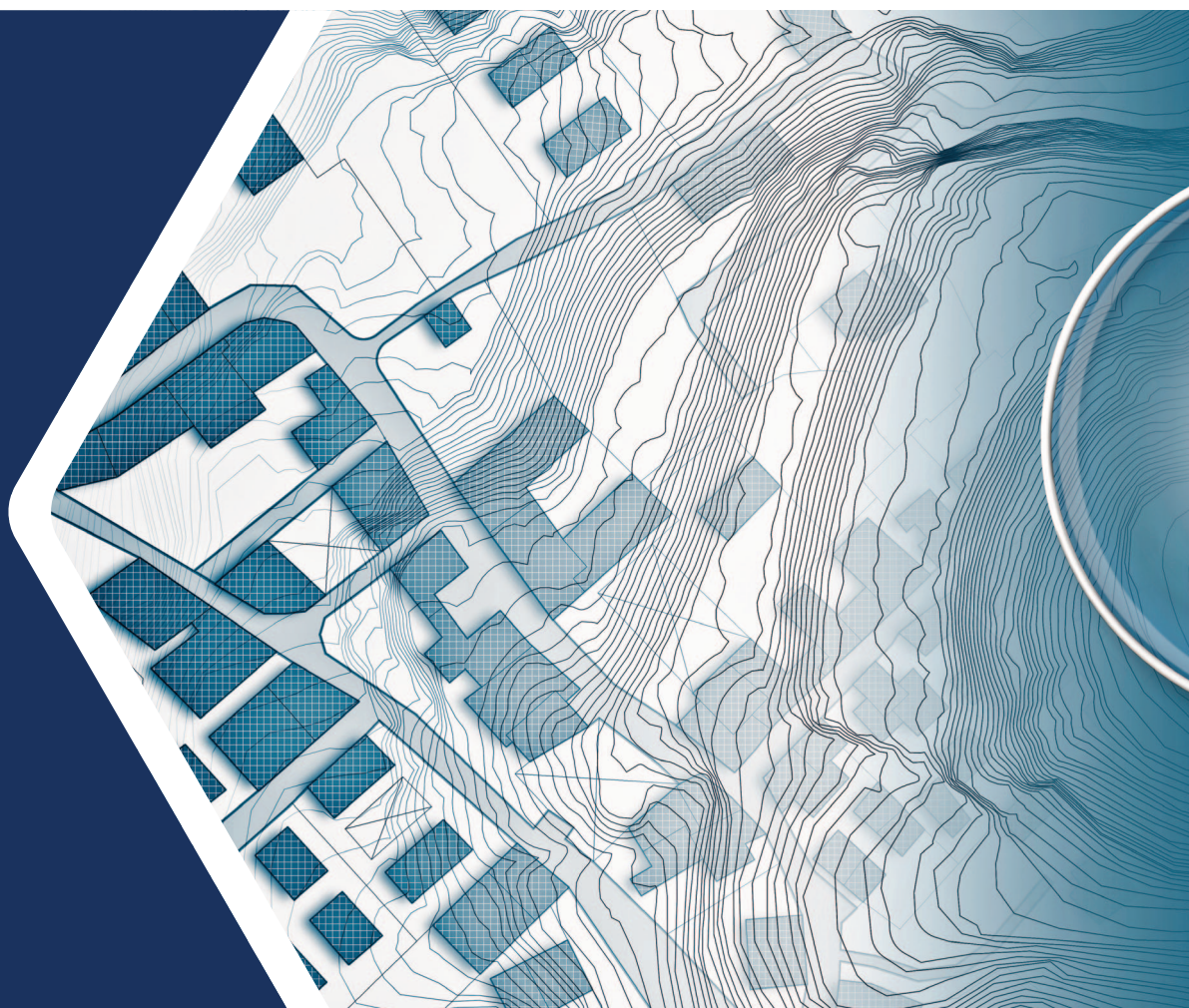


Planning Enforcement

Plan 2026



Introduction

This document sets out the policy framework for the Local Authority in carrying out enforcement investigations and taking proportionate action in response to breaches of planning control. It also aims to explain the enforcement process to interested parties, including those who have reported a potential breach or are subject to an investigation.

This document is a guide only and does not compel the Local Authority to any particular course of action in investigating or responding to breaches of planning control. The Local Authority will consider the facts of individual cases when determining how to investigate and respond to breaches of planning control.

What is a breach of planning control?

A breach of planning control is defined in law as carrying out development without the required planning permission or failing to comply with a limitation on a planning permission, such as a planning condition.

The table below provides examples of some matters which are investigated by Planning Enforcement as well as examples which cannot. Please note that this list is not exhaustive.

Planning enforcement issues	Non-planning matters
✓ New buildings ✓ Works to existing buildings (such as extensions) ✓ Change of use of land/buildings ✓ Development not following approved plans ✓ Breaches of planning conditions ✓ Works to listed buildings ✓ Engineering works ✓ Works to protected trees ✓ Unauthorised advertisements ✓ Untidy land affecting public amenity ✓ Demolition works	▪ Ownership/boundary disputes ▪ Breaches of covenants or deeds ▪ Breaches of other non-planning laws (e.g. anti-social behaviour) ▪ Obstruction of highway/public right of way ▪ Party wall disputes ▪ Nuisance not associated with planning breach ▪ Health and safety at building sites ▪ Building Regulations Compliance

National Planning Policy

The National Planning Policy Framework, set out by central government, emphasises the importance of planning enforcement at policy DM8.

'Where there has been unauthorised development and local planning authorities are considering whether enforcement action is expedient they should take account of their local enforcement plan, the impact of the breach of planning control, and the extent to which the breach would otherwise be acceptable.'

'In cases of unauthorised development where consideration is being given to an application for retrospective planning permission (or through an enforcement appeal, whether to grant planning permission in respect of a breach of planning control), if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission'.

Further government guidance on planning enforcement is set out in Planning Practice Guidance here: [Enforcement and post-permission matters - GOV.UK](#)

How do I report a suspected breach of planning control?

Breaches of planning control can be reported for investigation using the following link:

[Report a breach of planning - Tewkesbury Borough Council](#)

Providing clear and concise information in a report will assist the Local Authority with investigating the allegation made. Our online form has mandatory fields to ensure that relevant information is provided. This includes: the complainant's information, the location of the alleged breach, why you think there is a planning breach and what harm you consider the breach is causing.

It is often helpful to provide photographs of alleged unauthorised development so the Local Authority can immediately understand the scale of the alleged breach. However, this is not essential and the Local Authority will investigate and collect its own evidence.

Anonymous reports are not accepted and will not be investigated. This is to ensure that investigations cannot be abused or used to make vexatious complaints.

All reports are dealt with in strict confidence and details of those making a report will not be shared with others, however the substance of a report is not confidential. Please note that the Local Authority cannot prevent someone correctly guessing who made a report.

What happens when I make a report?

We aim to acknowledge all reports of suspected breaches of planning control within 2 working days. This confirmation means that your report has been registered and is pending allocation to a member of the planning enforcement team for investigation. Please note that reports received outside of normal working hours (8:30am to 5:00pm Monday – Thursday and 8:30am to 4:00pm on Friday) are taken as received on the next working day.

All reports are initially prioritised according to the categories set out below, based on the information available at the time of registration. These categories help us ensure that the most urgent or potentially harmful breaches are investigated first. However, the priority level of a case may be revised once an initial investigation has been carried out and further information becomes available.

For example, a report concerning potential unauthorised works to a listed building may initially be assigned a high priority (Category A), but following a site visit and assessment, the level of harm identified may be low, and the case may be re-prioritised accordingly.

Category A – High priority – within one working day.

Development that causes the most severe planning harm including potentially irreversible harm. Development that needs urgent investigation to prevent irreversible harms such as unauthorised works to listed buildings and unauthorised works to trees protected by a tree preservation order. Examples of Category A investigations may include:

- Ongoing unauthorised works to listed buildings
- Ongoing unauthorised works to trees protected by a Tree Preservation Order
- Ongoing unauthorised works to tree protected by a Conservation Area
- Ongoing significant unauthorised engineering works to land (such as significant ground works)
- Development likely to endanger persons safety

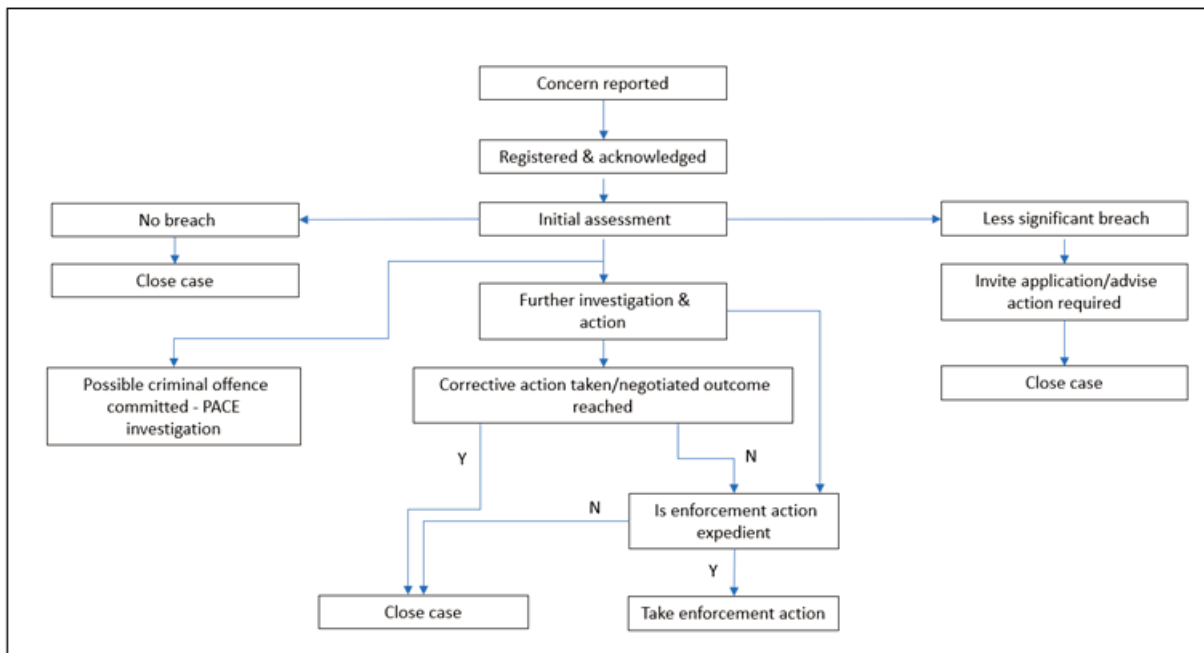
Category B – Medium priority – within 10 working days

Wide category comprising breaches of planning control that may or may not be in accordance with development plan policy. Unauthorised development that may subsequently be found to be acceptable through the examination of a retrospective planning application. Unauthorised development that is not development plan compliant but does not cause irreversible harms.

Category C – Low priority – within 15 working days or where resources permit.

Breaches of planning control that cause the least planning harms. Minor or technical breaches of planning control where retrospective planning applications will be invited to regularise the development. Breaches of conditions which cause limited and or temporary harms. Other breaches of planning control that are in accordance with development plan policies.

How breaches are investigated



*A less significant breach are those falling within Category C - low priority.

How we investigate

Planning legislation permits enforcement officers to investigate breaches of planning control in various ways. In particular officers may do the following:

- Visit the land and take photographic evidence (using powers of entry to land without a warrant if required).
- Ask the owner, or other persons involved, questions about the alleged breach of planning control.
- Issue the owner, or other persons involved, a Planning Contravention Notice (PCN) to obtain formal information on legal interests in affected land and other information relevant to the alleged breach of planning control.
- Use publicly available sources to find information relevant to the alleged breach of planning control.
- Use Council records (such as planning records, building control records, council tax records etc.) to obtain information relevant to the alleged breach of planning control.
- Use an unmanned aerial drone to take photographic evidence of a site.

We will aim to reach a substantive position on each enforcement case within 30 working days of receipt. A substantive position means that, based on the information gathered during the initial investigation, officers will determine whether a breach of planning control is likely to have occurred, identify the level of planning harm, and outline the next appropriate steps. These may include: closing

the case, inviting a retrospective planning application, seeking further information (such as legal advice), setting out requirements for remedial works, commencing formal enforcement action or issuing a planning contravention notice. While the 30-day target will apply to the majority of cases, more complex matters, such as those requiring technical evidence, multi-agency input or legal review, may reasonably require longer to reach a robust position.

Once a case has been fully investigated there are a number of different outcomes. The complainant will be notified of the outcome of a case within 5 working days. The different case outcomes are set out below:

- **No breach identified** – It may be that the alleged breach of planning control transpires not to be a breach. This may be the case where: the alleged breach is immune from enforcement action due to the passage of time, because the alleged breach is not development defined in planning law, because the alleged breach is 'permitted development*' or because the alleged breach benefits from an existing planning permission. Where no breach of planning control has been identified, the Local Authority is not able to take any planning enforcement action.
- **Breach remedied** – The breach of planning control has been resolved without the need for formal enforcement action. This may occur where the responsible party undertakes voluntary remedial works or where a retrospective planning application is submitted and subsequently approved, thereby regularising the development.
- **Not expedient to pursue** – It may be determined that a breach of planning control does not warrant formal enforcement action. This may be the case where the breach of planning control is considered to be acceptable against the development plan or due to other material considerations and would likely get planning permission if applied for. Officers may negotiate to reduce planning harms to a level where enforcement action is not considered expedient. Further information on expediency is set out below.
- **Formal enforcement action** – where a breach of planning control is considered unacceptable against development plan policy and other material considerations, formal enforcement may be taken to require the cessation of the breach or removal of unauthorised works. This is usually through the issuing of an enforcement notice but other notices may be issued which are appropriate to the case (for example, a breach of conditions notice or a section 215 notice). Further information on formal actions is available on page 8.

Expediency

The decision to take formal enforcement action is discretionary and must be based on whether it is expedient to do so in the public interest. Not all breaches of planning control will warrant formal action, and in accordance with national guidance, enforcement powers should be exercised proportionately and reasonably.

In considering expediency, the Local Authority will assess whether the breach of planning control results in unacceptable harm to public amenity, the environment, or the integrity of the development plan. This assessment will include reference to national and local planning policies, material considerations, and the specific circumstances of the case.

The Local Authority is not required to take action simply because a breach has occurred. For example, if the breach is considered minor, technical, or has limited planning impact, it may not be expedient to pursue formal enforcement. In some cases, the Local Authority may seek to resolve the matter through negotiation, the submission of a retrospective planning application, or by allowing time for voluntary compliance.

Where enforcement action is considered necessary, it must be taken within the time limits set by legislation and in a manner that is proportionate to the seriousness of the breach. The Local Authority will also consider any relevant personal circumstances or human rights implications before taking action.

Ultimately, the expediency test ensures that enforcement resources are focused on matters that cause genuine planning harm and that action is taken in a fair, consistent, and lawful manner.

Permitted development

Not all development requires planning permission from the Local Authority. Certain forms of development are granted automatic planning permission by national legislation, known as permitted development rights. These rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), often referred to as the 'GPDO'.

Permitted development rights apply to a wide range of minor works and changes of use, such as some residential extensions, boundary treatments, outbuildings, changes within commercial premises, and the temporary use of land as well as others. These rights vary depending on the type of property, its planning history, location, and any restrictions or conditions imposed by previous permissions.

Where permitted development rights apply to a development, planning permission is not required, and undertaking that work is not a breach of planning control.

As part of any enforcement investigation, the Local Authority will first assess whether permitted development rights apply and if so, whether the development complies with relevant permitted development provisions. Where that is the case, the Local Authority is unable to take any enforcement action irrespective of any planning harms that may occur from the development. In some cases, applicants or landowners may be asked to submit further information to demonstrate that their development complies with the relevant regulations.

If there is any uncertainty about whether development is permitted, the Local Authority may advise the

submission of an application for a Lawful Development Certificate. This is a formal determination that can provide legal clarity for both the landowner, the Local Authority and any other interested parties. You can find further information on permitted development rights here:

[When is permission required? – GOV.UK](#)

What you can expect when you are subject to a report of unauthorised development

When your land or property is subject to a report, the Local Authority will endeavour to investigate professionally and tactfully. Officers have discretion on how to investigate breaches of planning control and the approach will be decided on a case-by-case basis.

You may receive written correspondence from Council officers enquiring about the alleged breach of planning control, or an officer may visit the land or property in question; a visit may be without prior notice to you. Site visits by Council officers may include the collection of evidence relevant to the alleged breach. This may include taking photos and measurements. Council officers are authorised to enter land without a warrant and collect evidence in order to investigate a breach of planning control. At least 24 hours' notice must be provided before exercising a right of entry to a residential building. Obstructing Council officers in exercise of their rights of entry is a criminal offence.

You may be served with a Planning Contravention Notice (PCN). A PCN is a legal questionnaire which allows the Local Authority to obtain information on a possible breach of planning control. This can allow the Local Authority to understand whether a breach has occurred, who has legal interests in the land and gives the recipient an opportunity to formally respond to the alleged breach.

If the Local Authority considers that you are in breach of planning control, you will be advised how to resolve the matter. This may include the opportunity to apply for retrospective planning permission, an appropriate negotiated solution, or requirements to undo the works in breach.

The Local Authority may decide to undertake formal enforcement action irrespective of whether any other informal solution has been offered to you. The decision to undertake formal enforcement action is determined on a case-by-case basis and will depend on the facts of the case. Where considered appropriate the Local Authority may undertake formal enforcement action without prior notice to you.

If you are subject to formal enforcement action you will usually have a right of appeal against the Local Authorities action. There is not always a right of appeal however depending on the type of action taken. It is important that you read any formal paperwork diligently. You should consider engaging the professional services of a lawyer, planning consultant or other person specialising in planning matters. The following is a link to the Directory of Planning Consultants which can be used to find planning consultants who are chartered Members of the Royal Town Planning Institute (MPTRI):

[The RTPI Directory of Planning Consultants](#)

If you have concerns about how an enforcement investigation has been carried out you contact the investigating officer in the first instance. You may also raise this through the Council's formal complaints process. Complaints about service standards or officer conduct will be considered under the Council's Corporate Complaints Policy. However, the complaints process cannot overturn or amend any formal planning decisions or notices issued. Further information on how to make a complaint is available on the Council's website here:

[Your feedback and customer care – Tewkesbury Borough Council](#)

Types of formal action

Formal enforcement action will usually comprise the issuing of an enforcement notice against what the Local Authority considers is a breach of planning control. The notice will comply with relevant legislative requirements and will inform the recipient, what the Local Authority considers the breach is, why the notice has been issued, what steps should be taken to remedy the breach and when compliance with those steps is required.

The table below lists the common types of formal enforcement action that the Local Authority may take. This is not an exhaustive list and you should refer to the Town and Country Planning Act 1990 or other legislation for the full scope of the Local Authorities planning enforcement powers.

Type of notice	When it may be issued
PCN	Investigative tool
Enforcement Notice	Standard enforcement tool to remedy breaches of planning control
Breach of Conditions Notice	Used to enforce conditions on an existing planning permission
Section 215 Notice	Used where land requires maintenance to improve its impact on public amenity
Temporary Stop Notice	Used to require the cessation of ongoing works for 56 days – used in cases where there is potential for significant planning harms
Stop Notice	Used to require the permanent cessation of ongoing works. Must be issued with an enforcement notice and where significant planning harms identified.
Listed Building Enforcement Notice	Standard enforcement tool to remedy unauthorised works to listed buildings

Enforcement register

Under Section 188 of the Town and Country Planning Act 1990, the Local Authority is legally required to maintain a public register of enforcement notices, stop notices, and breach of condition notices.

Tewkesbury Borough Council publishes all new formal enforcement notices on its Public Access webpage on a case by case basis. Members of the public can search for these notices using either the relevant property address or the enforcement case reference number. This allows interested parties to view current and historic enforcement actions affecting specific sites. Details of some historic enforcement notices are available on our website here:

[Planning compliance – Tewkesbury Borough Council](#)

Certain formal planning notices must be entered onto the Local Land Charges Register. Enforcement Notices are registrable as local land charges under the Local Land Charges Act 1975. The effect of registering these notices is to ensure that they are disclosed to prospective purchasers through official local land charge searches ensuring that enforcement liabilities remain attached to the land.

Where formal action not complied with

Where an enforcement notice is not complied with, the Local Authority has discretion as to the most appropriate course of action. Legislation provides that the Local Authority may pursue any one or more of the following options, either individually or in combination, depending on the circumstances of the case:

- Prosecute the liable individual(s) for failure to comply with the enforcement notice.
- Seek an injunction through the courts to compel compliance with the enforcement notice.
- Undertake 'direct action' by entering the land and carrying out the steps required by the enforcement notice, with any costs incurred recoverable from the liable parties.

Failure to comply with the requirements of any of the notices listed in the table above, within the specified timeframes, constitutes a criminal offence. The Local Authority has discretion over whether to pursue prosecution in response to non-compliance. Where prosecution is pursued and successful, the court may order the convicted individual to pay a fine and may also award costs in favour of the Local Authority.

Information management

The Local Authority maintains all planning enforcement data in line with the General Data Protection Regulations and in line with our local policy. Requests for information on planning enforcement cases will be considered in line with relevant laws, however in many circumstances the information held as part of an ongoing planning enforcement investigation will be exempt from freedom of information

requests. Details of individuals who report alleged breaches of planning control will be kept strictly confidential and will not be disclosed.

The Local Authority maintains discretion to publicise its enforcement work with appropriate media. This may include publicising successful prosecutions or other enforcement actions to raise awareness of planning enforcement issues and deter others from breaching planning regulations.

Officers may from time to time present reports to planning committee seeking resolution on particular matters where discretion is required.

To ensure transparency and oversight, officers will report on planning enforcement activity to the Planning Committee on a six-monthly basis. These reports will provide an overview of case volumes, key trends, notable formal actions taken, progress on ongoing enforcement cases, and any other emerging issues affecting service delivery. Regular reporting enables Members to monitor the effectiveness of the enforcement function and supports continued improvement of the service.

Public sector equality duty

In accordance with the Equality Act 2010, the Council has due regard to the Public Sector Equality Duty (PSED) when carrying out its planning enforcement functions. This includes considering how enforcement decisions may affect individuals with protected characteristics and taking steps to eliminate discrimination, advance equality of opportunity, and foster good relations. All enforcement actions will be assessed with these duties in mind to ensure fair and inclusive outcomes.

Human rights interference

All enforcement decisions will be made with full regard to the Human Rights Act 1998, and any potential interference with an individual's rights will be assessed on a case by case basis. The Council will ensure that any action taken pursues a legitimate planning objective, is necessary to address the identified planning harm, and is proportionate to the seriousness of the breach. In reaching decisions, officers will carefully balance the public interest in remedying planning harm against the impact of enforcement action on the rights of those affected, ensuring that any interference is justified and lawful.

You can report a suspected planning breach to us using the following form:
planningservices.tewkesbury.gov.uk/report-a-planning-breach