



**Melton
Borough
Council**

Planning Enforcement Policy

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Part 1 - Background

1. Introduction

- 1.1. Melton Borough Council (“the Council”) are a Local Planning Authority (“LPA”). LPAs are responsible for the planning function in England including planning enforcement.
- 1.2. The purpose of this policy is to explain the Council’s approach to its planning enforcement responsibilities. This policy relates only to Planning Enforcement. The Council has separate Policies in relation to enforcement of other areas (e.g. Licensing).
- 1.3. Unless the context says otherwise, the word ‘complaint’ within this policy refers to a planning enforcement complaint, allegation or report of a potential breach of the planning system.
- 1.4. This Policy explains:
 - 1.4.1. what is a planning enforcement complaint;
 - 1.4.2. what is not a planning enforcement complaint;
 - 1.4.3. who can make a complaint and how;
 - 1.4.4. how we prioritise complaints and timescales;
 - 1.4.5. how we will investigate your complaint;
 - 1.4.6. whether the Council will take action; and
 - 1.4.7. what action the Council is able to take.
- 1.5. This Policy sets out the framework by which Council Officers will make decisions in respect of planning enforcement. It summarises how we prioritise complaints, the enforcement tools available, and how complaints are investigated.
- 1.6. The Council seeks to promote an efficient and effective approach to enforcement. We recognise that planning enforcement can affect people in many ways and is often an emotive area.
- 1.7. Planning enforcement is a complex area of the planning system and it should be noted that the processes involved can often be lengthy and complicated and an instant resolution may not be possible.
- 1.8. The Council’s enforcement functions are carried out under the Scheme of Delegation to Officers in accordance with the Council’s Constitution.
- 1.9. Any reference to statutes, acts, orders, directions, guidance, frameworks, regulations, statutory instruments or otherwise in this Policy includes (where appropriate) reference to their amendments and replacements.

2. Key Objectives

- 2.1. The Council has discretionary powers in respect to Planning enforcement. This means that the Council has the discretion whether to take action and the decision will be based upon a number of factors that will be explained in this Policy.

- 2.2. The planning system as a whole operates to regulate development and the use of land in accordance with the public interest.
- 2.3. The effective and proper enforcement of planning controls is essential to protect the local environment and interests of the residents, visitors and businesses from the harmful effects of unauthorised development.
- 2.4. This Policy seeks to ensure that planning enforcement at the Council is:
 - 2.4.1. carried out in a fair and robust way;
 - 2.4.2. able to remedy the undesirable effects of unauthorised developments; and
 - 2.4.3. proportionate and reasonable in the circumstances.
- 2.5. The Council's objective is to remedy serious breaches of planning control not to punish those who are in technical breach of legislation. The Council gives those concerned the opportunity to remedy any identified breach and will work with people in seeking solutions that are acceptable to the Council in line with national guidance, best practice and local planning policies.
- 2.6. It should be noted that just because something is a breach of planning control is not, in itself, a justifiable reason to take enforcement action and there are other considerations that must be considered in line with this Policy.

3. Our Approach

- 3.1. We recognise that most people want to comply with the law and we want to work with all parties to achieve compliance. If there is a problem, we want to resolve it by clear and effective communicating and encouraging people to behave responsibly. We will follow the '4 Es' approach to enforcement:



- 3.1.1. We will engage with parties early on to try and resolve matters early.
- 3.1.2. We will explain why we think there is an issue or why we think there is not.
- 3.1.3. Where we think there is an issue, we will encourage corrective action to be taken to seek compliance and where relevant to reduce the risk to public health, safety, welfare and/or to the environment.
- 3.1.4. If necessary, we will take enforcement action as a last resort.
- 3.2. Although we will attempt to work through the '4 Es' it may not always be possible depending on the situation.
- 3.3. The Council is committed to fair and objective enforcement ensuring that enforcement is carried out in a non-discriminatory manner and aimed at promoting good community relations.
- 3.4. The Council will consider the facts of the case and apply them against Legislation Guidance and Policies.

4. Legislation and Guidance and Policies

- 4.1. LPAs have discretionary powers in relation to planning enforcement that are set out in legislation. The main provision is the Town and Country Planning Act 1990 (as amended). This allows the Council to investigate complaints and take certain courses of action to remedy breaches of planning control.
- 4.2. There are other pieces of legislation that the Council uses in carrying out its duties for planning enforcement including (but not limited to):
 - 4.2.1. The Planning (Listed Building and Conservation Areas) Act 1990 (as amended);
 - 4.2.2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended);
 - 4.2.3. Town and Country Planning (Tree Preservation) Regulations (England) 2012 (as amended);
 - 4.2.4. The Town and Country Planning (General Permitted Development) Order 2015 (as amended); and
 - 4.2.5. The Town and Country Planning (Use Classes) Order 1987(England) (as amended).
- 4.3. The National Planning Policy Framework (September 2023) and National Planning Practice Guidance are clear that the powers provided by legislation are discretionary and should only be used when it is expedient to do so. Any action taken should be commensurate with the seriousness of the breach of planning control and the harm caused or harm that may be caused.

Part 2 – Planning Enforcement Complaints

5. What can be considered a planning enforcement complaint?

- 5.1. The Council has a duty to investigate complaints alleging a breach or breaches of planning control. A breach of planning control may be relate to either carrying out development without planning permission or failing to comply with any condition or limitation imposed by a planning permission.
- 5.2. This also includes a material change of use without the relevant permission. Whether a change of use is 'material' or not is a judgement that is made by professional officers taking account of the facts and circumstances of a case.
- 5.3. For example a complaint is received that:
 - 5.3.1. a developer is building a new property without planning permission – this can be investigated.
 - 5.3.2. a residential house has become a large nail salon without a change of use – this can be investigated.
 - 5.3.3. a condition on planning permission requires that install a 6ft close boarded fence is installed around a new build but it is only a post and rail 4ft fence – this can be investigated.
- 5.4. It must be remembered however that just because a complaint can be investigated, it does not mean enforcement action will follow.
- 5.5. The Council is also able to investigate against certain other matters, for example in relation to trees and hedgerows. Please see Section 15 for more information.

6. What cannot be considered as a planning enforcement complaint?

- 6.1. There are certain matters and circumstances where the Council will not investigate including (but not limited to) complaints about:
 - 6.1.1. neighbour disputes without material planning considerations (including boundary disputes)
 - 6.1.2. property and land ownership issue (including breaches of covenants, easements and other rights) and trespass
 - 6.1.3. dangerous structures (this is under the Building Control remit)
 - 6.1.4. licensing issues (this is under the Licensing remit)
 - 6.1.5. environmental health matters (this is under the Environmental Health remit)
 - 6.1.6. persistent complaints that we have previously investigated, and we consider have been resolved or could not be progressed
 - 6.1.7. malicious or vexatious reports
 - 6.1.8. fly posting (this is under the Environmental Waste remit)
 - 6.1.9. offences specifically defined under the Highways Act 1980 – e.g. obstruction of a footpath (these are function of the Local Highway Authority)

- 6.2. The Council may also not be able to investigate complaints where there is no supporting evidence to substantiate an allegation.

7. Who can make a complaint and how?

- 7.1. Anyone can make a complaint to the Council in respect of planning enforcement.
- 7.2. This can be done by:
 - 7.2.1. [completing our on-line form](#) (this is the best and most effective way);
 - 7.2.2. calling our Customer Services Team on 01664 502 502; or
 - 7.2.3. emailing planningenforcement@melton.gov.uk
- 7.3. Anonymous complaints may be submitted however the Council will obviously not be able to provide any updates on the case.

8. What happens when a complaint is received?

- 8.1. When a complaint is received, it will be allocated to an officer to review who will endeavour to acknowledge receipt within 5 working days. The acknowledgement will either be by letter, e-mail or telephone and will provide the name and contact details of the investigating officer and a case reference number.
- 8.2. If on initial receipt of a complaint it is obvious that it is not a planning matter or there is deemed to be no breach of planning control the complainant will be notified. If the reported breach relates to a function or activity enforced by another Council service (e.g. fly tipping or statutory nuisance) the complaint will be forwarded to the relevant department.
- 8.3. Initial information will be gathered in order to assess whether the complaint can be reviewed and if so to prioritise the complaint.
- 8.4. Where a complaint falls outside of this Policy (see Section 6), the complainant will be notified with the reasons why. There is no internal right of appeal of this decision, however it may be possible to raise a complaint through the Council's Corporate Complaint's procedure in certain circumstances (please see Section 33).
- 8.5. Complaints are treated in confidence and the details of the complainant are not shared. There may be circumstances where a case later progresses to legal action and witness evidence is required. If this is required, we may contact you to ask you to provide a statement. We will not disclose your information without your consent.

Part 3 – Investigating Complaints

9. How we prioritise your complaint and timescales

- 9.1. When the Council investigates an allegation, the case will be allocated a priority depending on a number of factors. These priorities take into account the severity and harm of the breach. The Council will investigate the breach in accordance with the priority.
- 9.2. Although the Council will seek to investigate the breach in accordance with the timescales below, there may be instances where this is not possible.
- 9.3. **Priority 1 – Severe**
 - 9.3.1. Works to listed buildings (demolition/alteration/disrepair);
 - 9.3.2. Demolition or significant development in a conservation area;
 - 9.3.3. Breach of a TPO or works to trees in a conservation area; and/or
 - 9.3.4. Development causing serious and immediate/irreparable harm, particularly to protected ecology or causing serious danger to the public.
- 9.4. **Priority 2 – High**
 - 9.4.1. Operational development already in progress;
 - 9.4.2. Development where potentially immune from enforcement within 6 months
 - 9.4.3. Development causing serious harm to amenity;
 - 9.4.4. Breaches of condition/non-compliance with approved plans causing serious harm to amenity
- 9.5. **Priority 3 – Medium**
 - 9.5.1. Other operational development which is complete;
 - 9.5.2. Changes of use resulting in some harm to amenity;
 - 9.5.3. Advertisements (other than flyposting);
 - 9.5.4. Breaches of condition/non-compliance with approved plans causing non-serious harm to amenity
- 9.6. **Priority 4 – Low**
 - 9.6.1. Changes of Use resulting in no harm to amenity;
 - 9.6.2. Untidy land (other than where comes under Environmental Health legislation)
- 9.7. Anticipated site inspection timescales:
 - 9.7.1. Priority 1 – Severe – within 5 working days
 - 9.7.2. Priority 2 – High – within 14 working days
 - 9.7.3. Priority 3 - Medium – within 21 working days
 - 9.7.4. Priority 4 – Low – within 28 working days

- 9.8. The Council has full discretion in prioritising cases and may change the prioritisation at any time during an investigation.

10. Will the Council take action?

- 10.1. The Council has discretionary powers to take action against certain breach(es) of planning control. The impact of some development is more harmful than others and therefore enforcement action must always be appropriate to the seriousness of the breach of planning control.
- 10.2. The vast majority of breaches of planning control are resolved informally by negotiation with the owner/occupier. Ordinarily formal action will only be taken as a last resort and and/or the breach of planning control is causing significant or irreparable harm to the amenity of the area or is a breach of local planning policy.
- 10.3. There are certain factors that the Council cannot consider when investigating. This includes (but is not limited) to:
- 10.3.1. loss of views;
 - 10.3.2. alleged reduced value of property or land;
 - 10.3.3. competition between businesses; and/or
 - 10.3.4. civil law matters (e.g. boundary and land disputes).
- 10.4. The Council must also consider whether it is expedient and proportionate to take action (please see Section 13).

11. Site Visits

- 11.1. The Council will normally conduct a site visit in accordance with the priority level given to a case, but it is the discretion of the case officer.
- 11.2. There may however be cases where this is not required, for example where photographs have been provided and clearly evidence whether or not there is a breach that can be actioned.
- 11.3. Site visits may be made outside of 'normal' working hours where it is considered appropriate by the Council to do so.

12. Rights of Entry

- 12.1. Officers may have powers of entry in certain circumstances as set out in Sections 196A, 196B and 196C of the TCPA. This right is limited to what is regarded as essential, in the particular circumstances, for effective enforcement of planning control.
- 12.2. The TCPA specifies the purposes for which entry to land may be authorised (Section 196A(1) of the Town and Country Planning Act 1990), namely:
- 12.2.1. ascertain whether there is or has been any breach of planning control on the land or any other land;
 - 12.2.2. determine whether any of the local planning authority's enforcement

- powers should be exercised in relation to the land, or any other land;
- 12.2.3. determine how any such power should be exercised; and
- 12.2.4. ascertain whether there has been compliance with any requirement arising from earlier enforcement action in relation to the land, or any other land.

13. Is it expedient and proportionate to take action?

- 13.1. The Council are required to ensure that any action taken is expedient.
- 13.2. This means that although there may be a breach the Council must consider whether the breach warrants action being taken. This a professional judgement for officers to make and in doing so they will consider:
 - 13.2.1. whether the breach is in accordance with planning policy;
 - 13.2.2. the breach against any other material planning considerations;
 - 13.2.3. whether, had a planning permission been submitted before the development. occurred, permission would have been likely to be granted;
 - 13.2.4. if the breach unacceptably affects public amenity;
 - 13.2.5. how the breach affects any existing land use or buildings;
 - 13.2.6. the public interest in taking enforcement action; and/or
 - 13.2.7. whether the breach can be regularised (for example a retrospective planning application).
- 13.3. Any enforcement action should also be proportionate to the breach.
- 13.4. This duty means that the Council must consider the proposed course of enforcement action in the context of the breach. For example, it may not be proportionate to knock down an entire house for a very minor technical breach.
- 13.5. There will be cases where there is a breach of planning control, but the breach or harm is so minor that action cannot be justified i.e. it is not expedient to pursue the case. For example, where there is technical and trivial breach that causes no material planning harm or adversely impacts on the amenity of a site, it may not be expedient or proportionate to take action.
- 13.6. It is important to note that each case will be assessed on its own merits.

14. Where the Council decides to take formal action

- 14.1. Planning Enforcement Officers are not empowered to physically stop unauthorised works on site but can issue enforcement proceedings which can lead to prosecution.
- 14.2. We will endeavour to update the complainant as our investigation is progressing but this may not always be possible. This may be for example to explain that we are monitoring the situation or that we are considering taking formal action.

15. Trees and Hedges

- 15.1. The Council has certain powers to deal with trees and hedgerows.
- 15.2. Tree Preservation Orders (TPOs) and trees in conservation areas
 - 15.2.1. Sections 210 and 211 of the Town and Country Planning Act 1990
- 15.3. High Hedges
 - 15.3.1. Part 8 Anti-Social Behaviour Act 2003
- 15.4. Hedgerow Removal
 - 15.4.1. Hedgerow Regulations 1997
- 15.5. Dangerous trees
 - 15.5.1. Section 23 Local Government (Miscellaneous Provisions) Act 197

16. Unauthorised Encampments

- 16.1. The travelling community can experience difficulties finding an approved place to stay. This means that sometimes they stop on land without permission, including highway verges and lay-bys.
- 16.2. Encampments on Council land and highway land (such as verges and lay-bys) are dealt with by the [Multi Agency Traveller Unit \(MATU\)](#) hosted by Leicestershire County Council.
- 16.3. Trespassing on private land is a civil matter, with prevention of trespass being the responsibility of the landowner. Landowners will need to seek their own appropriate advice in these circumstances.

Part 4 – Enforcement Options

17. No further action

- 17.1. The Council may conclude that there has been no breach of planning control or that the breach is minor or insignificant in nature, or that there is insufficient evidence to pursue the matter. In this case, the Council may decide to take no further action.

18. Further investigation required

- 18.1. It may be necessary to carry out further investigations to determine whether a breach of planning control has occurred. This may involve additional site inspections, research, seeking advice from other services or agencies or further information from the complainant, site owner or other parties.
- 18.2. In certain cases, the Council may request the person reporting the suspected breach of planning control to assist with the investigation by providing a written log detailing the dates, times, duration and nature of the suspected breach. If the person reporting the suspected breach of planning control is unwilling to assist, they may be advised that this may result in the Council not being able to pursue the investigation due to insufficient evidence being available.
- 18.3. Where it appears to the Council that a breach of planning control may have occurred, it will consider serving a Planning Contravention Notice (please see Section 24) or a Requisition for Information to obtain information relating to the suspected breach or site ownership details.
- 18.4. In the rare event that covert evidence is required, the investigation will be carried out in line with the Regulation of Investigatory Powers Act 2000 (RIPA) and the Council's RIPA Policy.

19. Negotiated solutions

- 19.1. Where it has been established that a breach of planning control has occurred, the Council will normally attempt to first negotiate a solution to regularise the breach of planning control without recourse to formal enforcement action.
- 19.2. Such negotiations may involve the reduction or cessation of an unauthorised use of activity, or the modification or removal of unauthorised operational development. However, these negotiations will not be allowed to hamper or delay the consideration of enforcement action where the breach of control causes serious harm to amenity.
- 19.3. Where the Council is unable to negotiate an acceptable solution within a reasonable timescale, the Council will consider whether or not it is expedient to take formal enforcement action.

20. Retrospective applications

- 20.1. Where a breach of planning control has occurred, but no harm is being

caused, or any harm might be removed or alleviated by the imposition of conditions on a planning permission, the person(s) responsible may be invited to submit a retrospective planning application within a specified time scale. In such circumstances, it will be made clear that the invitation to submit a retrospective application is made without prejudice to any final decision the Council may take in the matter. If such an application is not submitted, the Council will consider whether or not it is expedient to take further enforcement action.

21. Notices

- 21.1. Where the Council has been unable to or it has not been appropriate to deal with a matter informally, the Council may issue a notice.
- 21.2. The Council is able to issue a variety of notices under the TCPA for breaches of planning control. Please see Part 5 of this Policy for more information about these notices.

22. Prosecutions

- 22.1. The Council will consider prosecuting through the Courts against any person who has failed to comply with the requirement(s) of notice where the date for compliance has passed and the requirements have not been complied with.
- 22.2. The Council will also consider issuing a prosecution for matters such as:
 - 22.2.1. unauthorised works have been carried out to trees subject to a Tree Preservation Order, or in a designated Conservation Area.
 - 22.2.2. an Advertisement is being displayed without the necessary consent and the Council's request to remove it within a specified timescale has been declined or ignored.
 - 22.2.3. unauthorised works have been carried out to a Listed Building.
 - 22.2.4. unauthorised demolition has taken place in a Conservation Area.
 - 22.2.5. the recipient of a Planning Contravention Notice has failed to provide a response within the prescribed time period or has supplied false or misleading information.
- 22.3. The Council may consider the Proceeds of Crime Act 2002 where relevant.

23. Injunctions

- 23.1. In some rare circumstances, the Council may apply to the Courts for an injunction to restrain or rectify a breach of planning control. This will normally be as a last resort where other actions have failed to remedy the breach of planning control. There is a high threshold for obtaining an injunction and will normally be for cases that are particularly serious and are causing, or likely to cause, exceptional harm.

Part 5 – Enforcement Notices

24. Planning Contravention Notice

- 24.1. A Planning Contravention Notice may be issued for the following:
 - 24.1.1. For the Council to require information in relation to planning enforcement about any operations or activities being carried out on the land; and/or
 - 24.1.2. to invite a person to respond constructively to Council as to how a breach of planning control may be satisfactorily remedied
- 24.2. Failing to comply with or providing false or misleading information is a criminal offence.

25. Enforcement Notice

- 25.1. The Council will consider the service of an Enforcement Notice where unauthorised operational development or a material change of use has taken place and it is considered expedient to do so.
- 25.2. An Enforcement Notice will specify a date by which compliance is required by and must be at least 28 days from the date of the notice.
- 25.3. Where a breach of planning control exists and any harm caused may be removed or alleviated by the imposition of conditions on a planning permission, but the invitation to submit a retrospective planning application or rectify the breach voluntarily has been declined, the Council will consider the expediency of serving an Enforcement Notice.
- 25.4. If the breach of planning control relates to a Listed Building, or unauthorised demolition within a Conservation Area, the Council will consider the expediency of serving a Listed Building Enforcement Notice or a Conservation Area Enforcement Notice and where appropriate, commencing a prosecution in the Courts.
- 25.5. The Enforcement Notice will specify the reason(s) for its service, the steps required to remedy the breach, the date that it takes effect and the time period for compliance.
- 25.6. An Enforcement Notice may be appealed to the Secretary of State through the Planning Inspectorate (please see Section 31)
- 25.7. If an Enforcement Notice is not appealed, or is appealed and unsuccessful, it is a criminal offence to fail to comply.

26. Stop Notice

- 26.1. Where a breach of planning control is causing very serious harm to public amenity and the environment, and this harm could not be removed or alleviated by the imposition of conditions on a planning permission, the Council will consider the expediency of serving a Stop Notice (after the service of an Enforcement Notice).
- 26.2. This action will be in cases where urgent action is necessary to immediately

stop a relevant activity before the expiry of the period of compliance of the related Enforcement Notice.

- 26.3. The Stop Notice will refer to the Enforcement Notice to which it relates, specify the activity or activities that are required to cease, and the date that it takes effect.
- 26.4. There is no right of appeal to the Secretary of State for a Stop Notice but may be challenged by an application to the High Court for judicial review.
- 26.5. It is a criminal offence if a person contravenes a Stop Notice after the notice takes effect.

27. Temporary Stop Notice

- 27.1. A Temporary Stop Notice requires that an activity which is a breach of planning control should stop immediately.
- 27.2. Before issuing a Temporary Stop Notice, the LPA must be satisfied that there has been a breach of planning control and that “it is expedient that the activity which amounts to the breach is stopped immediately”. Just because there is a breach of planning control does not mean it may be appropriate to serve a Temporary Stop Notice.
- 27.3. There is no right of appeal to the Secretary of State for a temporary stop notice but may be challenged by an application to the High Court for judicial review.
- 27.4. It is a criminal offence if a person contravenes a Temporary Stop Notice after the notice takes effect.

28. Breach of Condition Notice

- 28.1. A Breach of Condition Notice can be used where there is a breach of a condition attached to a planning permission. This action is mainly intended as an alternative to an Enforcement Notice for remedying a breach of condition – but it may also be served in addition to an Enforcement Notice. sometimes as an alternative to a Stop Notice, where the local planning authority consider it expedient to stop the breach quickly and before any appeal against the Enforcement Notice is determined.
- 28.2. Any recipient of a Breach of Condition notice will be in breach of the notice if, after the compliance period, any condition specified in it has not been complied with, and the steps specified have not been taken or the activities specified have not ceased.
- 28.3. There is no right of appeal to the Secretary of State for a Breach of Condition Notice but may be challenged by an application to the High Court for judicial review.
- 28.4. It is a criminal offence if a person contravenes a Breach of Condition notice after the notice takes effect.

29. Section 215 Notice (Untidy Land)

- 29.1. In cases where the amenity of an area is adversely affected by the condition of land or buildings, the Council will consider the expediency of serving a Notice under Section 215 of the TCPA.
- 29.2. The Notice will specify the steps required to be taken to remedy the condition of the land or buildings, the time period within which the steps must be taken and the date that it takes effect.
- 29.3. There is a right of appeal against these notices via the Magistrates Court and non compliance constitutes a criminal offence for which recipients may be prosecuted.

30. Community Protection Notice

- 30.1. In cases where the amenity of an area is adversely affected by the condition of land or buildings, the Council will consider the expediency of serving such Notice under the Anti-Social Behaviour Crime and Policing Act 2014.
- 30.2. A Community Protection Notice (CPN) is aimed to prevent unreasonable behaviour that is having a negative impact on the local community's quality of life. Examples include persistent untidy land and motor repairs on driveways.
- 30.3. There is a right of appeal against these notices via the Magistrates Court and non compliance constitutes a criminal offence for which recipients may be prosecuted.

31. Appeals against Notices

- 31.1. As stated under each type of notice, it may be possible to appeal to the Secretary of State through the Planning Inspectorate. Further information is available on the [Government Website](#)
- 31.2. Some notices may only be challenged by application for judicial review to the High Court and it is strongly advisable to seek immediate legal advice if this is being considered due to time constraints

Part 6 – Miscellaneous

32. Human Rights and Equalities

- 32.1. Melton Borough Council is a public authority for the purposes of the Human Rights Act 1998. The Council will, therefore, apply the principles of the European Convention for the Protection of Human Rights (ECHR) and Fundamental Freedoms.
- 32.2. When considering enforcement action, Article 1 of the First Protocol, (Right to Peaceful Enjoyment of Property), Article 8 (Respect for Private and Family Life) and Article 14 (Protection from Discrimination) may be relevant.
- 32.3. Government Guidance states that there is a clear public interest in enforcement planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and also those who are affected by a breach of planning control. Action taken needs to be proportionate and expedient and consideration given to how quickly action needs to take effect. – [Government Guidance on Enforcement and post-permission matters \(22 July 2019 version\)](#)
- 32.4. There is also the general equality duty as set out in Section 149 of the Equality Act 2010 which eliminates unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- 32.5. In making decisions, the Council will have due regards to the Public Sector Equality Duty and the human rights of all parties.
- 32.6. This policy is applied in accordance with the principles of the Council's Equality Policy. <https://www.melton.gov.uk/strategies/equality-diversity-and-cohesion/equality-scheme/>

33. Feedback, compliments and complaints

- 33.1. Customer feedback is very important to us, whether it's a general comment or observation about a service we provide, a compliment about something we've done well or a complaint about something you are not happy with.
- 33.2. The Council deals with feedback, compliments and complaints in accordance with the [Council's Customer Feedback and Complaints Policy](#)
- 33.3. The Council is committed to listening to your feedback and acting on what we hear, to continually improve the quality of, and access to, the services it provides.
- 33.4. We will use your views to look at our services and see how we can continue to build on the good aspects and how we can improve those you feel are not as good as they could be.
- 33.5. Feedback, compliments and complaints are part of our Customer Services processes, and the information you give to us is covered by the Customer Services Enquiries Privacy Notes.

34. Equality Impact Assessment

- 34.1. This Policy has been subject to an Equality Impact Assessment to ensure that the objectives and actions contained in the Plan fully consider positive outcomes on the grounds of age, disability, gender, race, religion/belief, sexuality and socio-economic circumstances.
- 34.2. If you need this information in large print, Braille or another language please telephone 01664 502502 or email contactus@melton.gov.uk

35. Review and Monitoring

- 35.1. This policy may be reviewed and updated with changes to legislation, guidance or other circumstances which may impact on the principles set out in this document. It will be routinely reviewed every five years.
- 35.2. The performance of the Planning Enforcement Policy will be monitored in accordance with the Council's performance management framework. Quarterly updates will be provided to the Cabinet on corporate measures and an annual update will be presented at the meetings of Planning Committee as well as the Council on the performance of agreed indicators.
- 35.3. The Council may at any time make alterations to this Policy at its full discretion.

36. Zero Tolerance

- 36.1. Our Officers and Members have the right to be treated with dignity and respect at all times without the risk of threatening behaviour or violence.
- 36.2. The Council has a zero-tolerance approach and is committed to ensuring that its officers can carry out their work safely and without fear. The Council will take action against individuals where required.

37. Record Keeping and Data Protection

- 37.1. In accordance with Section 188 of the Town and Country Planning Act 1990, we hold a register of all enforcement notices, stop notices and breach of condition notices served. This is available for inspection by the public. Anyone wishing to view the register via prior appointment, should do so by contacting the Council's Planning Development Manager.
- 37.2. In accordance with the UK General Data Protection Regulations, the Data Protection Act 2018, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004, the Council will not disclose any information relating to the identity of a complainant without their prior consent or where we are required to by law.
- 37.3. However, as any occupiers of land or buildings close to the breach of planning control will usually be the most affected, it is possible that an individual subject of an investigation will make their own assumptions as to who may have informed the Council.