

# Pembrokeshire Coast National Park Authority

## Planning Enforcement & Compliance Policy



**Please note that this document is also available in Welsh.**

Policy Reference: POL\_P1



**Parc Cenedlaethol  
Arfordir Penfro  
Pembrokeshire Coast  
National Park**

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## Part 1: Vision aims and objectives

- 1.1 An effective planning enforcement and compliance service is vital to the overall success of the planning system, and thus to meeting the community's development needs while conserving and enhancing the National Park's special landscape qualities and natural and cultural resources and fostering its economic and social well-being.
- 1.2 This document sets out the Authority's policies and procedures towards dealing with planning enforcement and compliance issues, with priorities in place for serious and time-sensitive breaches.
- 1.3 The service aims to:
  - be timely, effective and responsive in the prevention, control and remedying of unauthorised development
  - ensure the credibility of the planning service in the interests of meeting the National Park's purposes
  - protect public amenity and remedy any harmful effects arising from development
  - maintain effective monitoring procedures to ensure that authorised development is carried out in accordance with planning approvals and conditions
  - ensure that development is in accordance with adopted development plan policies.
- 1.4 In providing its enforcement and compliance service the National Park Authority (Authority) will meet the key objectives of the Development Management Manual as they relate to the enforcement process, i.e. to be open, fair and transparent in any dealings with both the complainant and the alleged transgressor.
- 1.5 All parties involved in planning enforcement should note that breaches of planning control do not always constitute a criminal offence but may do so. Criminal offences include unauthorised works to Listed Buildings and illegal advertisements and breaches under Section 210 of the Act (Tree Preservation Orders).
- 1.6 Action to regularise breaches is discretionary and it is Welsh Government guidance that enforcement action should only be taken when it is appropriate to do so, and any such action should be commensurate with the breach of planning control to which it relates and not to punish the person(s) responsible. (See Development Management Manual (*Section 14*)<sup>1</sup> and *Circular 24/97 Enforcing Planning Control: Legislative Provisions and Procedural Requirements*<sup>2</sup>).
- 1.7 This policy will be regularly reviewed and amended as required by changes in legislation and policy.

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<sup>1</sup> <https://www.gov.wales/sites/default/files/publications/2018-10/development-management-manual.pdf>

<sup>2</sup> <https://www.gov.wales/sites/default/files/publications/2019-05/enforcing-planning-control-legislative-provisions-and-procedural-requirements-circular-2497.pdf>

## Part 2: Priorities

**Policy 1: Breaches of planning control including non-compliance with planning conditions will be investigated appropriately in accordance with the following principles and in order of priority.**

**When an enquiry is initially raised, it will not be assigned a priority status until it has been carefully assessed by the case officer.**

### Null Priority

This will be the initial designation when the case is opened. Once the assigned case officer has reviewed the enquiry, a preliminary status will be assigned. The status may change depending on findings of the site visit.

### Low Priority - Green

This will be assigned to cases that are assessed as being:

- i. Minor breaches of planning conditions
- ii. Minor domestic matters such as:
  - fences/sheds/satellite dishes
  - boundary and ownership disputes (although technically, this may be a civil matter)
  - unauthorised changes of use not immediately giving rise to significant amenity concerns
  - unauthorised advertisements not covered below.

### Medium Priority - Amber

This status will be assigned to cases such as, but not restricted to:

- i. Breaches of planning control contrary to the policies of the Local Development Plan.
- ii. Complaints where the time limit for taking formal action is about to expire.
- iii. Complaints of significant harm being caused to amenity, for example:
  - extensions to residential property that result in serious overlooking or other amenity problems
  - unauthorised uses of land which cause amenity problems to neighbouring properties.
- iv. Commencement of development in non-compliance with the conditions of a planning permission.
- v. The erection of unauthorised advertisements that have a significant detrimental effect on highway safety or visual amenities.

### High Priority - Red

- i. Unauthorised development which causes serious immediate and irreparable harm to the environment or public amenity, particularly any works judged to harm the special qualities of the National Park, for example, unauthorised listed building works, demolition of important unlisted buildings in a Conservation Area, significant unauthorised works affecting an Ancient Monument, a major archaeological site, protected species or a Site of Special Scientific Interest.
- ii. Unauthorised development that is causing severe disturbance to neighbours or poses a threat to public safety.

- iii Unauthorised works to trees covered by a Tree Preservation Order (TPO) or in a Conservation Area.
  
- 2.1 Depending on the seriousness of the alleged breach and available resources, the target time for an initial response will be as follows:
  - **High Priority cases:** A site visit and initial investigation will aim to be made within one or two working days of receipt
  - **Medium Priority cases:** A site visit and initial investigation will be made within seven working days of receipt
  - **Low Priority cases:** A site visit and initial investigation will be made within fifteen working days of receipt.
  
- 2.2 In programming site visits in higher priority cases, the Enforcement Officers will be mindful of also taking opportunities where convenient to visit other, medium and lower priority cases on the same trip. A case priority may change following the initial site visit or on receipt of additional information.
  
- 2.3 Once the site has been visited and the facts have been established, there are four possible outcomes:
  - That there is no breach of planning control
  - That there is a breach of planning control, but it is not expedient to pursue action in respect of this breach
  - Further information is required, and a Planning Contravention Notice (PCN) is required to obtain further information as to whether a breach of planning control has taken place
  - That there is a breach of planning control and further action is required.
  
- 2.4 If a breach of planning is identified one of the following courses of action will be undertaken:
  - The Authority will seek to resolve the matter through negotiation
  - A planning application or other form of application will be invited in respect of the unauthorised development
  - Formal enforcement action will be undertaken which has been authorised by the Development Management Committee or under the Authority's scheme of delegation.
  
- 2.5 The Enforcement team will aim to complete the first phase (decision) of the enforcement investigation within twelve weeks (84 days) of the date the complaint was first received.
  
- 2.6 The complainant will be advised of the formal decision made by this Authority in writing.
  
- 2.7 The team's performance in meeting these targets will be monitored and reported regularly to the Authority's Audit and Corporate Services Committee.

**Policy 2: Complaints about alleged breaches of control will be accepted by all reasonable communication methods - such as letter, e-mail, telephone or by personal caller - subject to the complainant providing their name and full contact details. Anonymous allegations of breaches of planning control will not normally be investigated unless they relate to serious breaches of planning control or matters affecting health and safety. The Authority is happy to receive complaints in either English or Welsh.**

- 2.8 Complainants will be encouraged to use a standard form in framing their complaints, and all complaints should clearly identify the location of the site or property concerned, should clearly specify the exact nature of the problem and give an indication of any harm being caused.
- 2.9 It would be helpful if any additional information about the identity of the person or organisation thought responsible and the date or the time that the breach commenced is included.
- 2.10 Where complainants are concerned about their identity being revealed at any time, they may seek to direct their complaint through their local councillor or community/town council. Occasionally, there may be a Freedom of Information (FOI) request or Environmental Information Regulations (EIR) requesting redacted information to comply with UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.
- 2.11 The Authority appreciates that complainants may be wary about raising issues where they may be identified. However, complaints are often made which are based on non-planning reasons (i.e. property disputes). If the complainant also appears to be motivated by issues other than planning harm, the planning authority may consider that it would not be in the public interest to investigate. This may include where complaints are made purely on trade competition grounds or motivated by neighbour disputes.
- 2.12 The Authority will aim to acknowledge the complaint in writing within five working days. When the Authority has investigated the matter that is subject of the enforcement case and has concluded that one of the following outcomes has occurred, the complainant will be notified of this outcome in writing (electronic or letter).
- There has been a formal determination that a breach is expedient but informal negotiation subsequently removes the breach
  - An Enforcement Notice is issued
  - Planning permission is subsequently granted through an application or enforcement appeal
  - A prosecution is brought (with the date that the case is first heard deemed as being the 'positive action' date)
  - Direct action by the Authority removes the breach.
- 2.13 If the matter is outside the powers of this Authority, the complainant will be informed in writing as soon as practicable with the reasons why no action can be taken, and advised, if appropriate and known, of any other body they should contact.
- 2.14 Whilst a complainant's identity will be protected the success of any subsequent enforcement action may be dependent on their willingness to co-operate and possibly give evidence at an appeal or court hearing.

## Part 3: Decision-making

**Policy 3: This Authority will take enforcement action only when it is considered expedient to do so. Formal enforcement action will not be instigated solely to regularise breaches in planning control where there is no resulting demonstrable harm. In taking formal enforcement action, the Authority will be prepared to use all the enforcement powers available commensurate with the seriousness of the breach.**

- 3.1 In deciding whether to take enforcement action the Authority will have regard to the current adopted Local Development Plan, and Future Wales, and to any other material considerations, including:
  - Development Management Manual
  - Circular 24/97 Enforcing Planning Control: Legislative Provisions and Procedural Requirements.
- 3.2 In considering whether it is expedient to take enforcement action, the decisive issue will be whether the breach of planning control unacceptably affects public amenity, existing land uses and buildings which merit protection in the public interest or the natural environment.
- 3.3 Any action taken will be proportionate with the breach of planning control to which it relates. All decisions as to whether to take enforcement action or not will be recorded on the file/database with reasons why that decision has been taken.
- 3.4 Where it is assessed that it is likely that planning permission would be granted for the development, the person responsible would normally be invited to submit a retrospective planning application. It will generally be inappropriate to take formal enforcement action against a trivial or technical breach of control, which causes no harm to amenity or the environment.
- 3.5 In defending enforcement action on appeal and in the courts, it will be necessary to show that the relevant procedures have been followed and that national policy on planning and enforcement has been taken into account.

**Policy 4: Decisions on planning enforcement actions will be taken in accordance with the Authority's scheme of delegation, and where necessary with the advice of a solicitor. Any decision on action will take account of the advice of a solicitor (where applicable) and be based on a written report. Actions will be agreed by the Development Management Committee either directly, or by duly authorised officers. The Chief Executive (National Park Officer), the Director responsible for Planning, and/or the Development Management Manager (Lead Officer on Development Management), Principal Planning Officer (Development Management) and/or the Strategic Policy Manager (Lead Officer on Planning Policy) are those authorised.**

- 3.6 The frequency of Development Management Committee meetings and the provision of extended delegation should minimise the need to take emergency action, but occasionally this may be necessary.
- 3.7 Emergency enforcement action shall only be authorised by the following:
  - Chief Executive (National Park Officer)
  - Director who has responsibility for Planning
  - Development Management Manager (Lead officer on Development Management)
  - Principal Planning Officer (Development Management)



- Strategic Policy Manager (Lead Officer on Planning Policy).

- 3.8 In giving such authorisation, due consideration shall be given to any advice from:
- Development Management Manager (Lead Officer on Development Management)
  - Solicitor.
- 3.9 Any such emergency action shall be reported to the next meeting of the Development Management Committee to inform them of the action taken or seek retrospective ratification where necessary.

**Policy 5: It is the policy of the National Park Authority that Members of the Development Management Committee who are serving Magistrates shall not take part in any decision in respect of enforcement issues which may result in formal legal action.**

- 3.10 This policy has been put in place to prevent any perception of conflict of interest on the part of Members of the Authority who are serving Magistrates.

**Policy 6: In considering whether to take enforcement action the Authority will not give weight to the fact that development has already commenced.**

- 3.11 Other than in very specific situations, for example, works to listed buildings, it is not a criminal offence to carry out development without planning permission, and it is therefore important that unauthorised developments are treated on their individual merits in the same way as proposed developments.

- 3.12 The test to be applied will be “*would planning permission have been granted for this development had it been the subject of a planning application?*”

**Policy 7: Decisions not to take enforcement action will normally be made by the Development Management Manager or Director of Place and Engagement in accordance with officer delegation arrangements. Reasons for not taking action will be recorded in writing/on the database.**

- 3.13 Welsh Government Development Management Manual paragraph 14.2.3. notes that when considering enforcement action, the decisive issue for the LPA should be whether the unauthorised development would unacceptably affect public amenity or the existing use of land or buildings meriting protection in the public interest. Enforcement action should be commensurate with the planning impacts caused by the unauthorised development; it is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to public amenity.

**Policy 8: The National Park Authority will not allow unnecessarily prolonged negotiation to delay essential enforcement action**

- 3.14 While the National Park Authority will endeavour to overcome any harm caused by unauthorised development by negotiation wherever possible, the enforcement system rapidly loses credibility if unacceptable developments are perpetuated by prolonged or protracted enforcement discussions and can result in more costly and complex cases where work continues.



3.15 As such, a time limit for concluding negotiations will therefore normally be set in accordance with the priority accorded to the case but will aim to close the initial complaint within twelve weeks of the date of receipt.

**Policy 9: In situations where an unauthorised development may only be made acceptable by the imposition of appropriate planning conditions, a planning application will be sought to regularise the development. Where such an application is not forthcoming within an agreed time scale, an Enforcement Warning Notice will be served.**

3.16 The National Park Authority will aim to ensure that where a development is considered to be acceptable, but remains unauthorised, then the service of an Enforcement Warning Notice along with a statement will protect the interests of future owners/developers. Welsh Government guidance notes that where an LPA considers that an unauthorised development causes unacceptable injury to public amenity, or damage to a statutorily designated site but could be satisfactorily removed or alleviated by imposing conditions on a grant of planning permission, it should serve an enforcement warning notice (EWN). The service of an EWN will provide a clear signal to the developer that, if a retrospective planning application is submitted, adequate control could be applied to the development to make it acceptable. Without it, it is unacceptable and further enforcement action is expedient and will be taken

**Policy 10: In considering whether to take enforcement action, the National Park Authority will not give weight to non-material planning considerations but will consider human rights and its duties under equalities legislation both during investigations and in decisions around undertaking enforcement action.**

3.17 It is not the purpose of the planning system to protect the private interests of one person against the activities of another.

3.18 Action must be placed on sound planning grounds.

3.19 Local opposition or support for an unauthorised development will not be given weight unless that opposition or support is founded upon valid planning reasons.

3.20 Where the Authority is made aware of a disability or illness affecting an individual who is the subject of an investigation or enforcement action then the Authority will, if appropriate and necessary, make reasonable adjustments where these are compatible with its legal duties. These reasonable adjustments may include having a friend or advocate present for a meeting or site visit or communicating only with a planning agent. The mere fact of a disability or illness will not however preclude the Authority undertaking an investigation or if necessary, undertaking enforcement action where required.

3.21 The Human Rights Act 1998 makes it unlawful for a public authority to act incompatibly with these ECHR rights except where, as a result of primary legislation, it could not have acted differently. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the LPA to assess the effects that a development will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to remain or proceed subject to planning permission. In carrying out this balancing exercise the LPA should be satisfied that it has acted proportionately.

3.22 Where the Authority is aware that enforcement action may result in an individual becoming homeless, it will consider the implications of this in timescales for enforcement notices, to enable individuals to make other arrangements.

**Policy 11: In considering appropriate enforcement action the National Park Authority will liaise closely with departments within Pembrokeshire County Council and other regulatory bodies over their powers under other legislation.**

3.23 From time to time, more effective and efficient outcomes can be achieved by use of powers outside the Town and Country Planning legislation. It is also important that the National Park Authority's enforcement action is coordinated where relevant with action being considered or taken by the County Council under other legislation.

**Policy 12: Complainants who have notified the Authority of alleged breaches of planning will be informed of the outcome.**

3.24 Once the Authority has investigated an alleged planning breach, it will update the complainant regarding the outcome of the investigation and let them know if further action will be undertaken.

## Part 4. Annex: An outline of enforcement measures

There are a number of tools provided by legislation that help determine whether development is unauthorised and enable a local planning authority to take action where appropriate.

Listed below is a brief description of the main enforcement powers available to the Local Planning Authority should it be considered expedient to take enforcement action. This is not intended to set out in full all the detailed legal considerations, but simply to try to explain the general nature of the available enforcement powers. In all cases, the Local Planning Authority will seek to use the most effective power available to remedy a breach of planning control

### Planning Contravention Notice

- 4.1 This Notice enables the Local Planning Authority to require detailed information about suspected breaches of planning control.
- 4.2 A Planning Contravention Notice may require the person on whom it is served to give information such as:
  - Details of all operations being carried out on the land which might be suspected as being a breach of planning control
  - Matters relating to the conditions or limitations subject to which any planning permission has been granted
  - Names and addresses of any person known to use the land for any purpose
  - The nature of any legal interest in the land and the names and addresses of any other person known to have an interest.
- 4.3 The serving of a PCN does not stop the local planning authority taking other formal enforcement action against a breach of planning control. The recipient of a PCN has 21 days to respond to it, but if there is no response a legal offence has been committed which can be subject to prosecution proceedings in the Magistrates' Court. The penalty for non-compliance is a maximum of £1,000. A second conviction for continuing non-compliance can be penalised by a daily fine.
- 4.4 Deliberately providing false information relating to a Planning Contravention Notice can lead to a fine of up to £5,000.
- 4.5 A similar tool to the PCN is the Requisition for Information Notice under Section 330 of the Town and Country Planning Act 1990 (as amended).

### Requisition for Information Notice (Section 330 Notice)

- 4.6 A Section 330 notice requires the recipient to provide information about the ownership of the property and of any other person who may have an interest in it.
- 4.7 The recipient of a Section 330 Notice has 21 days to respond to it, (or such longer time as may be specified in it), but if there is no response a legal offence has been committed which is punishable in the Magistrates' Court with a fine of up to £1,000.

- 4.8 A false statement given in response to the notice is punishable, upon conviction in the Magistrates' Court, with a fine of up to £5,000 or in the Crown Court, with a fine, imprisonment, or both.

### Breach of Condition Notice

- 4.9 This notice is an alternative to an Enforcement Notice for remedying a breach arising from the failure to comply with any condition or limitation subject to which planning permission has been granted.
- 4.10 It is not a legal charge on the land and can only be served on the person responsible for the breach.
- 4.11 It can be mandatory (requiring something to be done) or prohibitive (requiring something to stop).
- 4.12 It will specify a period of compliance which cannot be less than 28 days.
- 4.13 Failure to comply can lead to a fine of up to £1,000.
- 4.14 There is no appeal against such a notice which is answerable in the Magistrates' Court.

### Enforcement Warning Notice (EWN)

- 4.15 The EWN is intended for use where this Authority considers that an unauthorised development could potentially be made acceptable with control, through a retrospective application and the use of conditions.
- 4.16 The EWN will not be issued in situations where this Authority does not reasonably expect that planning permission will be granted; however, it should be noted that new issues may come to light, or despite a recommendation for approval, the development management committee could disagree with the recommendation.
- 4.17 The EWN must specify the alleged breach and specify the steps to be taken to remedy the breach within a specified timetable and must be served on all parties who have an interest in the land.
- 4.18 The EWN must state that, unless an application for planning permission is made within a period specified in the notice, further enforcement action may be taken. This is because the issuing of an EWN constitutes the taking of enforcement action under Section 171A of the 1990 Act, allowing this Authority to take further enforcement action in respect of the breach within four years of the initial notice being issued.
- 4.19 There is no right of appeal against an EWN, other than through application to the High Court for judicial review; however, if a retrospective application is submitted because of the EWN, an applicant does have the right to appeal either the refusal of planning permission, or the subsequent service of an enforcement notice.
- 4.20 The issue of an Enforcement Warning Notice will 'stop the clock' in terms of the unauthorised development gaining immunity from enforcement action.

## Enforcement Notice

- 4.21 This is the principal form of Notice used to deal with unauthorised development. This notice, when issued, must specify the alleged breach and specify the steps to be taken to remedy the breach within a specified timetable, and has to be served on all parties who have an interest in the land.
- 4.22 This may mean serving on the mortgagee i.e. the Bank or Building Society which lent the money to purchase the property or other family members who similarly have an interest in the property.
- 4.23 The Notice can either refer to a Change of Use of the land or to an operational development.
- 4.24 There is a right of appeal, within 28 days of the service of the notice, and there are seven grounds on which that appeal can be based. These grounds are listed at the end of this section.
- 4.25 If the requirements of the notice are not met, and no appeal has been lodged or any appeal has been dismissed, then the responsible person may be prosecuted.
- 4.26 Non-compliance with the requirements of an Enforcement Notice is a criminal offence against which the Local Planning Authority can instigate prosecution proceedings. The maximum fine in the Magistrates Court is £20,000 and is unlimited in the Crown Court. The Local Planning Authority can also enter the site and carry out the works required by the Notice in default and then seek to recover its costs from the owner/occupier.

## Listed Building Enforcement Notice

- 4.27 This is similar to an Enforcement Notice.  
The Notice may:
- (a) require the building to be brought back to its former state; or
  - (b) if that is not reasonably practicable or desirable, require other works specified in the Notice to alleviate the effects of the unauthorised works; or
  - (c) require the building to be brought into the state it would have been in if the terms of any listed building consent had been observed.
- 4.28 The Notice must specify time constraints for securing compliance with the requirements of the Notice.
- 4.29 There is a right of appeal against a Listed Building Enforcement Notice. The procedures are similar to those for an appeal against an Enforcement Notice. If works subject to a Listed Building Enforcement Notice are later authorised by a retrospective application for Listed Building consent, the Listed Building Enforcement Notice will cease to have any effect although the liability to prosecution for an offence committed before the date of any retrospective consent remains.

## Stop Notice

- 4.30 Having served an Enforcement Notice, the Authority may consider that any ongoing breach is so serious that it should cease immediately.
- 4.31 In such cases a Stop Notice will also be served.
- 4.32 Failure to comply with a Stop Notice can lead to an unlimited fine.
- 4.33 There is no right of appeal against a Stop Notice, other than through application to the High Court for judicial review.
- 4.34 The serving of a Stop Notice may give rise to the obligation to pay compensation.

## Temporary Stop Notice (TSN)

- 4.35 A Temporary Stop Notice does not have to be issued with an Enforcement Notice, and its effect is immediate.
- 4.36 A Temporary Stop Notice ceases to have effect after 28 days and is only issued when this authority believes that the breach should be stopped immediately
- 4.37 Failure to comply with a Temporary Stop Notice can lead to an unlimited fine.
- 4.38 There is no right of appeal against a Temporary Stop Notice, other than through application to the High Court for judicial review.

## Advertisement Discontinuance Notice

- 4.39 Some advertisements may not be displayed without prior approval by the Local Planning Authority. In such cases, the Local Planning Authority can prosecute persons responsible for displaying an illegal advertisement or serve a Discontinuance Notice (in cases where an advertisement does not need express consent but where it causes “substantial injury” to the amenity of the locality or a danger to members of the public).

## Section 215 Notice

- 4.40 The Local Planning Authority can serve a Section 215 Notice on the owner/occupier of any land or building which is considered to be in an untidy condition to the extent that it is having an adverse effect on the amenity of a neighbourhood. The Notice requires the person/s on whom the Notice is served to tidy up the site and if this is not undertaken legal proceedings can be taken by the Local Planning Authority
- 4.41 There is a right to appeal to Planning and Environment Decisions Wales (PEDW) on any Section 215 Notice served by this Authority.

## Urgent Repairs Notice

4.42 This requires necessary works to a listed building, which should only relate to the overall integrity of the building, and can be served on all interested parties in respect of an unoccupied building.

## Repairs Notice

4.43 This can be served in respect of an occupied listed building which in the opinion of the Local Planning Authority is not being properly maintained.

4.44 This can lead to compulsory acquisition by the Authority of the subject building to ensure that it is properly maintained.

4.45 Similarly, there is legislation which empowers the Planning Authority to take action on mineral sites or where Tree Preservation Orders have been ignored.

## Discontinuance Notice

4.46 Served if, having regard to the Development Plan and to any other material considerations, it appears to a Local Planning Authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity) that any use of land should be discontinued or that any conditions should be imposed on the continuance of a use of land; or that any buildings or works should be altered or removed.

## Revocation Order

4.47 This can be served if having had regard to the Development Plan and any other material considerations, it appears to the Local Planning Authority that it is expedient to revoke or modify any permission to develop land granted on an application.

## Injunctions

4.48 Where the Local Planning Authority considers it necessary or expedient for any actual or apprehended breach of planning or listed building control to be restrained, it can apply to the Court for an injunction.

4.49 Such action would normally only be sought if the breach was particularly serious or protracted and was causing, or was likely to cause, exceptional harm to the local environment. Failure to comply with an injunction may result in imprisonment.



## Direct Action

4.50 Is when the Authority can also enter the site and carry out the works required by the Notice in default and then seek to recover its costs from the owner/occupier.

4.51 Where Direct Action' occurs, the Authority will register a charge on the land in question in order to recover costs incurred.

## Prosecution

4.52 In instances where a criminal offence has been committed (non-compliance with the above notices; unauthorised works to listed buildings; unauthorised hedgerow removal, unauthorised works to trees; and unauthorised display of advertisements), consideration will be given to prosecution.

## Enforcement appeals

4.53 Section 174(2) of the 1990 Act, sets out seven different grounds under which an enforcement appeal may be lodged, with these grounds being:

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged
- (b) that those matters have not occurred
- (c) that those matters (if they occurred) do not constitute a breach of planning control
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters
- (e) that copies of the enforcement notice were not served as required by Section 172
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach
- (g) that any period specified in the notice in accordance with Section 173(9) falls short of what should reasonably be allowed.

## Part 5: Complaints

- 5.1 Any complaints regarding the manner in which an investigations or enforcement action has been undertaken will be investigated in accordance with the Authority's complaints procedures. Investigations and enforcement action are a proper part of the Authority's planning function and therefore complaints made purely on the basis that an investigation has taken place, or purely on the basis that formal enforcement action has been undertaken, will therefore not be investigated.

## Part 6: Data Protection, Environment Information Regulations and Freedom of Information Requests

- 6.1 The Authority will manage information received in investigating alleged breaches of planning control in accordance with information set out in its planning privacy policy ([PCNPA-Planning-Privacy-Notice-2023-1.pdf](#)). As set out above, information that could identify complainants will be treated as confidential.
- 6.2 Where an investigation is ongoing and there is a live enforcement case, the Authority will not release information with regards to the case which could compromise legal proceedings.

## Part 7: Appendix - Useful information and contacts

### Useful links:

- [Town and Country Planning Act 1990 \(As amended\)](#)
- [The Town and Country Planning \(General Permitted Development\) Order 1995](#)
- [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)
- [Planning \(Wales\) Act 2015](#)
- [The Planning and Compulsory Purchase Act 2004 \(Commencement No. 14 and Saving\) Order 2015](#)
- [Future Wales: the national plan 2040](#)
- [Planning Policy Wales](#)
- [Development Management Manual](#)
- [Development Management Manual Section 14 Annex: Enforcement Tools](#)
- [Circular 24/97 Enforcing Planning Control: Legislative Provisions and Procedural Requirements](#)
- [PCNPA Planning Enforcement](#)
- [PCNPA Planning Enforcement Guide](#)
- [Planning Enforcement Complaint Form](#)
- [Planning & Environment Decisions Wales \(PEDW\)](#)

### Contact Details:

#### **Planning Enforcement Team**

Pembrokeshire Coast National Park Authority  
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## Part 8: Appendix – Policy Control

**Change Level:** New Policy or Change requires NPA Approval

**Consultation:** National Park Authority Committee (26/03/2025)

**Assessments:** N/A

**Approval:** National Park Authority

**Version History:**

Version – v2

Active Date – 26/03/2025

Summary of Changes – New Policy

**Review:**

Version – v2

Active Date – 25/03/2028

Document Owner – Principal Planning Officer (Environment)

Review Date Trigger – 3-year review cycle

Review Date - 25/03/2028