



Planning Enforcement Plan 2025



INTRODUCTION

The National Planning Policy Framework (NPPF) 2024 recommends that local planning authorities publish a local enforcement plan to manage planning enforcement proactively and in a way that is appropriate to their area. This document sets out the Council's approach to planning enforcement for all those who are involved in or affected by breaches of planning control in Rugby borough.

Rugby Borough Council's Corporate Strategy 2025-2035 sets out a vision for the future of the borough. The planning process is key to ensuring the delivery of the priority outcomes set within this Strategy. It is vital that we have an effective planning enforcement process to help deliver these objectives.

ENFORCEMENT OBJECTIVES

Planning enforcement ... is key to ensuring local and national policies are upheld and adhered to. Planning enforcement ensures that the entire planning process, from plan making to development management, is effective and delivers what it says it will, when it says it will. At the heart of the planning process, planning enforcement professionals tirelessly promote and uphold local and national policies. It is their passion for ensuring that planning control is adhered to which enables plan makers and planning officers to make confident decisions and to see their vision of making our places, environment, and quality of life better, come to fruition.

Olivia Stapleford, Chair, NAPE 2024

The key objectives of the planning enforcement team are:

Prompt but
appropriate
enforcement
action

Maintain public
confidence in the
planning system

Responsive and
robust processes

Proportionate and
consistent action

WHAT IS A BREACH OF PLANNING CONTROL?

The Town and Country Planning Act 1990 defines a breach of planning control as "the carrying out of development without the required planning permission or failing to comply with any condition or limitation subject to which planning permission has been granted."

A breach of planning control can include the following:

- Building work and/or a material change of use undertaken without the benefit of planning permission.
- Development not being carried out in accordance with the plans approved as part of a planning permission.
- Non-compliance with conditions attached to a planning permission: and
- Non-compliance with a planning obligation contained in a Section 106 legal agreement attached to a planning permission.

There are also other legislative codes which fall within the remit of the planning enforcement service. Breaches of such legislation can include the following:

- Works being carried out to a Listed Building which affect its fabric and/or character without listed building consent being granted.
- Non-compliance with conditions attached to a listed building consent.
- The display of advertisements for which express consent is required but has not been granted.
- The removal of trees protected by a Tree Protection Order and/or trees situated within a Conservation Area without prior notification or consent; and
- Unauthorised removal of protected hedgerows (as defined by The Management of Hedgerows (England) Regulations 2024).

MATTERS THAT ARE NOT BREACHES OF PLANNING CONTROL

Not all development or changes of operational use require planning permission and/or listed building consent from the local planning authority.

The following are examples of works and activities that are not within the remit of the planning enforcement service:

- Internal works to a non-listed building.
- Obstruction of a highway or public right of way (PROW)
- Parking of commercial vehicles on highways, residential driveways, or grass verges.
- Parking of caravans on residential driveways or within the curtilage of domestic properties if they are incidental to the enjoyment of the property and are not used as living accommodation.
- Running a business from home where the residential use remains the primary use and there is no adverse impact on residential amenity.
- Land ownership issues, including boundary disputes, Party Wall Act disputes, and trespass issues.
- Enforcement of covenants imposed on property Deeds.
- High hedges issues.
- Any works that are deemed to be 'permitted development' under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any legislation that supersedes or amends it.
- Advertisements that benefit from deemed or express consent as set out under the Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2021, or any legislation that supersedes or amends it.
- Dangerous structures, unsafe working practices, or other health and safety issues.
- The Town and Country Planning (Use Classes) Order 1987 (as amended) allows for certain changes of use without the need for planning permission.

ENFORCEMENT ACTION IS DISCRETIONARY

It is important to note that the identification of a potential breach of planning controls is not sufficient justification for taking enforcement action. The Council must first decide, having given regard to policies contained within the adopted Local Plan, guidance contained in the National Planning Policy Framework (NPPF), and all other material planning considerations, whether it is '**expedient**' to take formal action. Expediency is a test of whether the unauthorised activities are causing material harm to the environment or amenity of the area, and whether the costs of taking action will result in public benefits that are of sufficient value to justify the likely expense such action

would incur. Therefore, enforcement action is **discretionary**, and each case must be assessed on its own merits.

Guidance from Central Government is that formal enforcement action should be a last resort, and that Councils are expected to give those responsible for a breach of planning controls the opportunity to put matters right or to seek to regularise the breach. Formal enforcement action, such as the serving of a formal Notice, should only occur when other options for resolution have been unsuccessful. The serving of a formal notice, and the actions required by that Notice, must be proportionate and commensurate with the breach of planning controls identified and cannot cover matters that would go above or beyond those measures reasonably necessary to resolve the breach.

This means that the Council may not always consider it appropriate to take formal enforcement action even where a breach of planning controls has been identified.

Guidance from Central Government Councils goes on to state the Council should avoid taking action in the following circumstances: -

- Where there is a minor or technical breach of planning controls which causes no material harm or adverse impact on the amenity of the site or the surrounding area.
- Where the development is acceptable in planning terms and the purpose of formal enforcement action would solely be to regularise the development.
- If in their assessment, the local planning authority consider that submission of a retrospective application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed, or a planning permission varied.

A judgement will be taken on a case by case basis by the enforcement team with appropriate guidance of the Development and Enforcement Manager or any other authorised officer as set out in the Constitution when required.

HOW TO REPORT A BREACH OF PLANNING CONTROL

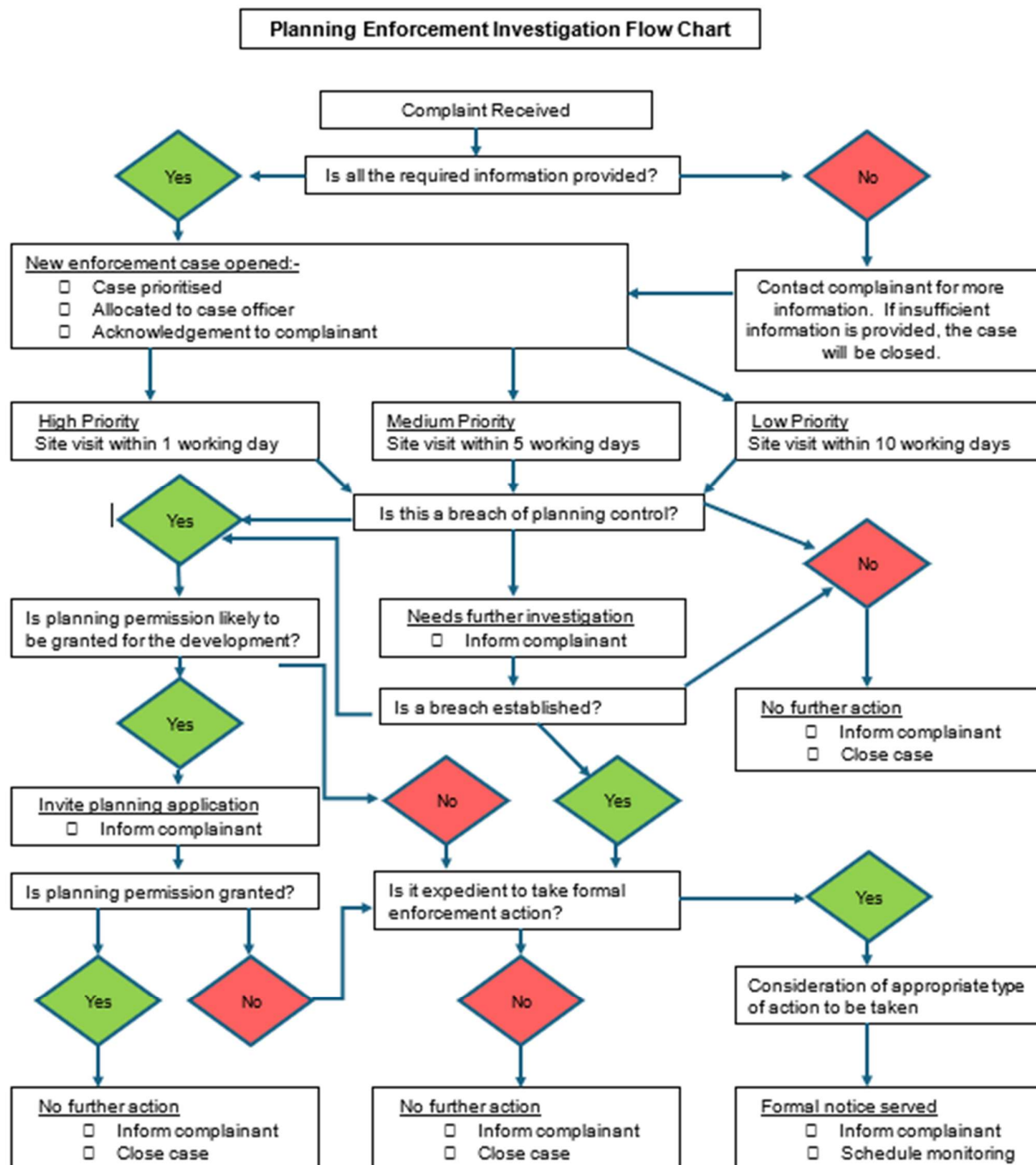
You can report a breach [online](#) or by emailing RBC.planningenforcement@rugby.gov.uk

Please provide the following information:

- Your name, address, and contact details. These will remain strictly confidential. We do not investigate anonymous complaints unless they relate to a matter of public safety or have been reported by several sources.
- The address where the breach is taking place (or if it affects a site with no postal address, a specific description of the site location).
- What the breach is and when it started.
- Where possible, timestamped and dated photos of the works (this helps us to prioritise and direct appropriate resources to the investigation).
- In cases where a pattern of occurrences is alleged, a detailed log of the times, dates and manner of the activity covering at least 2-4 weeks (to demonstrate the pattern).
- Where possible, the name, address, email/telephone number of who is carrying out the work. On a commercial site, the contact details of the company and/or relevant contractors should be provided.

Informants who do not wish to give their personal details will be advised to contact either their Local Ward Councillor or their Parish Council who may then raise concerns on their behalf. Personal details provided by an informant will not be disclosed unless the Council is required to do so because of any formal Court or legal proceedings.

WHAT HAPPENS AFTER I REPORT A POTENTIAL BREACH OF PLANNING CONTROLS?



HOW WILL WE PRIORITISE YOUR ALLEGATION?

To make the best use of resources available, cases will be prioritised in accordance with the severity of the breach identified. This will initially be decided by the Council following receipt of the allegation, and the priority level will be reviewed as the case progresses.

High Priority – Severe, irreversible, and usually on-going/progressive breach

A site visit will usually take place within 1 working day of receipt

1. Unauthorised works to a listed building that amount to serious harm.
2. Unauthorised removal of protected hedgerows.
3. Unauthorised works to trees that are protected by Tree Preservation Orders and/or are located within Conservation Areas.
4. Development that causes significant harm or danger to the amenities of neighbouring residents and the public.
5. Unauthorised encampments (following an initial corporate response to the receipt of allegations).
6. Unauthorised development/advertisements which pose a potential risk to public safety.

Medium Priority – On-going work which may cause significant and progressive harm to the area if not addressed swiftly.

A site visit will usually take place within 5 working days of receipt

1. Large scale building works causing significant loss of amenity.
2. Breaches of planning conditions causing serious demonstrable harm to the neighbourhood.
3. Unauthorised development causing significant public concern (significant public concern can be quantified as 5 or more independent sources complaining about the same alleged breach of planning control).
4. The erection of unauthorised advertisements causing serious harm to amenity or public safety and/or a detrimental impact on highway safety.
5. Unsightly buildings or untidy land causing serious harm to the amenity of neighbouring residents and/or significant harm to the appearance of the area in which it is located.

Low Priority – No significant or immediate harm, and/or impact is limited to adjacent properties and is reversible.

A site visit will usually take place within 10 working days of receipt, if necessary, following a desktop appraisal of the issues.

1. Advertisements that don't meet the criteria for being a medium priority
2. Domestic extensions and outbuildings.
3. Reports relating to works that have already been completed.
4. Breaches of planning conditions where they are likely to be resolved without formal action.
5. Untidy land that doesn't meet the criteria for being a medium priority

Please note, planning enforcement can be a complex legal process and, in some instances, can take some time to resolve. Timescales can be affected by the level and timeliness of co-operation of from an alleged offender.

HOW ARE BREACHES RESOLVED

There are a range of tools available to the planning enforcement team to tackle breaches of planning control. The use of these can vary depending on the nature of the breach and the level of harm caused. The most common measures are set out below.

INFORMAL ACTION

No breach established – Following a site inspection (or a desktop investigation if appropriate) it may be found that there is no breach of planning controls because, for example, the unauthorised use has ceased, a planning condition has not been breached, or the development is permitted development.

There is a breach of planning control but not considered expedient to pursue – Just because a breach may exist does not automatically mean that formal action is appropriate. Enforcement powers are discretionary and minor technical breaches may not be considered expedient to pursue as they may be judged to be too minor to justify the likely amount of time and expense involved in pursuing them.

The development is lawful and immune from enforcement action - This is when the unauthorised development or unauthorised change of use has occurred over a long period of time without being brought to the attention of the Council. There are certain time limits involved in relation to operational development and changes of use. For further details please contact the Enforcement Team who will be happy to advise you if you think this may apply to you (rbc.planningenforcement@rugby.gov.uk).

Negotiations take place to find a solution – In accordance with Government guidance, the Council's priority is to try and resolve any breaches of planning controls through negotiation. Only when negotiations fail to secure an acceptable solution should formal action be considered. The Council will not however allow negotiations to become protracted where there is a need to make the development acceptable or where there is a requirement for a particular use to cease. In such instances, we will set deadlines and targets for action.

Retrospective planning applications - In accordance with Government advice the Council will firstly seek to negotiate an amicable solution to any confirmed breach of planning control. By entering negotiations with the parties involved, a solution may be found which could involve the cessation of any unauthorised change of use or building operations, the removal of any unauthorised building works or items constituting a material change of use of land, and/or the remedy of any breach by the submission of a retrospective planning application.

A retrospective application will be invited where it is considered that there is a reasonable likelihood that planning permission may be granted in line with local and national planning policies or where a development may be able to be made acceptable by way of the imposition of conditions. The Council is obliged to consider a retrospective application if one is submitted, even if one was not invited.

Minor or technical breaches of planning controls may not be pursued if a retrospective application has been requested but no application has been forthcoming if it is not considered expedient to do so.

If an enforcement notice has already been served, then the Council may decline to determine any retrospective planning application which seeks to regularise any or all the breaches of planning control that are referred to in the enforcement notice.

FORMAL ACTION

Planning contravention notices - A PCN is a legal notice which allows the Council to bring the breach to the attention of the alleged offender and/or the owner of a site and requires the alleged offender to provide certain information. It also invites the offender to respond constructively to the Council about how any suspected breach of planning control may be satisfactorily remedied. The offender has 21 days to respond. It is a criminal offence to fail to respond or to a PCN or to provide misleading/inappropriate information.

Enforcement notices – These are formal legal documents that require the owner to follow specific steps to correct the planning breach in a set time. If the notice is not complied with, the planning breach will become a criminal offence which can be prosecuted in the courts. The Council may decide not to require action to be taken to remedy the whole of a breach of planning control. This is known as “underenforcement”. A copy of the notice will be entered on the local land charges register and the local planning authority’s register of enforcement notices, which are available online. There is a right of appeal against an Enforcement Notice, which must be exercised prior to the Notice coming into effect. There is no right of appeal outside of this time. If a notice is appealed, the local planning authority may have to await the outcome of the appeal before further action is taken. This is because the appeal may be allowed, in which case the activity is regularised and therefore no longer a breach.

Breach of condition notices - can be used where the unauthorised activity is in breach of a condition attached to a planning permission or listed building consent. A BCN will require compliance with the conditions within a specified period. A breach of the notice will have taken place if the condition(s) has not been complied with, the specified steps have not been undertaken within the timescales identified in the BCN, or activities have not ceased. There is no right of appeal against these notices, and breaching of the notice becomes a criminal offence that may be subject to prosecution in the courts.

Stop notices - can prohibit some or all activities relating to the alleged breach(es) of planning controls specified in an accompanying enforcement notice. A stop notice cannot be served without an accompanying enforcement notice. A stop notice’s requirements must 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. A stop notice may not prohibit the use of any building as a dwelling house. If the associated enforcement notice is quashed, varied, or withdrawn, or if the stop notice is withdrawn, compensation may be payable. A full assessment of the likely consequences of serving the notice will be made as such action may expose the Council to additional financial burden or legal challenge.

Temporary stop notices – require an activity which is in breach to cease immediately. The notice does not have to wait for an accompanying enforcement notice to be issued. It cannot be used to get someone to do something such as remove an extension or stop the use of a building as a dwelling house. A temporary stop notice expires 56 days after it is served (or any shorter period specified in the notice). At the end of the 56 days works can resume unless an enforcement notice is issued and a stop notice served. The effect of issuing a temporary stop notice is to halt the breach of planning controls or the specified activity immediately. This can have immediate serious consequences on a business particularly in terms of costs, so the Council must ensure that a temporary stop notice's requirements prohibit only 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.

Injunctions – An application can be made to the High Court or County Court for an injunction to restrict or prevent a breach of planning control. Proceedings for an injunction are the most serious enforcement action that can be taken because if a person fails to comply with an injunction they can be committed to prison for contempt of court. The first stage is to formally warn the offender of an injunction and require them to sign a legal undertaking which confirms that the alleged breach will cease. If this undertaking is breached, then an application is made for an injunction.

Section 215 notices – can be used to require land or buildings to be tidied up and/or repairs made to a building or enclosure when its condition adversely affects the amenity of the area. If it appears that the amenity of part of an area is being adversely affected by the condition of neighbouring land and buildings, a notice can be served on the owner requiring that the situation be remedied. There is no right of appeal once the notice comes into effect, although an appeal can be made to a Magistrates Court by those served with the notice or any other person having an interest in the land **before** the notice comes into effect.

Community Protection Warnings/Notices- can be used to deal with unreasonable behaviour, ongoing problems or nuisances (such as an untidy building which is having an adverse impact upon the amenity of the area) which negatively affect the community's quality of life by targeting the person responsible. The warning/notice can direct any individual, business or organisation responsible to stop causing the problem and to take reasonable steps to ensure it does not happen again.

Enforcement Warning Notices – can be used to invite a retrospective planning application where a local planning authority considers that unauthorised development has a reasonable prospect of being acceptable in planning terms. The notice will detail the breach of planning and state that unless an application is made by a specified date further enforcement action may be taken. There is no right of appeal against this type of notice.

Discontinuance notice – requires the display of a particular advertisement with deemed consent (or the use of a particular site for displaying advertisements with deemed consent) to cease. This action can only be taken where it is necessary to remedy a substantial injury to the amenity of the locality or a danger to members of the public. "Substantial injury" to the amenity of the locality is a more rigorous test than the "interests" of amenity that applications for deemed consent are assessed against.

In addition to the above, further action is available by way of the taking of direct action to remedy a breach or to instigate prosecution proceedings for non-compliance where it is deemed necessary to do so.

If the Council considers, either at the start or after an initial investigation, that an allegation is vexatious or malicious with no real planning grounds to substantiate it, the Council will either refuse to investigate or close the file with no further action being taken.

WHAT CAN I EXPECT IF I CARRY OUT WORK WITHOUT PERMISSION?

If an allegation is received that affects you or your property, then the first thing that will happen is that you will be contacted (where your details are known to the Council) and/or the site in question will be visited by an enforcement officer. The purpose of this visit is to establish the facts of the case and determine whether there is any basis to the allegations made. The officer will, where necessary, take measurements and photographs of the development or activity taking place. This site inspection may be undertaken without any prior notification, and officers are authorised to enter any site at any reasonable date and time, with or without the owner's or occupier's permission, for the purposes of an investigation (see "Power of Entry Onto Land").

If there is a breach of planning controls, you will be advised in writing of the details of the breach and what steps need to be taken to either rectify the breach or regularise the situation. If no breach is identified, then no action will be taken against you, and we will usually write to you to confirm this.

If action is required, you will be given a reasonable period of time (dependant on the nature of the breach) to resolve the issues identified. If compliance is not secured through amicable negotiations or the submission of a retrospective planning application, or you do not engage with officers when contacted, formal action may be instigated.

POWER OF ENTRY ONTO LAND

Section 196(a) of the Town and Country Planning Act (as amended), the Planning (Listed Buildings and Conservation Area) Act 1990 and Part 8 of the Anti-Social Behaviour Order Act 2003 gives officers of the Council the power to enter land and/or premises at all reasonable hours to undertake their official duties. Wilful obstruction of a person exercising a right of entry is an offence.

The above does not allow the admission to any building used as a dwelling house to be demanded as a right by virtue of the legislations unless twenty-four hours prior notice of the intended entry has been given to the occupier of the building.

All planning enforcement officers carry approved identification which can be produced for inspection upon request. Access may be requested to nearby properties where this is necessary to fully investigate an alleged breach, particularly in instances where all or part of the location of the breach is inaccessible.

REGISTER OF ENFORCEMENT NOTICES.

Every planning authority must keep an Enforcement Register (Section 188 register). Details of all enforcement notices, stop notices, enforcement orders and breach of condition notices issued in respect of land in their area must be entered in the register. A copy of the register can also be visited on the Council's [website](#).

DELEGATION OF POWERS

The ability for officers to take enforcement action is set out within the Council's constitution which is reviewed regularly and can be viewed on the Council's website www.rugby.gov.uk.

EQUALITY

As required as part of the Equality Act 2010 Section 149, in the drafting of this plan due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity between different groups and foster good relations between different groups. It is not considered that this plan would conflict with the requirements of the Equality Act 2010 or the Council's policy on equality.

COMPLAINTS

If an individual is unhappy with the way in which an enforcement case has been handled all complaints must follow the Council's Corporate Complaints process which can be found at: <https://www.rugby.gov.uk/complaints>.

Appendix 1: Service Standards

SERVICE STANDARDS	STANDARD TARGET
Acknowledge allegation within 3 days of its receipt	100%
When a site visit is necessary, to conduct the visit within prescribed priority timescale	80%
Close file within 10 days of the site visit or desktop investigation where there is no breach of planning control	80%
Close file within 8 weeks where there is a breach of planning controls, but it is not expedient to take action	80%
Determine action within 8 weeks where there is a breach of planning controls, and it is expedient to take action	80%
Serve Enforcement Notice within 28 days of instruction	90%
To check compliance, review file, determine next action and review date within 10 days of compliance date stated on Enforcement Notice	90%
Where prosecution or injunction agreed, evidence to be provided to legal within 10 days of agreement date for action	90%
After prosecution to review file and determine action within 10 days	90%

* NB – all of the time periods identified as days are working days.