

GLASGOW CITY COUNCIL

YOUR QUICK GUIDE TO THE PLANNING ENFORCEMENT CHARTER 2018

The Planning Enforcement Charter is a user manual for anybody engaging with the Council's Planning Enforcement Service: it explains our powers, policies and processes for dealing with enforcement complaints. Service pledges and standards are also stated within the Charter, to ensure consistency of approach and, moreover, to ensure that our service keeps "on track" with your complaint.

Performance in relation to the Charter Standards is measured quarterly and reported in the Council's Planning Performance Framework. The Charter is updated every 2 years to keep abreast of any changes and new challenges faced by the service and to adjust Service Standards to ensure continuous improvement in our service delivery.

What Constitutes a Breach Of Planning Control?

Building works and changes in use of land are referred to generally as "development". Reports of unauthorised development are the mainstay of the Planning Enforcement Team's work; but the full remit of the Planning Enforcement Team may be summarized as investigations into the following allegations:

- Unauthorised development - checked against "Permitted Development Rights"; these are statutory Orders allowing development without planning permission, subject to conditions.
- Deviation from approved planning permissions and/ or conditions thereof.
- Internal/ external alterations to listed buildings without Listed Building Consent.
- Display of unauthorised advertisements - checked against Advertisement Regulations which grant deemed consent for certain advertisements, subject to conditions.
- Extreme disamenity caused by the untidy state of land (applies to private land only)
- Felling or lopping of trees in Conservation Areas or protected by Tree Preservation Orders
- Assessment of complaints and formal applications made under the High Hedges legislation.

Enforcement Action is Time Limited

Legislation provides a cut-off time for taking action. This can formally be confirmed through submission of an application for Certificate of Lawful Existing Use or Development

- **A four year limit applies to building works**
- **A ten year limit for changes of use and breaches of condition**

Reports of alleged breaches should if possible contain details of when the development commenced or was completed as there is possibility of a right of appeal against enforcement action on the basis of the immunity rules.

What Does Not Constitute a Breach Of Planning Control?

Not all problems relating to loss of amenity are controlled by planning legislation. The following are examples of what the Planning Enforcement Team cannot assist with:

Civil Disputes

- Boundary/ land ownership disputes - The Council cannot intervene in boundary disputes where there is no breach of planning control. The Planning system does not protect one person's property rights over another's. Further advice regarding civil disputes may can be obtained from a solicitor or the Citizens Advice Bureau.

Other Legislation

- Dangerous structure or a technical building issue relating to the building standards – please contact our Building Control section on 0141 287 8555.
- Fly tipping & fly posting.
- Any nuisance matter covered by other Environmental and Public Health legislation such as excessive noise and smells, which is not specifically controlled by a planning condition.

If we receive a complaint which involves another Council service we will pass it to the relevant service and we will inform you who we have contacted on the matter. If it involves an organisation outwith the Council we will advise you who should be contacted.

Key Principles That Guide Good Enforcement

Expediency

Planning enforcement is not compulsory, it is a **discretionary power** which the Council has the right to determine whether or not to exercise in the public interest.

Proportionality

When action is considered necessary to remedy injury to amenity, it should be proportionate to the overall impact of the breach of planning control. Some general points and terms to be familiar with in relation to this are:

- Minor or Technical breach are often referred to as **De Minimis** meaning “about minimal things”. Applications will generally not be required in such matters.
- When permission is required a **retrospective planning application** may be encouraged where the development appears acceptable (possibly subject to restrictive conditions to mitigate impact).
- Unacceptable breaches require **Formal Enforcement Action**. This means the service of an Enforcement Notice, although a Stop Notice may also be served if the impact is severe enough.

Consistency

Planning applications and enforcement decisions are decided in relation to the policies of the development plan and any other material considerations.

Negotiation

In all but the most severe cases requiring immediate action, we will seek to negotiate compliance in the first instance. However, where development is unacceptable there should not be unreasonable delay in taking action.

Standards

Performance Standards are monitored quarterly to ensure that performance meets expectations.

Acceptable Behaviour

Planning Enforcement can be an emotive issue for people affected on both sides of a complaint. Whilst we aim to assist all parties wherever possible, abusive language or behaviour either in person or in correspondence will not be tolerated. The actions of customers who are angry, unreasonably demanding or persistent may result in unreasonable demands on our resources or in unacceptable behaviour towards staff. Such actions will be referred to the Council's Customer Care Team for potential action in relation to the Council's Unacceptable Actions Policy.

The Enforcement Service Standards

These are our public commitment to a measurable level of performance.

Service Standard	Aim	Target Timescale	Additional Information
Service Standard 1	To acknowledge the complaint	Within 10 working days of receipt of the complaint	The acknowledgement will contain the Council's case reference number and the investigating officer's name and contact details.
Service Standard 2	To undertake a preliminary investigation and visit the site.	Within 25 working days from the acknowledgement date	It can often take some time to access the site to establish the nature of a breach and identify who is legally responsible.
Service Standard 3	To prioritise high priority cases (as described in Enforcement Service Pledge 4)	Visited on a same day/ next day basis	
Service Standard 4	To provide the complainant with a Planning Impact Report (stating one of five possible categories of action A-E)	Within 2 months of the acknowledgement of the case, in 80% of all cases received.	The Council recognises that delays can be a source of considerable frustration to those making a complaint, particularly if they consider their amenity is affected. The Planning Impact Report will indicate what action is intended to be taken.

Planning Impact Report (PIR)

The Planning Impact Report was introduced for the first time on the 2018 Charter and embodies the principles guiding Government guidance and good enforcement, ensuring greater consistency of approach, transparency and therefore accountability in decision making which can stand the test of challenge from any quarter. Most of all the PIR is about ensuring our actions are proportionate to the impact of an alleged breach of planning control. By cutting out cases that do not justify action we are able to direct resources into cases that need them the most. The aim in this Charter is to provide complainants with a PIR within 2 months in not less than 80% of all cases. The Planning Impact Report will provide summary details of the site visit, the assessed planning impacts of the alleged breach and justification for one of the following 5 potential outcomes, described as CATEGORIES A-E:

PIR (CAT A): Enforcement Action Necessary

The development causes serious planning harm which requires formal action to be taken. (Timescales for further action will be provided dependent on circumstances).

PIR (CAT B): Submission of an application is required

The development may be acceptable subject to conditions. Submission of an application will enable full consideration of the planning implications of the development, including any relevant planning considerations raised by affected neighbours who will be notified of the application where appropriate.

PIR (CAT C): Minor technical breach of planning control.

Some development may technically require consent but have limited or “neutral” impact. Prioritisation of resources indicates that it would not be in the public interest to pursue acceptable development merely to regularise unauthorised works.

PIR (CAT D): No breach of planning control

Works carried out are either not considered to constitute development or may be permitted development (as detailed by statutory orders).

PIR (CAT E): Suspension of investigation:

- A. Pending requirement for further information (from complainant);
- B. Following agreement with internal colleagues/ Developer.

Requesting An Investigation

Members of the public have a vital role in reporting breaches of planning control. Any concerns should be raised with the Council. You can register a complaint by completing the on-line complaint form. Click here to open the form [Planning Enforcement](#).

You can also make a complaint in writing, providing the details and location of the breach and how it affects. Please send your full contact details to:

Planning Enforcement Team,
Planning and Building Standards,
Development and Regeneration Services (DRS),
231 George Street,
Glasgow,
G1 1RX.