



advertisements, and certain works to protected trees. Consequently, whilst these works may well have been carried out without your, or the Authority's knowledge, they may not necessarily have resulted in a breach of planning control.

Similarly, there are certain activities or works that are so minor in their nature that they are not considered to even come under the control of planning legislation. Again, such matters are not considered to be a breach of planning control.

In these cases you will be notified that there is no breach of planning control and given the reasons why the Authority came to this conclusion.

### What happens if there is a breach of planning control?

If there is a breach of planning control the person responsible for the breach will always be given the opportunity to voluntarily resolve the matter. This can be attempted via the following methods:

1. The removal of the breach or cessation of the activity. In such cases you will be advised that the case is closed.
2. The submission of an application for retrospective consent in an attempt to regularise the breach. If we have your postal address, you will be notified if an application is submitted and given the opportunity to comment.
3. The submission of an application in an attempt to prove that the breach is lawful. This third option is only available for certain breaches of planning control.

### What happens if the person responsible does nothing?

If the person responsible for a breach of planning control does nothing to voluntarily resolve the matter, the Authority must consider its options.

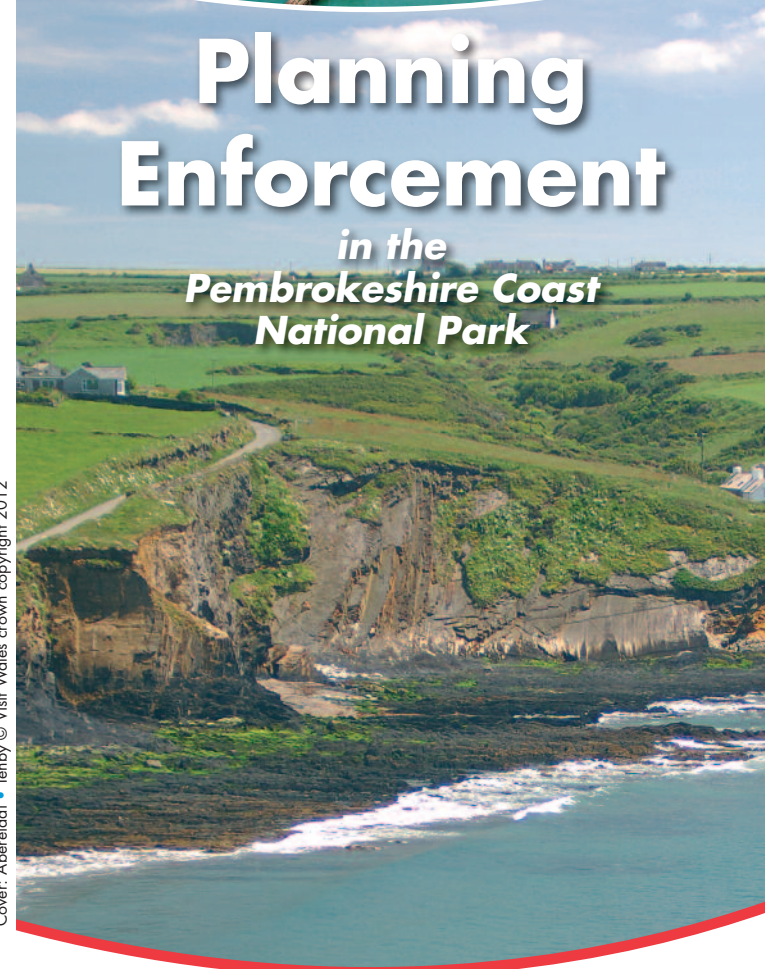
At this point it should be noted that the enforcement of a breach of planning control is not a mandatory function of the Authority. If an unauthorised development is acceptable in planning terms, ie the development is in line with the Local Development Plan, there is no harm being caused, and it is not necessary to control the activity by way of a planning condition, then Welsh Government guidance suggests that the Authority should not pursue formal enforcement action.

A breach of planning control may well be acceptable in planning terms, but it is necessary to control certain elements of the development, or a breach may be considered wholly unacceptable and must be removed in its entirety. In these circumstances authorisation will be sought to serve an appropriate Enforcement Notice, depending on the type of breach.

■ This leaflet is supplementary to the '*Planning Enforcement & Compliance Policy*' adopted on 22 June 2011 and describes the Pembrokeshire Coast National Park Authority's (PCNPA) policies and procedures in investigating and enforcing compliance with planning controls. This document is available to view online at [www.pembrokeshirecoast.org.uk](http://www.pembrokeshirecoast.org.uk).

### For general advice and information contact:

Planning Enforcement Team  
Pembrokeshire Coast National Park Authority  
Llanion Park  
Pembroke Dock  
Pembrokeshire  
SA72 6DY  
Tel: 0845 345 7275  
Fax: 01646 689076  
Email: [DC@pembrokeshirecoast.org.uk](mailto:DC@pembrokeshirecoast.org.uk)  
Web: [www.pembrokeshirecoast.org.uk](http://www.pembrokeshirecoast.org.uk)



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# Planning Enforcement

in the  
Pembrokeshire Coast  
National Park

A Guide for the Public



Parc Cenedlaethol  
Arfordir Penfro  
Pembrokeshire Coast  
National Park





## What is Planning Enforcement?

A breach of planning control is the carrying out of development or other works without the permission or consent of the Authority. The breaches of planning control the National Park Authority deal with include:

- Erection of buildings, extensions or alterations to buildings
- The material change of use of land or buildings
- The breach of a condition imposed on a planning permission
- The failure to comply with plans approved as part of a planning permission
- Advertisements
- Works to or the removal of a hedgerow or a protected tree
- Works to a listed building
- Untidy land and building

Planning enforcement is the process of identification, investigation and consideration of a breach of planning control, the pursuit of a resolution to that breach of planning control and the possible service of formal Enforcement Notices under the relevant planning legislation. This action is pursued with the aim of removing the harm caused by a breach in the interest of the public.

It is worth noting that, whilst a breach of planning control is unauthorised, most are not a criminal offence (although criminal liability is ultimately involved if a formal notice is served). The exceptions to this are advertisements, works to protected trees and important hedgerows, and works to listed buildings. It is also important to note that the enforcement of planning control is a discretionary function of the National Park Authority. The National Park, as the Local Planning Authority, will always consider the expediency of pursuing action in respect of every breach identified.

## How can a complaint be submitted?

If you suspect a breach of planning control has taken place, you should:

- Complete the Authority's Planning Enforcement **Complaint Form**; or
- Send a **letter or email** outlining your concerns to the address given in this leaflet; or
- Contact the Enforcement Team via **telephone**

## What information will the Authority need?

When you first approach the Authority you should supply as much information as possible about the site and your concerns. The *Planning Enforcement Complaint Form* sets out the minimum information required to be submitted. Whilst your initial contact may be made by telephone the Authority will encourage the completion of the Form to assist officers and ensure progression of the case. Whilst the Authority will endeavour to keep your information confidential, it may be necessary to disclose it if the matter reaches an appeal or prosecution.

## What happens after I have made my complaint?

An Enforcement file will be opened relating to the site that is the subject of a complaint and will be allocated to an officer of the Enforcement Team. In acknowledgement, by letter or e-mail, you will be given the name of the allocated officer dealing with your query and the priority given to the case. This priority will depend on the type of alleged breach and the potential harm caused to the local environment or amenity of the area.

New enforcement cases are generally prioritised in three ways:

1. **High Priority (Red):** A site visit and initial investigation will be made within **one** working day of receipt.

2. **Medium Priority (Amber):** A site visit and initial investigation will be made within **seven** working days of receipt.
3. **Third Priority (Green):** A site visit and initial investigation will be made within **fifteen** working days of receipt.

## What happens next?

Once the site has been visited and the facts have been established, there are **three** possible outcomes:

1. That there is **no breach** of planning control.
2. That there is a **breach of planning control, but it is not expedient to pursue action** in respect of this breach.
3. That there is a **breach of planning control and further action is required**.

The Authority will acknowledge your complaint / comment within **five working days** and endeavour to advise you of progress at the following stages:

- **Initial assessment of the problem**
- **If a formal notice is served**
- **The lodging of an appeal**
- **Formal court action**
- **Final closure of the investigation**

If you would like to be updated on the progress of the case you should contact the Enforcement Officer directly.

## What happens if there is no breach of planning control?

Whilst planning legislation controls the activities listed in this leaflet, the same legislation also deems certain works to be 'permitted' or 'exempt' from needing the consent of the Authority. These include minor extensions to dwellings, certain changes of use, some