planning control, this may arise where there the alleged breach is considered not to fall within the definition of 'development' under the Town and Country Planning Act 1990, or where the development is considered to be 'permitted development' under the General Permitted Development Order 2015 (as amended) or the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 10.4. In such circumstances, all evidence leading to this conclusion will be documented on the enforcement file and a letter written to both the person raising the enforcement complaint and the person thought to be considered responsible for the breach of planning control to advise that the enforcement case has been closed and why this is.
- 10.5. Where development is considered to be 'permitted development' the person responsible for the development will be encouraged to submit a Certificate of Lawfulness. However, there is no requirement for this submission, and the case will be closed nonetheless.

Negotiations to remedy the breach of planning control (PD)

- 10.6. Negotiation to resolve a breach of planning control is often the best way to address complaints. Many breaches occur as a result of a lack of understanding and awareness of rather complex planning legislation and so when such breaches are noted by officers, it is common that those persons responsible for the breach are willing and keen to work with the Local Planning Authority to address the breach.
- 10.7. This results in less officer time spent dealing with drafting formal documents to address the breach and deal with planning enforcement appeals and also allows officers to educate residents on planning legislation, permitted development rights and when formal planning consent is required.
- 10.8. Where a breach is identified that officers consider could be remedied through negotiation, following the site visit, a formal letter will be sent setting out the actions required and a time frame for compliance to remedy the breach.
- 10.9. An example of such a remedy could involve reducing the height of a structure for instance, to bring it in line with the measurements specified in the conditions of the relevant part of the General Permitted Development Order 2015 (as amended).
- 10.10. The person responsible for the breach will be expected to contact the Local Planning Authority within/ at the end of that time frame to confirm that such actions have been undertaken and arrange a 'compliance site visit' where the officer will take further photos and gather evidence to confirm the breach has remedied.
- 10.11. The officer will then write out confirming that the breach has been remedied and the enforcement case will be closed.

Request for a retrospective planning application to regularise a breach of planning control

- 10.12. It is a common misconception that a breach of planning control is a criminal offence that will automatically result in formal enforcement action.
- 10.13. The Council will not take enforcement action simply to remedy a breach of planning control. When visiting a site, an officer will consider whether it would be appropriate to request a retrospective planning application in respect of the development in order to afford the person responsible for the breach of planning control an opportunity to regularise the development.
- 10.14. When considering the appropriateness of such a request, consideration is given to local and national planning policy and any other relevant material

considerations to assess whether the breach causes an unacceptable level of harm.

- 10.15. If the officer considers such action appropriate, a formal request for a planning application will be made and the officer will allow 28 days for the submission of an application.
- 10.16. Once an application is received, the enforcement investigation will be placed on hold pending determination of the planning application.
- 10.17. A Complainant(s) will be afforded the opportunity to comment on a retrospective planning application, during the normal public consultation period, so that they have the opportunity to make their views on the application known.
- 10.18. If the application is approved, the enforcement file will be closed, and the complainant will receive a letter confirming this along with the planning application reference number.
- 10.19. A request for a planning application does not guarantee that planning consent will be granted and this will be communicated with the request. On receipt of an application, a planning officer will determine any application submitted in accordance with the relevant policies and guidance when reaching a recommendation for approval or refusal.
- 10.20. If the application is subsequently refused, formal enforcement action, usually by way of an Enforcement Notice will be issued in respect of the unauthorised development.

No formal enforcement action where it is not considered expedient

- 10.21. Where no application is received to regularise development that constitutes a breach of planning control, the officer will make a further assessment of the breach in order to determine whether it is expedient to take formal enforcement action in respect of the development.
- 10.22. This assessment will consider whether there is conflict with local planning policy, national planning policy and any other relevant material considerations. Consideration will also be given to any identifiable harm to residential amenity and public amenity as well as any impact on the built environment.
- 10.23. Where there is no or minimal identifiable harm caused by the development and it is considered to conform with local and national planning policy, the officer may conclude that had a planning application for its retention been submitted, it would likely have been granted and therefore formal enforcement action is not expedient to pursue, and therefore subsequently close the enforcement file.

Formal enforcement action

10.24. There are various tools available to officers to address a breach of planning control, if necessary, which include;

- Enforcement Notice (EN)
- Planning Enforcement Order
- Stop Notice (SN)
- Temporary Stop Notice (TSN)
- Breach of Condition Notice (BCN or BoCN)
- Injunction
- Listed Building Enforcement Notice
- Removal Notices in respect of unauthorised advertising
- Prosecution in respect of unauthorised in contravention of a Tree Preservation Order
- Enforcement Warning Notice (EWN)
- Section 215 Notice
- Named officers also benefit from rights of entry to enter land specifically to complete further investigations in respect of an enforcement investigation. There must be reasonable grounds for entering the land for the purpose of such investigation.

10.25. Where a resolution of a breach of planning control cannot be reached through negotiations and the Council have been able to identify a conflict with planning policy and identifiable harm, the most common tools used to address such breaches are either by way of issue of a planning enforcement notice or a breach of condition notice.

10.26. Both an enforcement notice and a breach of condition notice specify the breach of planning control, the actions required to remedy the breach of planning control and a time frame for compliance with those requirements specified therein.

10.27. Enforcement Notices and Breach of Condition Notices are registered as a charge on the Local Land Charges Register and therefore can affect the sale/ purchase of a property/ land. They are also available to view by members of the public as they form part of the public Enforcement Register.

11. Appeals

Breach of Condition Notice

11.1. There is no right of appeal against a breach of condition notice, however, the validity of a breach of condition notice, and the appropriateness of the local planning authority's decision to serve a breach of condition notice, may be challenged by application to the High Court for Judicial Review (JR).

Enforcement Notice

11.2. There is a right of appeal against a Planning Enforcement Notice.

11.3. The right of appeal applies to anyone who has an interest in the Land to which an enforcement notice relates.

11.4. Any appeal in respect of the notice must be received before the enforcement notice comes into effect. This date will be specified on the planning enforcement notice.

11.5. Planning enforcement appeals are made under section 174(2) of the Town and Country Planning Act 1990²¹ which provides seven grounds of appeal. These are:

- (a) planning permission ought to be granted or the condition or limitation concerned ought to be discharged;
- (b) the matters stated in the enforcement notice have not occurred;
- (c) the matters stated in the enforcement notice (if they occurred) do not constitute a breach of planning control;
- (d) at the date when the notice was issued, no enforcement action could be taken;
- (e) copies of the enforcement notice were not served in accordance with the relevant statutory requirements;
- (f) the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary either to remedy any breach of a planning control or to remedy any injury to amenity which has been caused by any such breach; and/or
- (g) any period specified in the notice falls short of what should reasonably be allowed.

11.6. Further guidance on the appeals process can be found in the Planning Inspectorates Procedural Guide to Enforcement Notice Appeals;

[Procedural Guide: Enforcement notice appeals - England](#)

²¹ [§174 of the TCPA 1190](#)

- 11.7. Where a valid appeal is made in respect of an enforcement notice, the notice is held in abeyance whilst the appeal is dealt with by the Planning Inspectorate. Therefore, the development will remain pending determination of an appeal. This also means that if a notice is issued to address a material change of use of land, any unauthorised use can continue until the Planning Inspectorate issue an appeal decision.
- 11.8. Appeals can be determined by written representations, informal hearings or public inquiries.
- 11.9. Once an appeal has been made against a notice, a timetable will be set and the Council is bound by the timeframes set by the Planning Inspectorate.
- 11.10. Please see the link below to the Planning Inspectorate's webpage confirming time frames for determination of appeals;

[Appeals: How long they take](#)

Appeal dismissed and enforcement notice upheld

- 11.11. If the appeal is dismissed and the enforcement notice upheld, the enforcement notice takes effect on the date of the appeal decision and compliance with the requirements specified in the notice is then required within the time frame(s) for compliance as specified in the notice.
- 11.12. It is an offence not to comply with an enforcement notice, once the period for compliance has elapsed, and there is no outstanding appeal. If compliance is not secured, the matter will be passed to the Council's Legal Team/ Representatives for prosecution for non-compliance. The Council may also apply for a Confiscation Order, under the Proceeds of Crime Act 2002²².

Appeal upheld and enforcement notice quashed or amended

- 11.13. If the appeal is upheld and the enforcement notice quashed, the impact of this determination on the development is largely determined by the ground(s) of appeal that was relied on by the person responsible for the breach.
- 11.14. Grounds of appeal are split into two categories; Procedural and Legal grounds.
- 11.15. Legal grounds of appeal may suggest that either planning permission should be granted for the development, that the matters stated in the notice have not occurred or that the development is 'permitted development.'

²² [Proceeds of Crime Act \(POCA\) 2002](#)

- 11.16. In such circumstances, the Council may have the opportunity to propose conditions for the development, however, the development can remain.
- 11.17. Where the appeal is made on procedural grounds, this will either address the time frame for compliance with the requirements of the notice and state that it is too short or it will state that the requirements of the notice are excessive.
- 11.18. In these circumstances, it is likely that the requirements of the notice will stand but the time frame for compliance or the requirements of the notice are amended.
- 11.19. The Planning Inspectorate may also issue a 'Split decision' where some parts of the appeal are dismissed and other parts upheld.
- 11.20. Please find a list of FAQ's and glossary on the following page.
- 11.21. Further guidance and information relating to Castle Points adopted Local Plan and supplementary planning guidance can also be found on the Council's website;

[Planning | Castle Point](#)

12. Castle Point Planning Enforcement Glossary

Advertisement Removal Notice

These can be used to remove unauthorised advertisements which do not have either express or deemed advertisement consent to be displayed. There is a right of appeal against this notice.

Ancillary

A subsidiary or secondary use or operation closely associated with the main use of a building or piece of land.

Amenity

A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the interrelationship between them, or less tangible factors such as tranquility.

Breach of Condition Notice (BCN)

Issued when a Condition listed on a Planning Approval Decision Notice has been breached. Lists the condition that has breach, the requirements required to remedy that breach and the time frame for remedial action. There is no right of appeal against a BCN.

Default Powers

The council may enter the land and take the necessary action to secure compliance when enforcement notices are in effect. This is only used in extreme cases and when resources allow. The council will seek to recover all costs associated with carrying out works in default.

Discontinuance Notice

Where an advertisement is being displayed with the benefit of deemed consent, a planning authority may serve a discontinuance notice on the owner and occupier of the land and on the advertiser, requiring it to be removed, where it considers the removal to be necessary “to remedy a substantial injury to the amenity of the locality or a danger to members of the public”.

Enforcement Notice (EN)

An Enforcement Notice is served where there is a breach of planning control and the LPA considers it expedient to serve such a notice. The notice will list the breach, the requirements required to remedy that breach and the time frame for remedial action.

Enforcement Warning Notice (EWN)

Under [Section 172ZA](#) of the Town and Country Planning Act 1990, the LPA can issue an Enforcement Warning Notice where considers that unauthorised development has a reasonable prospect of being acceptable in planning terms, in effect, formalising the process of requesting a retrospective planning application.

Expedient

When action is considered necessary and in the public interest. This is informed by a planning judgement taking into account the material planning considerations and the impact on amenity to assess the level of harm.

Injunction

This involves seeking an order from the court preventing an activity or operation from taking place. Failure to comply with the requirements of an injunction amounts to a criminal offence.

Land

An Enforcement Notice will reference the land to which the Notice relates. The term 'Land' refers not only to land but also to property or structures erected on the land.

Lawful Development Certificates (LDC)

A certificate issued by a local planning authority under the Town and Country Planning Act 1990 (TCPA), on application, stating that an existing ([LDC 191](#)) or proposed use ([LDC 192](#)), or other forms of development, can be considered as lawful for planning purposes. This is not the same as planning permission. An LDC may be applied for where either;

- An existing use of land, or some operational development, or some activity in breach of a planning condition, is lawful. At Castle Point, these applications have the suffix 'CLE'.
- A proposed use of buildings or other land, or some operations proposed to be carried out in, on, over, or under land, would be lawful. At Castle Point, these applications have the suffix 'CLP'.

Listed Building Enforcement Notice (LBEN)

A notice issued by a local planning authority if work is carried out on a Listed Building without consent. The notice will list the breach, the requirements required to remedy that breach and the time frame for remedial action.

Local Planning Authority (LPA)

The planning department at Castle Point Borough Council and the team of officers tasked with determining planning applications and investigating enforcement complaints.

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies for England and how these should be applied. The framework sets out that LPA's should publish a Local Enforcement Plan to manage enforcement proactively

Planning Contravention Notice (PCN)

A planning contravention notice can ONLY be served by the LPA where they believe a breach of planning control has occurred. It allows the LPA to gather information regarding that breach in order to help establish whether formal enforcement action is required.

Planning Enforcement Order

A planning enforcement order enables an authority to take action in relation to an apparent breach of planning control where the unauthorised development has been deliberately concealed and has therefore come to the attention of the LPA after the time limits for taking enforcement action (under [section 171B of the Town and Country Planning Act 1990](#)) have passed.

Planning Inspectorate (PINS)

The planning Inspectorate deal with planning enforcement appeals, planning appeals, national infrastructure, planning applications, examinations of local plans and other planning-related and specialist casework.

Planning Practice Guidance (PPG)

PPG provides a central point of reference for all planning legislation and guidance. It has a specific section for Planning Enforcement and post permission matters.

Proceeds of Crime Act (POCA)

The [Proceeds of Crime Act 2002](#) (“POCA”) sets out the legislative scheme for the recovery of criminal assets with criminal confiscation being the most commonly used power. Noncompliance with the requirements of a planning Enforcement Notice is a criminal offence and the LPA can seek to prosecute to the person responsible for the breach. Where such prosecution is successful, a POCA confiscation order may be deemed appropriate.

Prosecution

In cases such as unauthorised demolition in a conservation area, severe damage to a listed building, the lopping, felling or destruction of a protected tree, the unauthorised display of an advertisement or non-compliance with an enforcement notice, prosecution action can be taken against the parties deemed responsible for the works.

Retrospective Planning Application

A retrospective planning application is a planning application made in respect of development that has already been completed. The purpose of such an application is to regularise unauthorised development.

Section 215 Notice

A notice issued under [Section 215](#) of the Town and Country Planning Act 1990 requires owners/ occupiers of land which is having a detrimental affect on amenity of

a part of their area due to its condition to take steps to remedy the condition within the period specified in the notice.

Stop Notice (SN)

A stop notice can be served to prohibit any or all of the activities which comprise the alleged breach(es) of planning control specified in the related enforcement notice, ahead of the deadline for compliance in that enforcement notice. The notice should only prohibit what is essential to safeguard amenity or public safety in the neighbourhood; or to prevent serious or irreversible harm to the environment in the surrounding area

Temporary Stop Notice (TSN)

A temporary stop notice is served in accordance with [section 171E of the Town and Country Planning Act 1990](#) and requires that an activity which is a breach of planning control should stop immediately. The notice should specify the date of service, the activity to cease and confirms that any person contravening it may be prosecuted for an offence.

Town and Country Planning Act 1990 (TCPA)

The [TCPA](#) is the primary legislation that governs decision making and provides legislative powers of enforcement.

Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO)

The [DMPO](#) sets out the procedures to be followed in determining planning applications, appeals, lawful development certificates.