Enforcement Handbook

For planning enforcement officers in England and Wales

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Planning Enforcement Officer
Lincoln City Council

RTPI
mediation of space · making of place

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October 2000

This edition published by The Royal Town Planning Institute,
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CONTENTS

	List of acronyms	4
	Foreword	5
	Preface	6
	Introduction: enforcement and expediency	7
Part 1: Gathering information		**8**
1.	Sources of information	9
2.	Planning Contravention Notice	12
3.	Requests for information	13
4.	Police and Criminal Evidence Act 1984 and Criminal Procedure and Investigations Act 1996	15
Part 2: Site visits and entry		**18**
5.	Site safety	19
6.	Rights of entry	21
Part 3: Enforcement		**22**
7.	Different views of enforcement	23
8.	Breach of Condition Notice	24
9.	Enforcement Notice	25
10.	Stop Notice	29
11.	Injunctions	32
12.	Direct action – default powers	33
13.	Power to require proper maintenance of land	36
14.	Enforcement Register	37
15.	Use Classes Order 1987	38
16.	General Permitted Development Order 1995 (GDPO)	40
Part 4: Listed buildings, trees and conservation areas		**41**
17.	Listed building control	42
18.	Tree preservation orders	45
Part 5: Control of advertising		**47**
19.	Unauthorised advertisements and flyposting	48
20.	Discontinuance	52
Part 6: Other bodies		**53**
21.	Local Government Ombudsman	54
22.	National and local organisations	55
Appendices		
Expressions and time limits		56
Legislation, regulations, policy and advice notes		58
Useful publications		61

ACRONYMS

BCN	Breach of Condition Notice
CPA	County Planning Authority
DPA	District Planning Authority
EN	Enforcement Notice
GDPO	General Permitted Development Order
HIMO	House in Multiple Occupation
LPAs	Local Planning Authorities
OFT	Office of Fair Trading
PACE	Police and Criminal Evidence Act
PCN	Planning Contravention Notice
PEA	Planning Executives Association
PPG	Planning Policy Guidance Notes
TCPA	Town and Country Planning Act
TPO	Tree Preservation Order
UCO	Use Classes Order

Foreword

This excellent book has been written by an experienced planning enforcement officer for use by enforcement officers. It is not intended to be a substitute for official publications, rather it is a practical guide for those engaged in the difficult, and occasionally dangerous task of enforcing planning control.

The objective of planning enforcement is compliance not punishment, although this is occasionally overlooked by some 'enthusiastic' enforcers. A good enforcement officer can resolve many breaches of planning control without the need to serve formal statutory notices through personal contact and face to face persuasion. The author believes that 'meet, talk, explain and persuade is far better than writing a hundred letters' and I entirely endorse his view.

Successful enforcement requires good record keeping and good teamworking by all those involved: the enforcement officer, the planning officer, the Solicitor and, in difficult cases, specialist planning counsel. At each stage in the process it is worth pausing to examine the options open for the next stage in the complex process that is the planning enforcement system. For example, which is the most appropriate notice to serve in the circumstances of the particular case to obtain basic information, PCN, Section 16 or Section 330? If formal action is to be undertaken, should that be via enforcement notice, injunction or breach of condition notice? If compliance has not been achieved by serving statutory notices, what is the best way to secure compliance in the particular circumstances of the case, prosecution, direct action, proceedings for contempt of court, or negotiation?

Planning enforcement seems to attract difficult characters leading to some long-drawn-out cases which are both expensive and occasionally dangerous. Ian Durrant believes that 'an amicable solution is surely the best solution' and his book provides good practical advice on how to achieve this. It should be essential reading for all involved in planning enforcement.

Michael Haslam MRTPI
RTPI Vice-President 2000

Preface

This book is not written as a substitute for official publications, nor does it give hard and fast rules. I hope it will not only show that enforcement is a vital part of the planning system and an integral part of development control, but also demonstrate that it is not a straightforward procedure comprising a set of rigid rules. It is not a series of actions which follow each other automatically. Each action in the chain of events is independent. While each step may depend on its predecessors, it should be taken on its own merits. Overriding everything is the question of expediency:

Where is the harm? Where is the need? Where is the benefit?

Because the taking of enforcement action can have considerable consequences for those at the 'receiving end' it is essential that enforcement action is not only carried out in accordance with the appropriate legislation, but also after having taken into account all available guidance and advice. You will find this in abundance. Think ahead and spend that extra bit of time looking at alternatives, understanding the regulations and taking advice rather than risk losing an appeal on a technical point or perhaps, worse still, issue an enforcement notice when there is no real need to do so.

There is no better way to approach an enforcement problem than by using the personal touch. Meet, talk, explain, and persuade. I believe it is far better to have a face-to-face discussion than to write a hundred letters to someone who perhaps genuinely does not understand what the problem is. I also firmly believe that discussion and negotiation do not end when enforcement action has been authorised. At the end of the day it is the cessation of the breach that is important, and an amicable solution is surely the best solution.

Finally, I would like to thank my fellow committee members of the Planning Executives Association for their valuable advice and comments on the contents of the handbook, and also Carolyn Vasey, Solicitor, Lincoln County Council, for her advice on the legal niceties of enforcement.

Ian Durrant BEM TechRTPI

INTRODUCTION: ENFORCEMENT AND EXPEDIENCY

'Instead of approaching planning control on the basis that whenever a breach occurs the person involved is a potential criminal, we prefer to give planning authorities a complete and effective tool kit from which they can choose the right tool to deal with the particular breach of planning control.'

(Baroness Blatch, House of Lords, 17 January 1991)

In July 1988 the then Secretary of State for the Environment, Nicholas Ridley, asked Robert Carnwath QC to undertake a thorough review of enforcement legislation. Carnwath's report, Enforcing Planning Control, was published in April 1989 and provided the foundation for the substantial revisions introduced by the Planning and Compensation Act 1991. Local Planning Authorities (LPAs) are the only agency empowered to issue enforcement notices (apart from the Secretary of State, who can, in theory at least, also do so under the unchanged section 182 of the Town and Country Planning Act 1990 (TCPA), although in such cases the LPA must be consulted first).

The position therefore remains that individuals and groups wishing to see enforcement action must persuade the LPA of the merits of this course of action. The Secretary of State, to date, has never used his enforcement powers and it would be extremely difficult to persuade him to do so now.

Parliament has given LPAs the primary responsibility for taking whatever enforcement action they consider necessary in the public interest in their area. In considering any enforcement action, the decisive issue for the LPA is whether the breach of planning control would unacceptably affect public amenity or the existing use of land and buildings, and therefore merit such action in the public interest.

Enforcement should always be commensurate with the breach of planning control to which it relates. There is no limit on the exercise of this discretion in law, but there is practical redress for those affected by unauthorised developments if an LPA fails to take effective enforcement action which was plainly necessary (see serial 21).

Public opinion can bring pressure to take such action. Where a development has been granted consent following objections from local residents, it is to be expected that they will police the development. They are your eyes and ears on the ground. It is likely though that they will expect action when they see a breach even if the breach is causing no harm. It will be very difficult on occasions to argue that it is not expedient to take action when facing strong public pressure to do so.

Further pressure can be brought by threats to involve the Ombudsman, Member of Parliament and the like. Notwithstanding the nature or the extent of complaints, expediency is still a matter for the LPA. Such complaints should be properly recorded and investigated and, if the LPA decides to exercise its discretion and take no action, its reasons for not doing so should be explained in detail to all complainants.

Is there development? Is there a breach? Is the breach causing harm? Is enforcement expedient?

Part One:
Gathering Information

Serial 1: SOURCES OF INFORMATION

There are numerous sources of information, both internal and external, which will assist in the enforcement role. These sources should be maintained where possible on a face-to-face basis, rather than through an impersonal telephone call.

Due regard should always be paid to the Data Protection Act when using information from other records. Also, to prevent losing the co-operation of record keepers, these sources should not be used to provide information to third parties, and especially not the public. Any enquiries from the public for such information should always be directed to the relevant record keepers.

INTERNAL

Electoral register
This should be available for a considerable number of previous years and is particularly useful in determining when the use of a residential property changed by comparing the surnames. A property with several surnames could indicate a possible house in multiple occupation and the use of Flat 1 in the address is a good indication that the house is no longer single residential.

Thompson's/Kelly's Directories/Yellow Pages
These directories are extremely useful in identifying occupancy and also in giving an indication of the nature of the occupancy, e.g. 'J. M. Turner Blacksmith'.

Council house records
These date back to first occupancy of a particular property. The housing application form is useful in providing previous addresses when seeking to identify a particular person, and can provide a forwarding address.

Council tax records
In some cases these can identify an individual by name and provide an address. They can identify the occupier who is paying council tax, but not necessarily the owner. They can sometimes provide a forwarding address. The older Poll Tax records may be retained and can indicate the number of occupants at a given time. They are not 100% reliable as names were sometimes added and old ones not removed.

Land Charges Register
The register will produce a record of all planning applications granted conditionally and all advertisement consents. This register is useful in deciding what permission was implemented but is not foolproof. All enforcement notices and stop notices are entered from the day they take effect. There are a number of other notices, under other legislation and regulations, which constitute a charge on the land, including the costs of any direct action taken in respect of the land until such time as it has been recovered. Other entries include tree preservation orders, conservation areas, council house sales, improvement grants and s.106 agreements.

Building Regulations records
These commenced prior to planning records and can be useful in proving, for permitted development purposes, what was originally built and for what reason. Experience will show that plans submitted for planning permission are not necessarily the same as those submitted for Building Regulation approval, which in turn may not be the same as those being used by the builder.

Planning Register
This perhaps speaks for itself, but there may be times when the obvious is overlooked.

Photographic records
These can be extremely valuable and a photograph should never be thrown away. Negatives should also be recorded and filed. Most departments take a photographic record at some time, and highway engineers and environmental health officers are specially likely to use them. While the main subject may not be important the background can be useful.

Your authority may have available aerial photographic surveys with a definition good enough to prove that individual trees and buildings either did or did not exist at the time the photograph was taken. These will not necessarily be held within the planning department, as they may have been taken for other purposes, such as publicity; enquiries to other departments may prove fruitful. A photograph is an extremely valuable tool and should ideally be mounted on a purpose-printed record sheet containing the date, location and reason why it was taken. Photographs should be retained by filing under a postal address. They can be made available to the public.

Personal memory
Some people have a very good memory of events and are more than willing to share that knowledge. People who have worked for the authority for a long time can be an important source of much information. Keep in mind that people change departments, so information relating to a case may be available from an unexpected source.

EXTERNAL

Land Registry
Your authority may have a direct link to the Land Registry. A formal search will prove who owns a particular piece of land and any mortgagee, so long as it has been registered. A grid reference for the site and a description are required. The resulting information is quite comprehensive and includes a plan of the land. The result of the search will be in three parts:

- **Property Register**: this contains the description of the registered land and the estate comprised in the title;
- **Proprietorship Register**: this states the nature of the title and name and address of the proprietor of the land and any entries affecting the right of disposal;
- **Charges Register**: this contains charges and encumbrances etc. adversely affecting the land.

Companies Register
This is a useful tool when deciding who or what to prosecute. Some companies change their names regularly and care needs to be taken to identify the correct one. The register contains a considerable amount of information, including names of directors. Your authority may have a direct link to the register.

British Telecom archives
These provide information of a historic nature, which may be useful although of a restricted nature. They retain all back copies of telephone directories, including yellow pages. Their number can be obtained on 0800 309 409. Tracing telephone numbers is not possible through BT, but speak to your police liaison officer.

Neighbours
Some people can be very reluctant to talk about their neighbours; others will talk profusely and often about the most personal details. In seeking information no attempt should be made to mislead as to why the information is required. It may help to emphasise that these reasons cannot be given and that any information will be treated in strict confidence; but that is then the way that it must be treated. However, even information given in confidence can help in an enquiry as background information, so it should not be turned down on those grounds.

Previous occupiers
This goes for both residential and business premises. Tracing former occupants of residential properties is normally possible by talking to neighbours. The longer method would be a trawl through the electoral roll, if it were thought that they have remained in the local area.

Other agencies
Under this heading could be included enforcement officers from other authorities, especially when you are dealing with a large company with outlets elsewhere. If you have a problem with a particular company, then perhaps someone else, somewhere, has had similar problems and even managed to resolve them. You should aim to be on first-name terms with all those enforcement officers whose area of responsibility borders on your own. Remember also that

not all enforcement officers work in planning. The title can be given to environmental health officers, waste disposal officers, hackney carriage licensing officers, highway inspectors and many, many more. But you all have something in common: the enforcement of regulations.

Consider also the local library, the Archives Office and the secretary of the local Civic Society. Estate agents, who are likely to have a record of what properties they have been involved in, may retain old photographs of those properties.

Also consider the Valuation Office, which may be able to advise when a property had sufficient works carried out to justify an alteration to its valuation or when it was divided up into separate units. The Environment Agency will have records of land ownership and incidents affecting the environment.

The Driver and Vehicle Licensing Agency allows a non-fee-paying enquiry using form VQ4 for breaches of legislation including the TCPA. A book of forms should be available from the local office.

It may be possible to obtain information from statutory undertakers – gas, water and electricity – although they will give careful consideration to the Data Protection Act. They are likely to provide names of occupiers on the latest bill, dates of occupation and when services were provided or discontinued. They are unlikely to give further personal details.

The Office of Fair Trading (OFT) (Central Register of Convictions) keeps a record of all prosecutions in respect of advertisements, so far as they are advised of them. If you intend to prosecute a national company check with the OFT. Fines are always larger if you can provide the court with previous convictions for similar offences. Having prosecuted and got a conviction, tell the OFT so they can record it. That goes for cautions and pending prosecutions as well. The address is:

Consumer Credit Licensing Bureau,
Convictions Register,
Craven House,
40 Uxbridge Road,
London W5 2BS
Telephone: 020 7211 8623/8613/8611/8651/8633
Fax: 020 7211 8661
www.oft.gov.uk/default.htm

Serial 2: **PLANNING CONTRAVENTION NOTICE**
SECTIONS 171C AND 171D (Town and Country Planning Act 1990)

The Planning Contravention Notice (PCN) is, in most cases, the first step in resolving a breach of planning control. As the primary method of gaining information about an alleged breach of planning control, it gives a clear warning that further action is being considered. This in itself can bring about a satisfactory conclusion.

The opportunity afforded by the PCN to have a face-to-face discussion should be used whenever appropriate. In this way any misunderstandings can be cleared up and the possibility of a mutually acceptable solution explored.

The PCN cannot be used simply to gather information. There must be some evidence of a breach having occurred. The PCN cannot ask: *'What are you doing?'* (as an s.330 request for information can). It can only ask: *'Are you doing ——?*' It can also ask: '*When did you start? Who is doing it? What is their interest in the land?'* and '*What are their names and addresses?'*

The notice may be served on the owner, the occupier or anyone with an interest in the land. It may be necessary to serve the notice on more than one person in order to obtain the required information. This provides an opportunity to cross-reference and verify the information obtained.

The notice must contain the following details:

- the land to which it refers;
- the alleged breach;
- what is required, i.e. the questions;
- time for compliance, e.g. twenty-eight days;
- a warning regarding non-compliance and false information;
- additional information regarding further action and compensation in respect of a Stop Notice: s.186(5)(b).

If it is considered beneficial to enable the recipient to make representations regarding the PCN, the date, time and place for a meeting may be included within the notice. Delegated powers for the issue of the PCN and any follow up legal action for non-compliance will speed up the enforcement process. Service of a PCN does not prevent the service of a Request for Information under s.16 of the Local Government (Miscellaneous Provisions) Act 1976 or s.330 of the TCPA 1990 in association with the same breach.

Failure to comply with a PCN has criminal liability attached to it, with a maximum fine of level 3 (£1,000 in July 1999) for non-reply, and level 5 (£5,000 at present) for making a false or misleading statement. The requirements of the Police and Criminal Evidence Act (PACE) apply after that failure and any discussions which may be used in court should be carried out under caution. It is a defence that the person is only required to supply information 'so far as he is able', 'known to him', or which he 'holds', in that there is no positive duty on the person to go out and find or research answers; therefore the LPA has got to be very specific over what questions are asked.

Because such notices are served on persons or companies already in breach of planning control, there is always the prospect of the notice being ignored as a matter of course. In general it can be expected that large or reputable companies will respond within the time limit. Knowledge and experience of the persons being dealt with will normally give a good indication of the response to be expected. As with all enforcement action, follow-up legal action for non-compliance should always be contemplated, as failure to do so can soon become general knowledge among the regular offenders.

ALWAYS READ SECTIONS 171C AND 171D BEFORE INITIATING SUCH ACTION

A PCN is **not** entered into the Enforcement Register

Serial 3: **REQUESTS FOR INFORMATION SECTION 16 AND SECTION 330 (Town and Country Planning Act 1990)**

It is often best practice where it appears there might be a breach of planning control to serve a PCN and to carry out a Land Registry search.

Where the authority considers it has sufficient information regarding activities on and use of land but requires further details on the ownership of the land, there are two information-gathering notices that can be issued:

- a notice under s.16 of the Local Government (Miscellaneous Provisions) Act 1976; or,
- a notice under s.330 of the Town and Country Planning Act 1990.

As with the PCN, the serving of either of these notices can be taken as an indication that the authority has the intention of taking enforcement action, and may result in the contravenor putting their house in order or coming to the table to discuss a solution. The seasoned contravenor is likely to ignore any such request.

Unlike the PCN, neither of these notices offers a formal meeting. The covering letter sent with the notices can make an offer to discuss the breach and suggest the completed questionnaire be returned at the same time. The meeting date should be before the time to return the questionnaire expires.

The best way to compare these notices is to see them side by side as overleaf:

As you can see there are three ways of gaining information: the PCN or a request under either s.16 or s.330. There remains in each procedure the potential for taking legal action if the recipient does not return the completed questionnaire. The penalties for making a false or incorrect statement in response to a s.330 request for information are considerably greater than for a s.16. The process can be speeded up by obtaining delegated powers to issue these notices and to instigate prosecution for non-return.

If there is a clear breach, the recommended form of request would be the PCN, a no risk form of enforcement as previously explained.

Section 16	Section 330
Served on: The occupier Persons receiving rent Freeholder, mortgagee or lessee	 Same Same Same
Time for return: 14 days	21 days
Penalty for non-return: £5,000 (level 5)	£1,000 (level 3)
Penalty for false information: £5,000 (level 5)	Liable on summary conviction to a fine not exceeding statutory maximum or on conviction on indictment to imprisonment not exceeding 2 years or a fine or both.
Information required: The nature of his interest in the land. Name and address of any person having an interest in the land. Name and address of: • mortgagee, lessee, freeholder; • any person receiving rent; • any person who manages or lets the land	 Same The purpose for which the premises are being used. When that use began. Name and address of any person having used the land for that purpose. When any activities being carried out on the premises began.

Serial 4: **POLICE AND CRIMINAL EVIDENCE ACT 1984 AND CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996**

There have been any number of highly publicised cases where guilty verdicts have been overthrown after it has become clear that evidence was not obtained in accordance with the Police and Criminal Evidence Act 1984 Codes of Practice (PACE). It is important to be aware that PACE does not relate solely to investigations undertaken by the police.

The 1984 Act comprises a set of Codes issued by the Home Office in respect of:

Code A the exercise by police officers of statutory powers of stop and search;

Code B the searching of premises by police officers and the seizure of property found by police officers on persons or premises;

Code C the detention, treatment and questioning of persons by police officers;

Code D the identification of persons by police officers;

Code E the tape recording by police officers at police stations of interviews with suspected persons.

At first glance this hardly seems relevant to an enforcement officer. Consider Code B, at 1.3B: 'This Code does not apply to the exercise of a statutory power to enter premises or to inspect goods . . . if the exercise of that power is not dependent on the existence of grounds for suspecting that an offence may have been committed.'

In other words, the Code does not apply to an Environmental Health Officer carrying out a routine inspection under a statutory power. But this does not include an enforcement officer visiting a site with the suspicion that a stop notice is being contravened or that a TPO tree has been felled. This is discussed later, including the need to administer a caution in such circumstances.

The Criminal Procedure and Investigations Act 1996 applies to all criminal prosecutions begun after 31 March 1997 and is relevant for all planning prosecutions. It aims to ensure that in a prosecution case all relevant evidence is brought to light, that it is properly recorded and scheduled, and that no evidence is lost or destroyed. It is relevant to summary offences which are heard by the Magistrates Court, and to indictable offences which can be heard either in the Magistrates Court or the Crown Court on a not guilty plea.

Basically the 1996 Act itself sets out primary and secondary duties of disclosure. The prosecution must disclose to the accused all material which has not previously been disclosed and which, in the prosecutor's opinion, might undermine the case for the prosecution. If the accused serves a defence statement in response (this is voluntary), then the prosecution must serve secondary disclosure: material which they consider will reasonably assist the accused as discovered by their defence statement, i.e., anything which has an adverse effect on the prosecution's case.

S.23 of the Act refers to the Code of Practice issued by the Secretary of State, which sets out procedures which the Investigating Officer and the Disclosure Officer (i.e. yourself) must follow to enable the prosecutor to comply with the Act. Although both the Code and the Act are drawn up to relate primarily to the police, they also apply to others (see below).

As soon as you have grounds for suspecting that an offence has been committed, all information relating to this must be recorded properly. This includes conversations at site visits and on the telephone. Where information which may be relevant is obtained, it must be recorded at the time it is obtained or as soon as practicable afterwards.

All material in the investigation must be retained. This includes not only material coming into your possession but also material generated in the inquiry, such as interview records. All draft statements must be retained, even if they contradict the final version.

All material which forms the intended prosecution case must then be put into relevant schedules and these schedules handed to the prosecution solicitor with the file. The schedules are:

- material which may be relevant to the investigation but which you believe will not form part of the prosecution case;
- material which you do not believe is sensitive;
- any material believed to be sensitive.

Obviously, advice may be taken as to whether or not any item of material may be relevant to the investigation. These schedules should be prepared for every planning prosecution where it is envisaged that there will be a not guilty plea. Every item of material should be listed separately on the schedule and numbered consecutively.

The prosecuting solicitor's attention should be drawn to any material which an investigator has retained, whether or not listed on a schedule, which may fall within the test for primary prosecution disclosure as defined by the Act. If further material is collected during the course of the case, the disclosure officer must hand over an amended schedule in order for the prosecutor to establish whether this should be sent to the accused.

The Code of Practice issued under Part II of the Criminal Procedure and Investigations Act 1996 states:

Persons other than police officers who are charged with the duty of conducting an investigation as defined in the Act are to have regard to the relevant provisions of the code, and should take these into account in applying their own operating procedures.

The Act defines an investigation as:

> '. . . an investigation which police officers or other persons have a duty to conduct with a view to it being ascertained:
>
> (a) whether a person should be charged with an offence, or
>
> (b) whether a person charged with an offence is guilty of it.'

Clearly this means that there are a number of investigations which, from the onset, come under the requirements of PACE and where the investigator must have regard to the provisions of the code. Some may be more obvious than others, but before having any discussion with the contravenor, ask yourself this: 'Is any part of this discussion, or action resulting from it, likely to be used in evidence in court?'

Consider potential discussions with the landowner, or a person carrying out prohibited activities, or the recipient of a notice, under the following circumstances:

- unauthorised works to a listed building;
- unauthorised works to a tree that is the subject of a TPO or in a conservation area;
- displaying an unauthorised advertisement or actively sticking up fly-posters;
- non-compliance with a stop notice;
- non-return of a request for information;
- non-compliance with a s.215 notice.

The type of evidence required will depend on whether the offence is 'strict liability' or not, but even so it must be collected, recorded and retained in accordance with PACE.

The caution

> 'You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.'

Minor deviations from the caution do not matter as long as the sense of the caution is preserved. It is advisable, having issued a caution, to ask: *'Do you understand what I have just said?'*

Once a suspect has been cautioned anything he or she says can be used in evidence.

Rules for cautioning

Whenever there is a reasonable suspicion that a person is guilty of an offence and his or her answers or silences (i.e: failure or refusal to answer a question satisfactorily) may be given in evidence in a prosecution, then the person must be cautioned before being asked any questions about his or her suspected involvement (or further questions, if it is the person's previous answers that provide grounds for suspicion).

He/she need not be cautioned if questions are put for other purposes, such as one intended solely to establish identity or ownership of any property, or to obtain information in accordance with any statutory requirement, or to seek verification of a written record. There is a difference between *'Do you own this tree?'* and *'Did you cut this tree down?'*

After cautioning a suspect you should advise the individual that you are not a police officer, that he or she is not under arrest and can leave at any time. Should the suspect decide to stay, he or she should then be advised that he or she is allowed to have legal representation at his or her own expense. Having been cautioned and had this explained, the suspect will either walk out, say nothing, or become very talkative.

Part Two:

Site Visits and Entry

Serial 5 **SITE SAFETY**

While the employer has a duty of care, it is often the employee who places himself or herself 'at risk'. This may be unavoidable because of the nature of the job, but there are steps that can and should be taken to minimise the risk. The use of appropriate equipment and clothing will reduce the risk of personal accidents and injuries, but face-to-face confrontations are likely to produce a greater opportunity to suffer these. Good sound training covering topics like 'handling difficult customers', 'recognising body language', 'development of communication skills' and 'managing a meeting' should be available, and if you feel you require them ask if they are available.

Always make sure that you never go anywhere without leaving some form of record as to where you are, who you are with and for how long. If you stay out longer than intended, then the office should be told immediately. There should be someone in the office with access to the booking out record, who will be aware if you have not returned or reported in. That person should make contact with you to ascertain the reason for your delay. Should circumstances change, the appropriate form of communication (e.g. a mobile telephone) is required to keep the office informed.

Everything else, albeit perhaps of equal importance, stems from that basic rule.

An officer who uses his or her own car for site visits has a distinct advantage in that all equipment and clothing required for site safety can be kept permanently to hand. Remember the equipment is there for a purpose and should be used appropriately. Of course an unplanned visit within walking distance will require a trip to the car first, to collect the necessary items, but that is only a minor inconvenience. There is no definitive list of equipment, as roles vary, but most enforcement officers will be expected, in the course of their duties, to visit building sites, derelict buildings and waste land, and to remove illegal poster advertisements from street furniture.

The following is a basic requirement which can always be added to:

- Mobile telephone;
- Personal alarm;
- Safety shoes/boots;
- Hard hat;
- High visibility jacket;
- First aid pack;
- Torch.

Other items which may reduce the risk of confrontation are:

- Binoculars;
- Telephoto lens for camera;
- Dog alarm.

These items however can lead to confrontation simply by being used, and this should be borne in mind, although they are useful at times.

Forms of dress are worth considering. As well as appropriate wet weather clothing for personal protection, disposable coveralls for inspecting derelict buildings and the like may be available. It is not always advisable to carry out a site visit wearing a smart suit. It can give the impression of 'the man/woman from the council' interfering with the rights of the public. Sometimes it is advisable to dress for the situation.

The RTPI has produced an advice note 'Personal safety on visits and site meetings'. It contains sound advice and a copy should be available to every officer who is required to undertake site visits. It is also advisable to check whether your authority has a procedure for reporting incidents of violence and recording names and addresses. This information should be

distributed to all officers responsible for site visits and kept easily to hand for day-to-day reference. It is also worth checking to see what procedures are in force to follow up such incidents with legal action against perpetrators.

Violence can take a number of forms, physical or verbal, actual or threatened, and appears to be on the increase. Having said that, incidents are the exception rather than the rule, and good common sense and regularly updated procedures can minimise the risk considerably.

A check list for a site visit

Have you:

- had all the relevant training about violence to staff?
- a sound grasp of your Department's procedure for visiting?
- a clear idea about the area into which you are going?
- carefully previewed today's cases?
- asked to 'double up, take an escort or use a taxi if necessary?
- made appointment(s)?
- left your itinerary and expected departure/arrival times?
- told colleagues, manager or supervisor about possible changes of plan?
- arranged for contact if your return is overdue?
- been made aware of forms to record and report 'incidents'?

Do you carry:

- a personal alarm, mobile communications, dog dazer (do they work; are they handy)?
- a bag or briefcase, or do you wear an outer uniform or display car stickers that may suggest you have valuable equipment with you? (Is it wise to carry, wear or display these where you are going?)
- out-of-hours telephone number etc. to summon help?

Can you:

- be certain your attitudes and body language won't cause trouble?
- defuse potential problems and manage aggression?

There are a number of steps which can be taken 'in house' to reduce the risk of site visits. All officers should be aware of the importance of reporting incidents which occur during site visits, no matter how trivial. There should be a formal report procedure and these reports should be circulated to all departments. A file containing all these reports should be readily available near the booking-out book. You do have a booking-out book, if only for fire practice purposes. Get into the habit of reading the file before you do a site visit to ensure the person you are visiting today did not assault the building inspector who called on him or her yesterday.

It is also good practice to record complaints made by the public in respect of an officer's manner or behaviour. The personal service of an enforcement notice could generate a complaint of abuse etc., simply as an act of revenge. There may well be properties in your area which should not be visited unaccompanied.

Do not look upon such measures as anything but common sense. If the procedure does not exist, insist on it being put into immediate effect.

Remember the three v's of visiting – VET – VIGILANCE – VERIFY

Serial 6 **RIGHTS OF ENTRY**
SECTION 196A (Town and Country Planning Act 1990)

There are a number of other sections that give rights of entry under the TCPA 1990. S.214B gives such powers in respect of trees and their protection, and s.324 for certain specified purposes within the Act, including advertisement control.

S.88 of the Planning (Listed Buildings and Conservation Areas) Act 1990 gives such powers for the protection of listed buildings, and s.36 of the Planning (Hazardous Substances) Act 1990 grants such powers in respect of hazardous substances.

In all cases the requirements are basically similar but whenever 'rights of entry' powers are to be used the relevant section and the supplementary provisions in each case should be carefully considered. All officers who will be required to use these powers should be duly authorised in writing and able to produce that written authority when requested.

Particular care must be taken when using such powers to investigate a suspected offence which may lead to prosecution. These would include, among others:

- non-compliance with a notice;
- unauthorised works to a listed building;
- the felling of protected trees.

The requirements of PACE must be considered: not only the general need to caution those responsible once an offence is suspected, but also Code B in relation to searches which are carried out when there exist grounds for suspecting an offence has been committed. In such cases authority for 'rights of entry' should be produced together with an explanation of those rights and the reason for the inspection (see also serial 4).

Ideally these will form part of the identity card, failing which the information should be available in a printed form to give to the landowner or other people concerned.

S.196A requires twenty-four hours' notice to be given to the occupier (not the owner) in respect of any building used as a dwellinghouse before a right of entry can be demanded, while s.214B requires notice to be given in relation to a dwellinghouse and, in some cases, land which is occupied.

Under s.344, such powers may only be exercised for the removal or obliteration of advertisements if the land is unoccupied and if it is not possible to reach the advertisements any other way.

In all cases, entry must be carried out at a reasonable hour.

Rights of entry are an emotive matter (especially when residential property is involved), can cause great resentment and should be used only when normal powers of persuasion and discussion have proved fruitless.

Part Three:
Enforcement

Serial 7 **DIFFERENT VIEWS OF ENFORCEMENT**

The legal history of enforcement notices is not a happy one. Infringing uses of land are often profitable uses of land. Determined infringers were initially able to exploit technicalities, and, even after certain statutory improvements to the machinery of enforcement, were then able to use delays inevitable in busy courts to continue infringing planning requirements while their often hopeless appeals were working their way to the top of the list.

(R. v. Kuxhaus [1988] J.P.L. 545;[1988] 2 P.L.R. 59).

Hard indeed are the paths of local authorities in striving to administer the town and country planning legislation of recent years. It is a sorry comment on the law and those who administer it that between the years 1947 and 1960 they had succeeded in so bedevilling the whole administration of that legislation that Parliament was compelled to come to the rescue and remove a great portion of it from the purview of the courts. Not for nothing was I offered a book yesterday called Encyclopaedia of Planning. It is a subject which stinks in the noses of the public, and not without reason. Local authorities, until they have been recently rescued, have had practically to employ conveyancing counsel to settle these notices which they serve in the interests of planning the countryside or the towns which they control. Instead of trying to make this thing simple, lawyers succeeded day by day in making it more difficult and less comprehensible until it has reached the stage where it is very much like the state of the land which this plaintiff has brought about by his operations an eyesore – a wilderness and a scandal.

Harman L.J. (Britt v. Bucks County Council [1964]1 Q.B. 77 at 87)

Serial 8 **BREACH OF CONDITION NOTICE**
SECTION 187A (Town and Country Planning Act 1990)

A Breach of Condition Notice (BCN) is aimed at giving a fast-track enforcement option, which avoids the delay of an enforcement appeal. (The time to appeal is when the condition is first applied to a grant of planning permission.) It is a custom-built provision and its details reflect the streamlined nature of the power. It does have a number of limitations, which reflect its narrow focus, and these limitations may mean that a BCN is not the appropriate course of action.

Where a number of permissions have been granted in relation to the site, it is essential that the permission implemented is identified and the relevant condition is enforced. The same conditions are not always put onto all permissions relating to similar developments. A PCN would be an appropriate way of resolving this. A BCN can cover multiple conditions and limitations. Where conditions being dealt with are subject to different compliance periods, a separate notice should be served for each condition to avoid doubt.

A BCN is governed by the four- and ten-year rule. A BCN can be served after the ten-year period if an enforcement notice (EN) has already been served in respect of the same breach and is in effect, and if an EN or BCN has already been served there is a four-year period in which to take further action. This period is to overcome any defect in an earlier notice, which has perhaps been set aside on appeal.

A BCN requires a condition to be complied with. There can only be a breach of condition if the condition is in force, is valid and is enforceable. A condition takes effect only when the planning permission is implemented. If the development carried out is not in accordance with the planning permission to the extent that the planning permission has not been implemented, then conditions are not in effect or enforceable.

Good enforcement of conditions commences when the condition is first considered for the draft decision notice. Each and every condition should be properly drafted and enforceable. If something within an application is specifically required to be implemented and/or retained (especially following negotiations with the agent), it must be the subject of a condition.

There is no option for ‘under-enforcement’ in that the notice must seek ‘full compliance’ with the condition. Where a condition states ‘trading will cease at 6pm’ the breach is clear and the notice will require trading to cease at 6pm. But if a condition requires ‘before the first dwelling is occupied the access road shall be constructed’ then to seek full compliance the BCN would require the houses to be vacated and the access road constructed. In this instance a BCN is not practicable and an EN should be issued.

The notice must specify:

- full compliance with the condition;
- the steps to be taken; or
- the activities that should cease; and
- the time in which to comply.

The time for compliance must be at least twenty-eight days.

Careful consideration should be given as to who should or should not be served with a BCN. There are two types of recipient. A notice relating to any type of condition can be served on the person who is carrying out or who has carried out the development, but only one relating to conditions which regulate the use of the land can be served on the person who controls the land. If in doubt issue an Enforcement Notice.

Note: Service of a BCN is not restricted to the applicant for a permission.

ALWAYS READ SECTION 187A BEFORE INITIATING ACTION

A BCN **is** entered into the Enforcement Register

Serial 9 **ENFORCEMENT NOTICE**
SECTION 172 – 182 (Town and Country Planning Act 1990)

The enforcement notice is the mainstream action that can be taken to remedy a breach of planning control. A notice may require a wide range of steps to be taken to make a development comply with the terms of a planning permission or to remove or alleviate any injury to amenity caused by the development.

Remember though: *no development = no breach = no action.*

Power to issue the notice is given by s.172 which states that the local planning authority *may* issue a notice if they consider it *expedient* to do so. (Expediency is discussed in the introduction.)

The procedures are quite straightforward. Identify the breach, identify those who are to be served, identify how the breach is to be rectified, obtain authority, issue the notice, monitor compliance or prosecute for non-compliance if expedient.

Remember that enforcement is discretionary. An authority may only proceed when it appears to them to be expedient to do so.

The recipient has the right to appeal. This suspends the requirements of the notice, of which more later. The notice can be withdrawn or waived, or its requirements relaxed by the local planning authority. If necessary, a further notice can be issued within four years of the previous one: useful if the first one is wrong.

The notice must contain the following:

(1) The breach

The breach should be described in a clear statement of alleged facts so the recipient knows exactly what it is. The facts govern the notice. More than one breach can be alleged in the notice but they should not conflict or overlap. If it is a complex issue, more than one notice would be more appropriate but may lead to complications in respect of 'under-enforcement' (see below).

(2) The section breached

S.171A (1) defines a breach as either:

(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.

(S. 171A(1)(a) or S.171A(1)(b))

(3) Specify the steps to be taken

The steps required to be taken must be clearly specified. Precision is important because criminal liability is at stake. A vague or ambiguous requirement could result in the notice being quashed. The requirements the local planning authority may seek to achieve are:

- remedy the breach by making the development comply with the terms of any planning permission granted;
- discontinue the use of the land, or restore the land to its condition before the breach took place;
- remedy any injury to amenity caused by the breach;
- such steps as specified by the local planning authority;
- under-enforcement (see below); or
- require replacement building.

The wording of the notice should enable compliance with its requirements to be effective and speedy. For example, breaches involving change of use could be subject to a requirement for the removal of furniture and fittings, provided they are used only in the unlawful use. In addition, the permanent cessation of use could be required. A notice can require internal alterations to implement removal of an unlawful use.

Under-enforcement
In some cases the breach is such that it could be controlled by conditions if an application for planning permission has been granted. An example would be vehicle repairs being carried out seven days a week and late at night where the basic land use is otherwise acceptable. The notice can stipulate that the use shall only be carried out, for example, between Monday and Friday, and only between the hours of 8am and 6pm. If the erection of a building is causing concern only because another property can be overlooked from a particular window or because the roof is too high, the enforcement notice can simply require that window to be obscure glazed or the height of the roof to be reduced.

Where a notice could have required the buildings or works to be removed or activities to cease but does not do so, once the notice has been fully complied with, planning permission is granted for those other matters. When considering breaches of planning control and what steps are required to be taken, this 'under-enforcement' must be taken into account, otherwise planning permission can be given inadvertently. Where a number of notices are issued the recipient may argue that if he or she has complied with 'the first one', planning permission is granted for the breaches alleged in the 'other notices'.

(4) The date the notice takes effect
This must be more than twenty eight-days following service, and the notice must specify a calendar date on which it takes effect. An appeal, if made, must be made within this period.

(5) The time for compliance
This commences on the day the notice takes effect. Different times may be specified for different requirements. The time can be extended, and provides grounds for appeal if it falls short of reasonable.

(6) The reason for issuing the notice
It is essential that the recipient of the enforcement notice can clearly understand the reasons why the local planning authority issued the notice from details included in the notice.

(7) The appropriate planning unit
A plan, with the planning unit outlined in red, should be attached to the notice. Care must be taken in selecting the planning unit. For instance, where a caravan is sited in the corner of a field, if only that part of the field is outlined in red, the notice could be complied with by moving the caravan to another part of the same field. Similarly, where the red line does not include the whole of the site where a breach is taking place, planning permission could be given by 'under-enforcement' of the breach on the land that is not included.

(8) Additional information
Every copy of an enforcement notice must also be accompanied by an explanatory note explaining:

- that there is a right of appeal to the Secretary of State;
- that an appeal must be received by the Secretary of State, in writing, before the date on which the Notice takes effect; and
- the grounds on which the appeal may be made.

THE NOTICE AND THE ENVELOPE IN WHICH IT IS SERVED SHOULD BE MARKED 'Important – This communication affects your property'.

Who is served?

- the owner;
- the occupier (this includes those without right to be there);
- anyone having an interest, e.g. as mortgagee.

How is the Notice served? (S.329)

Individual

(i) by delivering it to the recipient;
(ii) by leaving it at his/her usual or last known place of abode;
(iii) by leaving it at an address given by him/her for service;
(iv) by sending it registered or recorded delivery to the address at (ii) and (iii).

Incorporated company or body

(v) by delivering it to the Secretary or Clerk at the registered or principal office.
(vi) by sending it registered or recorded delivery as at (v).

Persons unknown

(vii) addressed to the 'owner' or 'occupier' and delivered as for the individual as at (i) to (iii) above.
(viii) addressed and marked as a communication of importance and either:

- sent registered or recorded delivery and not returned; or
- delivered to someone on the premises or affixed conspicuously to some object on the premises.

Unoccupied land

(ix) addressed to the 'owners and occupiers' and fixed conspicuously on the land.

The Enforcement Register (see Serial **14**)
Every Local Planning Authority is obliged to maintain a register which is available to the public to inspect at any reasonable time. The register contains the following notices:

- enforcement notices
- stop notices
- breach of condition notices

The importance of maintaining the register accurately and up to date cannot be overstressed as it is a defence in law if a notice it is not registered. (See Serial 14) Entries must be made within fourteen days of the date of issuing the notice.

Land Charge Register
Enforcement and stop notices are a charge on the land and as such are revealed by standard searches and inquiries of the local planning authority. The advantage of this is that the underlying contravention is highly visible when it comes to selling the land; any hopes that the contravenor may have of selling the land will be confronted by solicitors' inquiries as to the contravention. Or should be. The notices are in this way self-enforcing.

A breach of condition notice does not go on this register

The Appeal
'S174. - (1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it was served on him.'

An appeal against an enforcement notice is termed, not surprisingly, ‘a s.174 appeal’. There are a number of grounds for appeal which are listed below:

(a) planning permission ought to be granted;
(b) the alleged breach has not occurred;
(c) if the alleged breach has occurred it is not a breach of planning control;
(d) the breach is immune from enforcement action;
(e) the notice was not served correctly;
(f) the steps required to be taken are excessive;
(g) the time allowed is not sufficient.

The making of an appeal has the effect of suspending the requirements of a notice until the appeal is determined or withdrawn. The time for compliance then runs from that date. In the event of a further appeal to the High Court, which must be done within twenty- eight days and with leave of the Court (s.289), the suspension continues although the court is empowered to give interim effect to the notice.

ALWAYS READ SECTIONS 172 – 182 BEFORE INITIATING SUCH ACTION

Serial 10 **STOP NOTICE**
SECTIONS 183 – 187 (Town and Country Planning Act 1990)

The stop notice procedure allows the local planning authority to impose a ban, almost immediately, on activities that are being carried on in breach of planning control. The effect of a stop notice is to direct that any specified activity being carried out on land in respect of which the EN has been served must stop. As previously mentioned, when an appeal is made against an EN, the appeal suspends an enforcement until such time as the appeal is decided. A stop notice prohibits the use or operations even if an appeal is made. There is a risk in using a stop notice, in that the Secretary of State can require the LPA to pay compensation in certain cases, which are discussed later. A stop notice can also be issued by the Secretary of State under s.185.

The stop notice is a very effective enforcement tool to secure an immediate cessation of activities that are having a serious effect on the area. It prevents the contravenor from benefiting from the breach while an appeal is pending. However, Circular 10/97 advises that the local planning authority should ensure that a stop notice's requirements prohibit only what is essential in order to safeguard amenities or public safety in the neighbourhood, or to prevent serious or irreversible harm to the environment in the surrounding area. It follows that the notice should be issued only for these reasons, although it can still have beneficial side effects.

Compensation has to be carefully considered, but if the underlying EN is served for the right reasons and the stop notice is justified there is no reason why the notice should not be issued and served.

When a stop notice can be served
A stop notice can be served only following or accompanying an enforcement notice. It can be served at the same time as the enforcement notice but not before. It cannot be served once the enforcement notice has taken effect. Because an appeal against an enforcement notice suspends that notice as if it has not taken effect, a stop notice can be served after the appeal has been made if it becomes necessary to stop any unauthorised use or development. This is a useful tool if it appears the appellant has made an appeal and asked for a public local enquiry simply to spin out time and so continue to make money from the breach, but bear in mind the advice in Circular 10/97.

Contents of the notice
The notice must detail the activities it prohibits. There is no prescribed form of notice, although a model form can be found in Circular 10/97 at the appendix to Annex 3. (Circulars can be found in Volume 5 of the Encyclopaedia of Planning Law and Practice.) The notice must refer to the enforcement notice to which it relates, and it must have a copy of that notice annexed to it. Although it is dependent on the enforcement notice, the stop notice will not be invalid if the enforcement notice was not served in accordance with sections 172(2) and (3) so long as it can be shown that the local planning authority took all reasonable steps to effect proper service.

Previously a stop notice could only prohibit the carrying out of an activity which formed part of the alleged breach of planning control, but the 1991 amendments to the TCPA 1990 allow any activities associated with the alleged breach to be prohibited. Where the relevant activity is vague in the stop notice, the facts contained in the enforcement notice can validate and cure that deficiency.

The notice must specify the date on which it will take effect. This date must not be earlier than three days after service, unless there are special reasons for requiring an earlier date, and not later than twenty-eight days after the notice is served. A statement of reasons must be attached to the notice if it is to take effect before the three days.

Effect of the notice
The notice has the effect of stopping almost immediately any activity which the local planning authority considers should not be allowed to continue until the time period for compliance has expired or an appeal has been determined. It has the effect of bringing 'under control' other persons who are carrying out the unauthorised development.

Limitations of the notice
There are certain activities which cannot be prohibited.

- the use of a building as a dwellinghouse;
- the carrying out of any activity which is not 'operational development' or the depositing of refuse or waste material, if the activity has been carried out for more than four years at the time the notice is served.

A notice can however prohibit the use of land as a site for a caravan occupied by any person as his own or main residence.

Activities which commenced more than four years previously cannot be prohibited, but this time limit does not extend to operational development. The four-year rule does not take into account any time when the activity was authorised by planning permission. Where planning permission was granted for the use for a limited period the four years commence at the end of the period for which planning permission was granted.

Service of the notice
The stop notice may be served on any person who appears to have an interest in the land or to be engaged in any activity prohibited by the notice. A notice may also be displayed on site stating:

- that a stop notice has been served;
- the date when the notice takes effect;
- the requirements of the notice;
- that any persons contravening the notice may be prosecuted.

By posting such a notice the effect of the enforcement notice can be extended in that anyone who carries out operations contrary to the stop notice will be subject to the penalties which flow from such actions. The physical service of the notice is the same as that for the enforcement notice and issuing both together if possible will obviously save time.

The Enforcement Register
The stop notice must be entered in the Enforcement Register. Details of the date of service and withdrawal, if relevant, and a summary of the activities prohibited must be included.

Withdrawal
The council may withdraw the notice at any time by serving notice on all those persons originally served with the stop notice. If a site notice was displayed, a notice of withdrawal must be displayed in place of the site notice. Withdrawal may give rise to a claim for compensation, which should be taken into consideration before issue or withdrawal of the notice.

Cease to have effect
A stop notice shall cease to have effect if and when:

- the enforcement notice to which it relates is withdrawn or quashed;
- the period allowed for compliance expires;
- notice of withdrawal of the stop notice is first served;
- the enforcement notice is varied to the extent that activities prohibited by it cease to be a breach.

If the variation of the enforcement notice covers some of the matters prohibited by the notice, then the stop notice ceases to have effect to that extent only. There is no requirement to remove the notice from the register once it ceases to have effect, but when the enforcement notice is withdrawn or quashed everything relating to both notices must be removed from the register.

Non-compliance

A person who contravenes, or causes or permits the contravention of, a stop notice after one has been displayed or served commits an offence. If, having been convicted of such an offence, the person still fails to comply with the notice, he or she can be convicted again. The maximum penalty is a fine of £20,000 on summary conviction and an unlimited fine on indictment. The court must have regard to any financial benefit gained by non-compliance when deciding the amount of the fine.

It is a defence to prove:

- that the stop notice was not served on the person;
- that the person did not know, and could not reasonably have been expected to know, of its existence.

Compensation

A person who has an interest in or who occupies the land to which the stop notice relates at the time when the notice is first served shall be entitled to compensation in respect of any loss or damage directly attributable to the prohibition contained in the notice when:

- the enforcement notice is quashed on grounds other than those mentioned in paragraph (a) of section 174(2);
- the enforcement notice is varied on grounds other than those mentioned in paragraph (a) of section 174(2) with the result that the activity prohibited by the stop notice ceases to be a relevant activity in the enforcement notice;
- the enforcement notice is withdrawn by the council other than in consequence of the grant of planning permission for the development;
- the stop notice is withdrawn.

No compensation is payable:

- if the enforcement notice is quashed as a consequence of planning permission being granted for the development;
- for any activity which constitutes or contributes to a breach of planning control;
- if the claimant failed when requested to provide information which, if given, would have resulted in the avoidance of the loss or damage suffered.

Serial 11 **INJUNCTIONS**
SECTION 187B (Town and Country Planning Act 1990)

If it appears necessary or expedient for any actual or apprehended breach to be restrained, a local planning authority may apply to the County Court or High Court for an injunction to restrain it. This is irrespective of whether or not the authority has exercised any other enforcement powers under Part VII of the Act. To obtain injunctive relief under those circumstances, however, would be exceptional: it might, for example, be used where a flagrant breach is resulting in clear financial gain to the contravenor.

The use of injunctions to restrain planning breaches was a central recommendation of Carnwath's 1989 report. He felt that this power was being used increasingly and that it was becoming a measure of first resort, rather than a last resort, in an emergency.

Previously, when injunctions were sought under s.222 of the Local Government Act 1972 the courts tended to lay down stringent criteria for issuing one. Now, with the new powers under s.187 of the Act, the courts are much more sympathetic to applications for injunctions by local planning authorities. The Act gives an authority the power to seek an injunction and the court has a broad discretion in granting one. If the court can be persuaded that only an injunction will restrain the breach, then they will grant one. Perhaps the hardest part of taking injunctive action will be to convince your legal department that it is possible.

Where an injunction is sought under s.187B in respect of a breach of planning control or s.214A in respect of a tree preservation order or trees in a conservation area, rules of court provide for the issue of an injunction against persons whose identity is unknown. This provision also applies to the County Court. In such cases however, the authority should have taken all reasonable steps to identify those involved.

Section 187B provides that:

- a local planning authority may apply to the County Court or High Court for an injunction 'for any actual or apprehended breach of planning control to be restrained';
- they may apply 'whether or not they have exercised, or are proposing to exercise', any of their other powers under Part VII of the Act.
- an injunction is tied to enforcement powers in that 'the court may grant such an injunction as the court thinks appropriate for the purpose of restraining the breach'.
- an injunction can be issued against a person whose identity is unknown.

An injunction does not become a charge on the land. It relates only to the person or persons referred to in the injunction and only for the time period for which the courts have granted it. Injunctions can also be used in relation to s.215 notices (see Serial 13) and for the protection of trees (see Serial 18).

Serial 12 **DIRECT ACTION – DEFAULT POWERS**
SECTION 178 (Town and Country Planning Act 1990)

The Town and Country Planning Act 1990 (TCPA) gives the local planning authority the power to enter land and carry out works that are required by an enforcement notice. Similar action is available for non-compliance with other forms of notices.

s.42 Planning (Listed Buildings and Conservation Areas) Act 1990: listed building enforcement notices
s.178 TCPA: enforcement notices
s.209 TCPA: replacement of trees by s.207 notice
s.219 TCPA: proper maintenance of land.

The powers contained in these sections are virtually identical; there are only very minor differences. With the exception of s.219 it is an offence wilfully to obstruct anyone exercising these powers.

Execution of work
Only the local planning authority who served the notice may enter the land and carry out the works. There is no requirement to give notice to either the owner or occupier of the land. The execution of this power by the local planning authority does not remove the owner's criminal liability under s.179. The works that can be carried out are those required by the enforcement notice to remedy the breach, to remedy any injury to amenity or to end any activity on the land.

Where a notice required buildings or works to be removed or altered and this has been carried out, any work to replace or reinstate them or the resumption of a use that has been ceased will be in breach of the original enforcement notice. Direct action can be taken against such works or use, but in this case twenty-eight days' notice must be given to the owner and occupier of the land of the intention to take direct action. Again this does not remove the owner's criminal liability for the breach of the notice.

Anyone who wilfully obstructs a person acting in exercise of these powers is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the Standard Scale. These can be found in the Criminal Justice Act 1982 s.37.

The same power exists for notices issued by the Secretary of State under s.182.

Recovery of costs
A local planning authority may recover costs from the owner of the land at the time. These comprise any expenses reasonably incurred by them, including such sums as are reasonable in respect to their overheads (termed 'establishment charges'). Under Reg.14(2) of the Town and Country Planning (General) Regulations 1992, such expenses of the local planning authority are, until recovered, a charge on the land binding on successive owners of the land to which the enforcement notice relates. The charge takes effect from the date the works were completed.

The local planning authority has other ways of recovering some, if not all, of its expenses. It may sell any materials that have been removed from any premise (which includes a street) which are not claimed within three days by the owner of the material and taken away by that person. This does not apply to refuse! Any excess is payable to the person to whom the material belongs.

The owner of the land, if he or she did not 'cause or permit' the land to be in the condition it was when the notice was issued, can recover expenses for complying with the notice from those responsible. Similarly, the owners can also recover any money paid to the local authority in respect of their expenses from those who caused or permitted the breach.

OTHER FORMS OF DIRECT ACTION

Maintenance of land : s.219
Only the local authority that issued the notice can enter the land and carry out the works. The cost of taking direct action can be claimed from the person who is the owner of the land at that time. That person is then entitled to recover them from the person who caused or permitted the land to come to be in the condition it was in when the s.215 notice was served. These expenses also remain a charge on the land until recovered by the authority.

S.219(3) provides powers (similar to s.178(3) in respect of an enforcement notice) for the local planning authority to recover costs of such action. Details are contained in the Commentary to s.178 in the Encyclopaedia of Planning Law and Practice. As already stated, there is no offence of wilful obstruction under s.219.

Any inland waterway managed by the British Waterways Board, and which is neither commercial nor a cruising waterway, is deemed to be a vacant site covered by this section (see the Transport Act 1968, s.108).

Tree Preservation Orders/Conservation Areas : s.209
Where a notice which has been served under s.207 requiring replacement tree planting has not been complied with, similar powers of direct action exist under s.209. The local planning authority may enter the land, plant the trees and recover from the landowner its reasonable expenses or make those expenses a charge on the land. Sub-section (6) makes it an offence to wilfully obstruct a person acting under this section, liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Listed buildings : s.42
The Planning (Listed Buildings and Conservation Areas) Act 1990, s.42, gives similar powers to a local planning authority where a listed buildings enforcement notice is not complied with. These default powers are broadly similar to mainstream enforcement controls, including reclaiming of expenses and selling materials, and include the offence of obstruction.

General
The taking of direct action may sound relatively simple. Enter the land, carry out the works and reclaim the money. In reality it is a very time-consuming course of action that must be carefully planned in the fullest detail.

There are a growing number of authorities which have been involved with direct action and which may be willing to share their experiences on the subject. In any case, although each action will be unique, a prepared course of action or standard operating procedure should be in place before attempting such an operation.

Course of action

- Plan for possible default action from the point you realise enforcement action is necessary.
- Select a Team Leader.
- Take care in selecting contractors.
- Have regular briefings of all team members.
- Consider the logistics of moving material to storage.
- Ensure secure storage facilities.
- Arrange for disposal of goods.
- Maintain an inventory.
- Have public relations in place for the media and the public.
- Warn the police.
- Have good communications from site to office and vice versa.
- Do what is required and no more.

- Get it done as quickly as possible.
- Have one person in charge on the site.

It may be advisable to consider injunctive action if it is likely that there will be physical resistance to the works, and also to have a contingency plan to prevent any removed materials being reclaimed and taken straight back on site.

Direct action is an emotive matter and can cause considerable bad feeling on site when the works are being carried out. The person who has dealt with the contravenor, usually the enforcement officer, will be able to advise what sort of reaction to expect. It would be unwise to ignore that advice when planning the action. It is also likely that the contravenor, having been involved with a specific person leading up to direct action, again the enforcement officer, will blame and direct his feelings at that person. It may be advisable to consider not including that person in the team to carry out the direct action unless, of course, there are times that the relationship could be used to good effect to retain some form of calm.

Circumstances can, however, change on site very quickly and the presence of the police is a must for each and every action.

Circular 10/97 ‘Enforcing Planning Control’ should be read before instigating such action

Serial 13 **POWER TO REQUIRE PROPER MAINTENANCE OF LAND SECTION 215 (Town and Country Planning Act 1990)**

A local planning authority has the power to issue a notice under s.215 if the amenity of part of its area is adversely affected by the condition of other land, including land of 'an adjoining area' that is not within that authority. It only has to appear to the local planning authority that amenity is adversely affected.

The notice requires such steps as may be specified for remedying the condition of the land (it should be remembered that land includes buildings), and provides a minimum of twenty-eight days before it takes effect.

This power to remedy the state of land previously only applied to gardens, open land and vacant sites which were causing a serious injury to the amenity of an area. It was broadened by s.46 of the Housing and Planning Act 1986 and improved further by the TCPA 1990, which included buildings in the definition of 'land' and removed the need for the harm caused to be 'serious'.

Defining 'harm' still remains a subjective judgement, but is not as hard to prove as previously. There is no right of appeal to the Secretary of State, although before the notice takes effect an appeal may be made to a Magistrates Court by those served with the notice or any other person having an interest in the land.

The grounds for appeal are:

- the condition does not adversely affect amenity;
- if it does, it is attributable to operations or use of the land which are not in contravention of Part III of the Act (i.e. associated with legitimate activities which have planning permission or for which planning permission is not required);
- the requirements of the notice are excessive;
- the time period is insufficient.

There is provision for a further appeal to the Crown Court against the decision of the Magistrates by either party. The notice is suspended pending these appeals.

The Magistrates Court has the power to:

- correct the notice if any defect or error is not material;
- quash the notice;
- vary the notice in favour of the appellant.

Again, this will reflect a subjective view taken by the Magistrates.

It is an offence under s.216 to fail to take the steps required by the notice within the specified time period. The owner or occupier of the land on whom the notice was served is liable on summary conviction to a fine not exceeding level 3 on the standard scale. Failure to comply with the notice after conviction is a further offence rendering those responsible liable to a fine not exceeding one-tenth of level 3 for each day following the first conviction. There is also the power to carry out the works by default (see serial 12), and injunctive powers if all else fails.

Serving a s.215 notice and follow-up action can attract publicity. This can have a good or bad effect. It may encourage others to maintain their land properly, but it can encourage numerous complaints of untidy gardens and the like once the public becomes aware that the LPA has these powers. A s.215 notice served on a residential property is likely to attract the attention of the local press.

A s.215 notice is registerable as a local land charge

Serial 14 **ENFORCEMENT REGISTER**
SECTION 188 (Town and Country Planning Act 1990)

Every district planning authority and the council of every metropolitan district or London borough must keep an Enforcement Register. Details of all enforcement notices, stop notices and breach of condition notices issued in respect of land in their area must be entered in the register. Every entry must be made within fourteen days of the occurrence to which it relates. The details required to be entered are stipulated by the Town and Country Planning (General Development Procedure) Order 1995 and are:

- address or location of the land;
- name of the issuing authority;
- date of issue;
- date of service;
- alleged breach, requirements and time for compliance;
- date on which the notice takes effect;
- whether the time to take effect is suspended by appeal and the date of final determination or withdrawal of that appeal;
- date of service and, if applicable, of withdrawal of any stop notice issued in respect of the enforcement notice, with details of any activity prohibited by the stop notice;
- date of compliance.

In respect of breach of condition notices the following details are required:

- address or location of the land;
- name of serving authority;
- date of service;
- details of relevant planning permission;
- condition breached, steps to be taken and period for compliance.

If a county planning authority (CPA) issues an enforcement notice, a stop notice or a breach of condition notice, it shall supply the relevant information listed above to the district planning authority (DPA) to enable that authority's register to be brought up to date. This information must also be entered into the register with fourteen days of the occurrence, so, although the CPA has fourteen days in which to supply the information, it must do so in time to allow the DPA to enter it into the register within the stipulated fourteen days.

This procedure is prescribed by the Town and Country Planning (General Development Procedure) Order 1995 (Article 26).

The register must be available for inspection by the public at all reasonable hours and indexed to allow a person to trace any entry by reference to the address of the land to which the notice relates. It is important to ensure the register is updated as soon as possible.

Serial 15 USE CLASSES ORDER 1987

This Order will be referred to time and time again when considering unauthorised development. It is being continually amended and revised and it is not advisable to rely on memory when dealing with the subject matter. The Order should be referred to before coming to a decision.

The Schedule to the Order specifies the classes of use in respect of buildings and other land and defines that use:

Class A1	Shops;
Class A2	Financial and professional services;
Class A3	Food and drink;
Class B1	Business;
Class B2	General industrial;
Class B8	Storage and distribution;
Class C1	Hotels;
Class C2	Residential institutions;
Class C3	Dwellinghouses;
Class D1	Non-residential institutions;
Class D2	Assembly and leisure:

The change of use within each of these classes does not constitute development and is also reversible. For instance, change of use from a post office to a hairdresser or from a nursing home to a residential school does not constitute development in that each change is within its own Class. The Town and Country Planning (General Permitted Development Order) 1995 (GPDO) also grants planning permission for certain changes of use within the Use Classes Order (UCO) which are mentioned below.

There are a number of uses which are specifically excluded from the Schedule, such as amusements centres, sale or display of motor vehicles and hostels, and not all uses of land fall within the specified classes. These uses are termed *sui generis.*

The definition of a dwellinghouse should be considered carefully as the use of such premises will be a constant source of complaint.

A dwellinghouse is occupied either by:

- a single person or by people living together as a family; or
- not more than six residents living together as a single household (including a household where care is provided for residents).

It does not include a building containing one or more flats, or a flat contained within a building.

One of the most common complaints relating to a dwellinghouse is its use as a house in multiple occupation (HIMO). When investigating such a complaint there are a number of factors to be taken in account before the use of the property can be defined:

Origin of tenancy
Occupants may come together as a group or be recruited individually by the landlord.

Sharing of facilities
The greater the extent of shared facilities – bathroom, WC, kitchen, sitting room – the greater the likelihood of it being a single household.

Extent of responsibility
Consider whether occupants are responsible for household maintenance and cleaning for the whole house.

Ability to lock their doors
This would be a pointer towards more isolated, independent lifestyles as against communality.

Responsibility for filling vacancies
Specific rooms may be let to specific tenants, or the occupants may decide who lives where.

Size
The bigger the establishment and the more numerous the occupants, the less likely it is to be one household.

Stability of group
The group may be transient and ever-changing, or there may be stable, continuous occupation.

Mode of living
Cooking, shopping, eating and cleaning arrangements can be an important factor in certain cases.

Communal rooms
A shared common room on the ground floor may be relevant.

Entrances
Consider whether there are there separate entrances to different parts of the property.

Common relationship
There may be a relationship between the residents which provides a reason for them living together (e.g. all students at the same college).

All these are factors to be considered when making a decision whether a property is in use as a shared household or as an HIMO. They are not ranked in order. Some may be definitive in isolation (common relationship for example), others only in combination. An internal change to facilitate a use rarely constitutes development. It is the actual use of the property that could constitute a breach.

Internal alterations – such as the subdivision of a bedroom to create two bedrooms, or the installation of a second bathroom or kitchen – may suggest that the use is going to change, but until the property is occupied it is unlikely to be possible to confirm this either way. When visiting a property to investigate its use, a prepared questionnaire and internal layout plan will be useful in ensuring all likely factors are discussed and the use of each room accurately recorded.

If enforcement against an HIMO does become necessary, the notice can require the removal of internal alterations which have been carried out to facilitate the unauthorised use.

Serial 16 **GENERAL PERMITTED DEVELOPMENT ORDER 1995 (GPDO)**

This Order contains the provisions relating to permitted development rights. It has the effect of granting planning permission for those classes of development specified within Schedule 2 to the Order subject to a number of conditions and limitations.

PART 1	Development within the curtilage of a dwellinghouse
PART 2	Minor operations
PART 3	Changes of use
PART 4	Temporary building and uses
PART 5	Caravan sites
PART 6	Agricultural buildings and operations
PART 7	Forestry building and operations
PART 8	Industrial and warehouse development
PART 9	Repairs to unadopted streets and private ways
PART 10	Repairs to services
PART 11	Development under local or private acts or orders
PART 12	Development by local authorities
PART 13	Development by local highway authorities
PART 14	Development by drainage bodies
PART 15	Development by the National Rivers Authority
PART 16	Development by or on behalf of sewerage undertakers
PART 17	Development by statutory undertakers
PART 18	Aviation development
PART 19	Development ancillary to mining operations
PART 20	Coal mining development by the Coal Mining Authority and licensed operators
PART 21	Waste tipping at a mine
PART 22	Mineral exploration
PART 23	Removal of material from mineral-working deposits
PART 24	Development by telecommunications code system operators
PART 25	Other telecommunications development
PART 26	Development by the Historic Buildings and Monuments Commission for England
PART 27	Use by members of certain recreational organisations
PART 28	Development at amusement parks
PART 29	Driver information systems
PART 30	Toll road facilities
PART 31	Demolition of buildings
PART 32	Schools, colleges, universities and hospitals
PART 33	Closed circuit television

The majority of these Parts have a number of conditions and/or limitations which, together with the interpretation of each class, should be read carefully before deciding if a development has the benefit of planning permission granted under a specific class. These conditions and limitations can be the subject of enforcement action in that they are attached to a grant of planning permission, albeit granted by the GPDO. It is necessary, however, to consider whether the breach is sufficient to render the development unauthorised rather than in breach of a limitation.

It is worth noting that changes of use under Part 3 are only exercisable one way. Where a change of use is noted as having taken place under Part 3, it should be recorded and then monitored to ensure it does not revert back without the required planning permission.

PART FOUR:
Listed Buildings, Trees and Conservation Areas

Serial 17 **LISTED BUILDING CONTROL**

Subject to the following provisions of this Act, 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 which would affect its character as a building of special architectural or historic interest, unless the works are authorised.

S.7. Planning (Listed Buildings and Conservation Areas) Act 1990

PROSECUTION

S.7 contains a straightforward prohibition of carrying out works to a listed building which affects its character without "listed building" consent. S.8 stipulates that these works are only authorised if such consent is given and the works carried out in accordance with that consent. S.9 makes it an offence to contravene s.7. In short it is an offence to carry out works, or permit works to be carried out, to a listed building which affect its character without consent.

Such an offence is of 'strict liability' and it is necessary only to prove the facts as follows:

1. Was the building, at the time the works were carried out, a listed building?
2. If so, were the works carried out for its alteration?
3. If so, did the defendant cause the works to be carried out?
4. If so, do the works affect the character of the listed building?
5. If so, were the works authorised?

It is not necessary to 'gild the lily' with evidence. The case concerning R v. Sandhu, which was reported in The Times on 2 January 1997 and subsequently in most planning magazines, confirms this point. Only the person who carried out the works or caused them to be carried out can be prosecuted. S.59 creates a separate offence of causing or permitting intentional damage to a listed building irrespective of whether it affects the character of the building. In each of these cases there are exemptions whereby the offences do not apply to those exempted buildings.

A person who is guilty of an offence under s.9 is liable, on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding £20.000, or both; or, on conviction on indictment, to a term of imprisonment not exceeding two years, or a fine, or both.

A person who is guilty of an offence under s.59 is liable on summary conviction to a fine not exceeding level 3 on the standard scale. After conviction there is, under this section, an obligation to prevent any further damage being caused as a result of the initial offence. Failure to do so is a daily offence which on summary conviction renders that person liable to a fine not exceeding one-tenth of level 3 on the standard scale.

Listed building enforcement
Power to issue a listed building enforcement notice is given by s.38 of the Planning (Listed Buildings and Conservation Areas) Act 1990. S.46 gives similar powers to the Secretary of State.
A notice can be issued where it appears to the local planning authority:

- that any works have been or are being executed to a listed building in their area; and
- that the works are such as to involve a contravention of section 9(1) or (2).

A notice may be issued if it is considered expedient to do so having regard to the effect of the works on the character of the building as one of special architectural or historic interest. There is no four or ten year rule limitation on the issuing of a listed building enforcement notice.

A notice must contain the following information:

- the alleged contravention;
- the steps to be taken; and
- the time period for compliance.

It may be necessary to specify the steps to be taken:

- to restore the building to its former state; or
- to alleviate the effect of the unauthorised works; or
- to bring the building to the state it would have been in if a listed building consent had been fully complied with.

The notice must also contain the date the notice takes effect, and may stipulate different time periods for different steps required by the notice. The notice must be served not later than twenty-eight days after the date of its issue and not later than twenty-eight days before the date it is specified to take effect.

The notice shall be served on:

- the owner and occupier of the building to which it relates; and
- any other persons having an interest in the building which is affected by the notice.

Listed building consent is automatically granted for any necessary alleviating works carried out which are required as a result of complying with the notice.

The notice must be registered as a land charge and must be entered into the enforcement register

Under s.3 there is a right of appeal against the notice which must be exercised before the notice takes effect. The appeal suspends the requirements of the notice in the same way as does a mainstream enforcement appeal. Notwithstanding the issue of the notice and any subsequent appeal there is still criminal liability for carrying out works to a listed building under s.9.

The grounds for appeal are that:

- the building is not of special architectural or historic interest;
- there is no breach;
- the works do not constitute a breach;
- the works were urgently needed for health and safety reasons;
- consent should be granted or conditions discharged or substituted;
- the notice was not correctly served;
- the requirements of the notice are excessive;
- the time for compliance is insufficient;
- the steps required would not restore the building to its former state;
- the steps required exceed what are necessary to restore the building to its former state;
- the steps are excessive to comply with conditions of a listed building consent.

It follows that the grounds of appeal are relative to the steps required to be taken and the reason for them.

Section 42 authorises an authority to enter the land and take direct action. This is covered in Serial 12.

It is, of course, an offence not to comply with a listed building enforcement notice [s.43], but only the owner of the land can be prosecuted. The penalties are the same as with mainstream enforcement: a maximum fine of £20,000 on summary conviction, and an unlimited fine on conviction on indictment.

Serial 18 **TREE PRESERVATION ORDERS**
SECTIONS 197 – 214 (Town and Country Planning Act 1990)

The protection of trees is secured by the power to make tree preservation orders (TPOs). Protection can be also gained at the time planning permission is given by the imposition of conditions, but long-term protection is best gained by the use of a TPO. All TPOs are contained in a register maintained by the LPA in accordance with s.211. It is available for inspection by the public, free of charge, at any reasonable time and at a convenient place.

TREE PRESERVATION ORDERS

The power to make a tree preservation order is conferred by s.198.There is no duty to make such an order, and one would only be made if it were considered by the LPA to be expedient in the interests of amenity to preserve specific trees. An order can be made to protect a single tree, a group of trees or an area. Hedgerows are given specific protection under the Hedgerows Regulations 1997 (S.I 1969 No.1160). The Secretary of State can also make a tree preservation order after consultation with the local planning authority.

In the case of a tree which is the subject of a TPO, written consent must be obtained from the local planning authority to carry out prohibited tree works such as lopping or pruning.

Where a protected tree is destroyed, s.206 places a duty on the owner of the land to replace it with a tree of an appropriate size and species at the same place. In the case of an area of trees, then the same number of trees shall be replaced on or near the same site or, in consultation with the LPA, on other land. Such replanting is automatically covered by the original TPO.

This duty is only enforceable by the serving of a replanting enforcement notice under s.207. The recipient has a right of appeal to the Secretary of State (s.208), but it is not an offence not to comply with the notice. Instead, the LPA has the power to enter the land under s.209 and carry out the requirements of the notice itself. Costs of the action are recoverable from the owner of the land at that time. A notice under s.207 must be served within four years from the date of the alleged failure to comply.

Non-compliance with a TPO is an offence under s.210. A person guilty under s.210 of an offence which causes the destruction of a tree shall be liable on summary conviction to a fine not exceeding £20,000, and on conviction on indictment to an unlimited fine. The court shall take any financial gain as a result of the offence into account when determining the amount of any fine. If the TPO is breached in a way that does not actually destroy the tree, then the offender is still guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale. S.198(6) allows for the cutting down of, or works to, a tree that is dying, dead or dangerous, although the onus is on the owner to prove the condition of the tree.

These are strict liability offences. It is sufficient to prove:

1. there is a TPO in force;
2. the defendant carried out the works, or caused or permitted the works to be carried out; and
3. permission was not given for the works.

Conservation areas
The preservation and protection of trees in conservation areas is obtained from s.211.

Subject to the exceptions in s.212, it is an offence to carry out works to any tree in a conservation area without first giving the LPA six weeks notice of intent to carry out the works. Having received such notification, the LPA can consent to the works, make a TPO or do neither. If the LPA takes no action the tree loses its protection for two years

from the date of the notification. The LPA can however make a TPO at any time, so restoring full protection from the time the TPO takes effect.

Anyone charged with carrying out such works without due notice has a defence if they can prove that they served the notice and carried out the works either with the consent of the LPA or after the six-week period.

Penalties for an offence are the same as for an offence against a TPO.

The enforcement of replacement trees in a conservation area under s.213 is similar to TPO trees, although the replanting obligation is heavier.

Injunction
A local planning authority is given power to apply for an injunction under s.214A if it considers it necessary or expedient to restrain an actual or apprehended offence under s.210 or s.211. It is independent of any other powers the authority may or may not exercise in respect of tree protection. This action is similar to enforcement injunctions and covers the issuing of an injunction against a person whose identity is unknown.

Direct action
Similar powers of direct action exist as for a TPO tree. The local planning authority can enter land under s.209 and carry out the works required by the s.207 notice.

Rights of entry
Rights of entry in relation to tree protection are conferred by s.214B. It is an offence under s.214D to obstruct anyone acting in the exercise of a right of entry, and any person who does so is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Site inspections
A complaint that a tree which is the subject of a TPO has been cut down requires an almost immediate response. Evidence of the work will be available only so long as the owner leaves it on site. If the TPO covers woodland, for instance, it is unlikely that plans will show exactly how many trees originally existed. The extent of such an offence can only be confirmed by counting stumps, trunks and branches and obtaining photographs and measurements of each item.

The initial visit is critical in obtaining evidence and should be used to obtain the maximum information regarding:

- names, addresses and telephone numbers;
- vehicle registration numbers;
- business names and addresses;
- species of trees damaged;
- location of trees damaged;
- nature of work if not total felling;
- ample photographs of each tree, stump and wounds.

If the owner or person responsible is still on site, issue a caution before asking any questions, other than for identification purposes (see serial 4). This will allow all answers to be used in evidence. Second and third visits are unlikely to be as productive, the owner having had time to take advice and no doubt discovered the consequences of a court appearance.

PART FIVE:
CONTROL OF ADVERTISING

Serial 19 **UNAUTHORISED ADVERTISEMENTS AND FLYPOSTING (Town and Country Planning Act 1990)**

The majority of advertisements require either express consent granted by the local planning authority or Secretary of State, or have the benefit of deemed consent granted by Regulation 6 of the Town and Country Planning (Control of Advertisements) Regulations 1992 (Regulation 5). The Regulations do not apply to a number of advertisements which are defined in Schedule 2, as follows:

Class A	The display of an advertisement on or consisting of a balloon not more than 60 metres above ground level;
Class B	An advertisement displayed on enclosed land;
Class C	An advertisement displayed on or in a vehicle;
Class D	An advertisement incorporated in the fabric of a building;
Class E	An advertisement displayed on an article for sale or on a container in or from which an article is sold;
Class F	An advertisement relating specifically to a pending Parliamentary, European Parliamentary or local government election;
Class G	An advertisement required to be displayed by Standing Order of either House of Parliament or by any enactment or any condition imposed by any enactment in the exercise of any power or function;
Class H	A traffic sign;
Class I	The national flag of any country;
Class J	An advertisement inside a building.

In each case the conditions, limitations and interpretation relating to each class should be read before deciding on the standing of a particular advertisement. It should be noted that a balloon flown above sixty metres would be of interest to the Aviation Authorities. In the case of an advertisement inside a building, if it is not excluded from the regulations it will have the benefit of deemed consent under Class 12 in Schedule 3.

Schedule 1 contains five standard conditions that every advertisement must comply with:

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of advertisements shall be maintained in a safe condition.
3. Where an advertisement is required to be removed under these Regulations, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any high way, railway, waterway or aerodrome (civil or military).

Condition 4 usually means that flyposting is immediately at risk of prosecution. Condition 1 allows for the repair or removal of any unsightly advertisement. These conditions should be applied just as firmly as any condition applied to a grant of consent.

Deemed consent

Deemed consent is granted to those advertisements specified in Schedule 3, as follows:

Class 1	Functional advertisements of local authorities, statutory undertakers and public transport undertakers;
Class 2	Miscellaneous advertisements relating to the premises on which they are displayed;
Class 3	Miscellaneous temporary advertisements;
Class 4	Illuminated advertisements on business premises;
Class 5	Advertisements on business premises;
Class 6	An advertisement on a forecourt of a business premises;
Class 7	Flag advertisements;
Class 8	Advertisements on hoardings;
Class 9	Advertisements on highway structures;
Class 10	Advertisements for neighbourhood-watch and similar schemes;
Class 11	Directional advertisements;
Class 12	Advertisements inside buildings;
Class 13	Sites used for the display of advertisements on 1st April 1974;
Class 14	Advertisements displayed after expiry of express consent;

Express consent
Express consent is granted for a period specified by the LPA when granting consent. If no period is specified by the LPA, a standard five-year period applies. At the end of that period the advertisement acquires deemed consent under Class 14, unless a condition to the contrary was imposed on the consent. The advertisement is then liable to discontinuance action. It is an offence under s.224(3) of the Act to display an advertisement without either deemed or express consents, rendering the responsible person liable on summary conviction to a fine not exceeding level 3 on the standard scale. After conviction it becomes a daily offence for every day the offence continues.

Section 2 of Part I of the Regulations and section 1 of Part II to Schedule 3 contain the interpretation of specific words used in the Regulations. These should be considered carefully as they have a distinct bearing on whether an advertisement has deemed consent or not. For instance, Class 2A refers to ‘premises’, a term which includes the land or building on which the advertisement is displayed, while Class 4 refers to ‘business premises’, the definition of which specifically excludes land. Where old, large, terraced, former-residential properties are occupied as offices, the size of advertisements that can be displayed thereon with deemed consent is restricted by the definition of business premises at 1 – (1)(b). Even a grant of permission for change of use does not allow the display of advertisements under Class 5 on these premises unless the alterations specified in the conditions have been carried out.

Exercising of powers
When considering an advertisement, only two factors are relevant: public safety and the interests of amenity (Regulation 4). This relates not just to the granting of express consent but also to the imposition of any limitation or restriction on a grant of express consent.

Any other advertisement displayed on the site or in the vicinity can be disregarded when considering the amenity of the area.

Regulation 4 lists a number of material factors that should be considered in the interests of amenity and public safety, but the list is not exhaustive and any factor that is material to a particular advertisement should be considered.

If an advertisement does not cause a danger to the public and is not detrimental to the interests of amenity, but does not have deemed consent, an application for its display

should be invited. Regulation 27 makes it an offence to display an advertisement in breach of the Regulations. However, the LPA can exercise its powers under the Regulations only in the interests of amenity and public safety, so if an application is not made for the display of an otherwise acceptable advertisement prosecution is not an option. In short, you cannot prosecute simply to get the fee.

Flyposting
The expression 'flyposting' is usually taken to refer to the display of posters on empty properties and street furniture. The display of these advertisements renders not just those actively responsible for their display liable to prosecution but also the landowner and anyone gaining benefit from the display. S.224(5) of the 1990 Act provides that if the landowner or person gaining benefit from the display can prove it was done without their consent or knowledge, they are not guilty of an offence.

A considerable amount of flyposting is done at night by 'semi-professional flyposters'. The opportunity of apprehending and prosecuting the person putting up the advertisement is therefore remote. However, flyposting can quickly be brought under control and virtually eradicated by the following procedure:

- Keep a regular watch on known flyposting sites.
- Record all new flyposting, photograph each poster and date the photograph.
- Remove one poster for evidence in court.
- Attempt to identify the person responsible (normally the organiser), using information contained on the poster such as contact telephone number, the venue or the printer.
- Advise anyone identified as responsible of the offence, give them a list of locations and ask them to remove the poster within 48 hours.
- Confirm in writing by recorded delivery.
- If not removed instigate legal proceedings.
- Delegated power to instigate proceedings for flyposting will speed up the process.
- Publicise each and every court action and the resultant fine.

The written warning should be used in court to prove that the defendant had been made aware of the flyposting, so preventing a defence of 'no knowledge etc.'. The warning letter is usually sufficient to secure the removal of flyposters, especially if it warns that each poster is a separate offence. When the same person, business or organisation flyposts again, legal action should be taken as a matter of course.

An alternative course of action is to serve notice on the person identified that the posters are displayed illegally and will be removed or obliterated after the time period specified in the notice. This time period must be at least two days. This course of action can be very time consuming, especially the removal of the advertisements.

If the poster does not contain the name and address of the person responsible for its display, and reasonable enquiries fail to reveal this information, the poster can be removed immediately. Where a venue in the ownership of the local authority is involved in flyposting, a condition could be attached to the terms of hire, warning that *'flyposting of an event being held at this venue will lead to the booking being cancelled immediately'*. This has proved to be very effective, especially after is has been invoked and publicised. It should not lead to a loss of bookings by reputable organisations.

Section 225 of the 1990 Act allows a district or London borough council 'to remove or obliterate any placard or poster' displayed illegally in its area. If the placard or poster contains the identity of the persons who displayed it they must first be given written warning of the council's intention to take such action. The notice must contain the information that the advertisement is in breach of the regulations and that it is to be removed, and give the time period after which it will be removed. That period should not be less than two full days, although it may be advisable to give a longer period.

If the address is not given and reasonable enquires are not successful in obtaining it, the advertisement can be removed forthwith. Section 324(3) gives rights of entry on to land or premises for such action. (See serial 6.)

An alternative course of action is available under s.132 of the Highways Act 1980, which enables a highway authority to remove pictures or signs attached to trees, structures or works within the highway. No advance warning is required.

The owner of a property which is a regular flyposting site should be asked to take steps to prevent the use of the property for such purposes. As landowner, he is liable to prosecution for allowing them to remain once he has been made aware of their existence. If a property has a number of posters attached to it, a notice under s.215 could also be considered if the posters cause the appearance of the property to affect the area adversely.

The pursuit of flyposting can be very time-consuming. Nevertheless, it is a criminal activity, and should not be recognised either as a legitimate form of advertising or as a form of ‘free speech’. It should be discouraged by all means possible.

Serial 20 **DISCONTINUANCE**
Regulation 8 (Town & Country Planning (Control of Advertisements) Regulations 1992)

The first step in the control of advertisements is to read the Regulations very carefully. It is not wise to rely on memory when taking any form of action under these Regulations, which impose a duty of compliance and an instant liability to prosecution. All legislation is subject to change and those changes will not always be drawn to your attention. It is to be hoped that the relevant publications will always be up to date.

Where an advertisement is displayed with deemed consent under Regulation 6 of the advertisement regulations, a local planning authority can, under Regulation 8, require its removal by issuing a discontinuance notice. Such a notice can only be issued to remedy a substantial injury to an amenity in the locality or a danger to members of the public. This requirement is more stringent than the normal power to control advertisements.

The discontinuance notice can require the discontinuance of either the display of the advertisement itself or, alternatively, the use of a particular site for advertising. A discontinuance notice cannot be issued against an advertisement inside a building displayed under Class 12 if the advertisement relates specifically to a Parliamentary or local government election in accordance with class F or G.

The Secretary of State has the power to issue such a notice against an advertisement displayed by the local planning authority under Class 1B.

The notice

A discontinuance notice:

1. shall be served on the advertiser and on the owner and occupier of the site on which the advertisement is displayed;
2. may, if the local planning authority thinks fit, also be served on any other person displaying the advertisement;
3 shall specify the advertisement or the site to which it relates, whichever is relevant;
4 shall specify a period within which the display or the use of the site is to be discontinued;
and
5 shall contain a full statement of the reasons why action has been taken under regulation 8.

The notice cannot take effect less than eight weeks after the date on which it is served, and this period must to be specified in the notice. The notice carries a right of appeal but the appeal must be made before the notice takes effect. An appeal to the Secretary of State has the effect of suspending the notice until such time as the appeal is decided or the notice is withdrawn.

It is possible to withdraw the notice before it takes effect (or to vary the time for compliance varied if no appeal is pending) by serving a notice on the advertiser and sending copies of the notice to all other persons who were served with the notice.

The statement of reasons for issuing the notice should be as detailed as possible and should include photographs, site plans showing where the photographs were taken from, and copies of any documents referred to in the statement. It should be expected, and borne in mind from the onset, that each discontinuance notice will be the subject of an appeal.

Part Six:
Other Bodies

Serial 21 LOCAL GOVERNMENT OMBUDSMAN

'I will begin with a question which is often raised. The question is this. Sometimes the Ombudsman seems to be examining the merits of planning decisions and not just Maladministration, and isn't that going beyond his proper remit? Many of the complainants think that is exactly what the Ombudsman should be doing. In their book the Council has made a wrong decision and they want the Ombudsman to say just that. But that is not my role. I am not the judge of the merits.'

Mr Edward Osmotherly CB, Local Government Ombudsman, speaking at the Planning Executives Association of the Royal Town Planning Institute Annual Conference, Bournemouth, 20 June 1995.

The Local Government Act 1972 says: 'Nothing in this Act authorises or requires a Local Commissioner to question the merits of a decision taken without Maladministration.'

The Ombudsman's job is to consider complaints from the public about the actions of councils and their staff, to decide whether things have gone wrong and, if they have, why. Complaints about planning are the second most common kind, and the second most common kind of planning complaint is about enforcement, usually from people who think the council is not acting vigorously enough.

The Ombudsman's Guidance Note No. 2, 'Good Administrative Practice', draws on the experience of the Ombudsman and sets out forty-two axioms or principles of good administration. They are relevant to all services, including planning. The Ombudsman does not investigate a complaint until the local planning authority has invoked its complaint procedure and carried out its own investigation.

While it is not in the remit of the Ombudsman to question a decision, he can question how it has been reached. He can investigate the way the local planning authority has dealt with a complaint, and the grounds on which its decision was based. A local planning authority that follows good procedures and good practice is unlikely to be troubled by the Ombudsman. When an enforcement complaint has been investigated by the LPA in accordance with sound written procedures which are the subject of regular scrutiny, and a decision duly reached that enforcement action is not expedient (again that word), then it is unlikely any further investigation of the LPA will be necessary.

It is advisable at all times, however, to record your notes accurately and contemporaneously and keep them, with your diaries, in a safe place.

Maladministration can however occur when the council:

- does something in the wrong way;
- does something it should not have done; or
- fails to do something it should have done.

Examples are unreasonable delay, muddle, bias, failure to follow proper procedures and a decision badly made. The Ombudsman cannot question what a council has done just because someone does not agree with the council's decisions or actions.

Serial 22 NATIONAL AND LOCAL ORGANISATIONS

Planning's primary organisation is The Royal Town Planning Institute (RTPI). The Institute is a charity incorporated by Royal Charter to advance the science and art of town planning for the benefit of the public. It is the Chartered Body for professional town planners in the United Kingdom and Ireland.

The RTPI has a network of branches covering the UK and Ireland. The branches run programmes of conferences, seminars and other events and publish branch newsletters.

Membership of the RTPI depends on qualifications and experience, and all members pay a subscription. A new class of membership has recently been offered to planning support staff: Technical Membership, with designatory letters TechRTPI. To obtain such membership it is necessary to demonstrate acceptable levels of experience and knowledge of the planning process.

In 1991 the Planning Executives Association (PEA) was launched by the RTPI for people working in the planning profession in a support role, be it enforcement, administration or technical. The Association's main objective is to help the Institute develop a comprehensive strategy for the education, training and certification of planning support staff. All RTPI Technical Members are automatically members of the PEA, and support staff who are not eligible for Technical Membership can apply to become Associate Members of the PEA.

Local groups of enforcement officers meeting regularly to exchange information and discuss enforcement matters can prove to be extremely useful. Such a group may be based on a single county or several. These groups are on the increase and provide an obvious way of meeting other enforcement officers in your area, although not every area yet has such a group. They can be used as a simple meeting point to discuss mutual problems with other enforcement officers, and with the aid of guest speakers can and do provide valuable training for the newcomer to enforcement.

Further details on all these organisations and how to start a local group can be obtained from the RTPI.

Finally there is also the option of an in-house group. The title 'enforcement officer' covers many types of legislation and the first step in harmonisation of the many aspects of enforcement that run parallel is to meet regularly and talk. The subject may be waste disposal, minerals, housing, benefits, environmental health or even hackney carriages. There are always mutual problems and you may find the solution from the most unusual quarter.

For example, one enforcement group (e.g. Environmental) may obtain and maintain a tape recorder suitable for conducting PACE recorded interviews. It can be shared by enforcement officers from all other departments. It would be difficult to justify such equipment being purchased for use by one department only. Training on the equipment could also be carried out on an authority-wide basis.

Appendix 1 EXPRESSIONS AND TIME LIMITS SECTIONS 171A & 171B (Town and Country Planning Act 1990)

EXPRESSIONS

A breach of planning control
Is defined by s.171A (1) as:

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

Deemed consent
Consent granted by Regulation 6 of the Town and Country Planning (Control of Advertisements) Regulations 1992 for the display of an advertisement falling within any class specified in Part I of Schedule 3 of those Regulations.

Development
Is defined by s.55 as:
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.

Enforcement action
Is defined by s.171A(2) as:

- the issue of an enforcement notice; or
- the service of a breach of condition notice.

Express consent
Consent granted by the local planning authority or by the Secretary of State for the display of an advertisement.

Intensification (s.55)
'*Mere intensification of a use does not in itself constitute a material change.'*
Intensification within a very general use class cannot constitute 'development' until it takes it outside that category altogether. For example, a caravan site is still a caravan site whether is has three or 300 caravans on it.

Some operations and uses do not constitute development. Such cases include:

- the use of buildings and land within the curtilage of a dwellinghouse for purposes incidental to the enjoyment of the dwellinghouse;
- the use of land, and buildings occupied with land so used, for agriculture or forestry.

The Commentary to s.55 defines a number of other cases.

Land
Is defined by s.336 (1) as including a building.

Level of fines
Can be found at Schedule 4 to the Criminal Justice Act 1982 (s.37) The figures quoted in this book are the 1992 increases brought into force on 1st October 1992 (S.I. 1992 No.333).

Permitted development
Are the classes of development granted planning permission by the Town and Country Planning (General Permitted Development) Order 1995 and are described in Schedule 2 of the Order.

The planning unit

The planning unit is described in Part III of the Act; Control over Development, s.55.23. It considers the unit under the headings: general principles; the unit of occupation; composite uses; functional separation; subdivision of the unit; and dual and recurrent uses.

LIMITATION PERIODS

There are two different limitation periods for enforcement action defined by s.171B as:

Four-year rule
Four years is the time allowed to take enforcement action where the breach comprises either:

- operational development (the carrying out of unauthorised building, engineering, mining or other operations), or
- change of use to use as a single dwellinghouse; or
- breach of a condition preventing change in use of any building to use as a single dwellinghouse.

Ten-year rule
Ten years is the time allowed to take enforcement action for all other breaches of planning control.

A breach of condition notice can be issued at any time where an enforcement notice is already in effect in respect of the breach. Enforcement action can also be taken within four years of such action having already been taken.

Appendix 2 LEGISLATION, REGULATIONS, POLICY and ADVICE NOTES

There does seem to be an ever increasing number of books, documents and papers relating to planning regulations and associated matters. A great many are amended on a regular basis, and it is important not to rely on memory but to resort to the relevant reference book when necessary.

ENCYCLOPAEDIA OF PLANNING LAW

Most if not all information can be found in *The Encyclopaedia of Planning Law and Practice*. It comprises six volumes with a separate book containing the list of tables and the index. As you start to use them it will be useful to maintain your own index of where to find particular items, preferably by volume and page number.

For instance, an interpretation of the 'statutory maximum' in relation to a fine on summary conviction can be found in Volume 1, Part 2, page 20,838. Enforcement of planning control is discussed at length also in Volume 1, Part 1, in the General Statement starting page 10,096.

Volume 1
Part 1 contains the General Statement and Part 2 Statutes to 1990.

Volume 2
Contains the Town and Country Planning Act 1990.
The Act is split into 15 Parts as follows: -

Part I	Planning authorities
Part II	Development plans
Part III	Control over development
Part IV	Compensation for effects of certain orders, notices etc.
Part V	Compensation for restrictions on new development in limited cases
Part VI	Rights of owners to require purchase of interests
Part VII	Enforcement

This Part contains s.171A to s.196C and covers the following subjects:

s.171A–171B	Introduction, including expressions and time limits
s.171C–171D	Planning contravention notices
s.172–182	Enforcement notices
s.183–187	Stop notices
s.187A	Breach of condition notices
s.187B	Injunctions
s.188	Registers
s.189–190	**Enforcement of orders of discontinuance of use etc.**
s.191-196	Certificate of lawful use or development
s.196A-196C	Rights of entry for enforcement purposes

Part VIII	Special controls

This Part contains s.197 to s.225 and covers the following subjects:

s.197	General duty of planning authorities in respect to trees
s.198–202	Tree preservation orders
s.203–205	Compensation for loss or damage caused by orders etc.

s.206–210	Consequences of tree removal
s.211–214D	Trees in conservation areas
s.215–219	Land adversely affecting amenity of neighbourhood
s.220–222	Advertisement regulations
s.223	Repayment of expense of removing prohibited advertisements
s.224–225	Enforcement of control over advertisements

IX	Acquisition and appropriation of land for planning purposes, etc.
X	Highways
XI	Statutory undertakers
XII	Validity
XIII	Application of Act to Crown land
XIV	Financial provisions
XV	Miscellaneous and general provisions

Volume 3
Contains the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning (Consequential Provisions) Act 1990, Statutes from 1991 and European legislation.

Volume 4
Contains in Part 3A Statutory Plans, and in Part B Statutory Instruments. Within the Statutory Instruments you will find the Advertisement Regulations, the Use Classes Order 1987 (UCO), the General Permitted Development Order 1995 (GPDO) and the General Permitted Development Procedure Order 1995 (GPDPO).

Other Regulations within Part 3B cover Tree Preservation Orders, Natural Habitats, Hedgerows, Public Rights of Way, Appeals and Inquiries and Fees. This list is not exhaustive and use of your personal index will help you to locate regularly used details.

Volume 5
Contains in Part 4 Department of the Environment Circulars and, in Part 5, part of the Planning Policy Guidance Notes (PPGs), the remainder being in Volume 6. Circulars are available as separate documents and Circular 10/97 'Enforcing Planning Control', with its Good Practice Guide, should be on every enforcement officer's desk.

Often it will be found that PPGs relate to each other. For instance, when considering PPG18, 'Enforcing Planning Control', due regard should be paid to PPG4, 'Industrial and Commercial Development and Small Firms', which gives guidance on taking enforcement action against a small business.

Similarly, when considering action against advertisements, prosecution or discontinuance, PPG 19, 'Outdoor Advertisement Control,' should be taken into consideration.

Volume 6
Contains in Part 5 the remaining PPGs not found in Volume 5, in Part 6 Mineral Policy Guidance Notes (MPGs), in Part 7 Welsh Office Circulars, PPGs for Wales and Technical Advice Notes (TANs) for Wales, and in Part 8 Regional Planning Guidance (RPG).

Statutory Instruments are also available as a separate document. The Advertisement Regulations and the General Permitted Development Order should be available to you as a separate document, avoiding the need to refer constantly to the Encyclopaedia.

RTPI ADVICE

Some RTPI Practice Advice Notes are relevant to enforcement, in particular PAN 6 which deals with 'Enforcement of Planning Control' and PAN11, which deals with 'Personal Safety at Meetings and Site Visits'.

These two, together with PPG 19 'Outdoor Advertisement Control, are a must.

OTHER PUBLICATIONS

There are a number of good publications that are available contained in Appendix 3, and various sources of information are listed in Serial 1.

Appendix 3 USEFUL PUBLICATIONS

There are any number of books about planning, and some that will prove of value are listed below. The list is not exhaustive and can be added to as and when further books come to your attention. Not all Circulars are included: only those that you should have to hand. The PPGs are well listed already and are not included. The duties and responsibilities of an enforcement officer vary from authority to authority so not all these books will be relevant, but they may well come in useful at some time. They are in no order of preference.

Police and Criminal Evidence Act 1984 (s.60 (1)(a) and s. 66)
HMSO ISBN 0-11-341131-6

Criminal Procedure and Investigations Act 1996 (S.23 (1)) Code of Practice
The Stationery Office ISBN 0-11-341163-4

Criminal Procedure and Investigations Act 1996, Chapter 25
HMSO ISBN 0-10-542596-6

Planning Controls and their Enforcement, 6th Edition
Shaw and Sons ISBN 0-72-190493-9

Butterworths Planning Law Service
Butterworths ISBN 0-406-34050-1

Planning Appeal Decisions **
Sweet and Maxwell ISSN 0268-3644

Journal of Planning and Environment Law **
Sweet and Maxwell ISSN 0307-4870

Rights of Way: A Guide to Law and Practice, 2nd Edition.
The Open Spaces Society and The Ramblers Association
ISBN 0-946574-03-0 ISBN 0-900613-72-6 (Ramblers' Association)

Town and Country Planning (Enforcement Notices and Appeals) Regulations 1991
Statutory Instrument 1991 No. 2804

Town and Country Planning (Enforcement) (Inquiries Procedure) Rules 1992
Statutory Instrument 1992 No. 1903

Town and Country Planning (Tree Preservation Order) Regulations 1969
Statutory Instrument 1969 No. 17

Town and Country Planning (Use Classes) Order 1987
Statutory Instrument 1987 No. 764

Town and Country Planning (Control of Advertisements) 1992 Regulations
Statutory Instrument 1992 No. 666

Town and Country Planning (General Permitted Development) Order 1995
Statutory Instrument 1995 No. 418

The Town and Country Planning (General Development Procedure) Order 1995
Statutory Instrument 1995 No. 419

Planning Controls over Demolition: Circular 10/95
HMSO ISBN 0-11-753114-6

The Use of Conditions in Planning Permissions: Circular 11/95
HMSO ISBN 0-11-753130-8

Enforcing Planning Control: Legislative Provisions and Procedural Requirements Circular 10/97
HMSO ISBN 0-11-753404-8

Enforcing Planning Control: Good Practice Guide for Local Planning Authorities
The Stationery Office ISBN 0-11-753405-6

Enforcement of Planning Control: Practice Advice Note No. 6
The Royal Town Planning Institute

Personal Safety at Meetings and Site Visits: Practice Advice Note No. 11
The Royal Town Planning Institute

Planning Control and the Display of Advertisements: by Charles Mynors
Sweet and Maxwell ISBN 0-42-143020-6

Municipal Year Book and Public Services Directory Volumes 1 and 2,* Newman Books
Tel: 020 7973 6400

* These books contain the complete list of Functions, Officers, Authorities and Members. They will prove invaluable in contacting enforcement officers in other authorities for help and advice.

** These publications provide valuable case law.