



1 What we do

The Planning Enforcement Team's key role is to investigate and try to resolve breaches of planning control. Where it is appropriate in the public interest, we will start legal action to secure compliance with planning legislation.

2 Planning Enforcement and the Council's Five Promises

The work of the Planning Enforcement Team involves investigating complaints and sometimes securing the removal of unauthorised structures or works to existing buildings, and helping to maintain a high quality built environment. As part of this, we will work with the police and other agencies to reduce crime and anti-social behaviour in the Borough – Promise 1.

The Enforcement Team deals with contraventions of Tree Preservation Orders, designed to protect trees of significant amenity value which contribute to the local area. This plays an important part in the implementation of the Council's second promise of a 'Cleaner & Greener' borough. The processes outlined below explain and ensure that we are accountable to you – the Council's fifth promise.

3 What is a breach of planning control?

Not all development requires planning permission. Often building works or changes of use will be 'permitted development', meaning that they are exempted by legislation from the need to obtain planning permission. The enforcement team is unable to take any action in these situations.

Circumstances where the enforcement team will not be able to act also include:

- The parking of vehicles on the highway
- Dangerous structures
- Internal refurbishments of buildings which are not listed
- The operation of a business from a home where the main use is still residential and there is no impact on residential amenity
- The treatment or removal of trees or hedges which are not located in a Conservation Area or covered by a Tree Preservation Order

- Disputes between neighbours relating to land ownership or the siting of boundaries
- Noise, smells or pollution

Some of these concerns can be dealt with by other parts of the Council (please see 'Useful Contacts' below). If a complaint is submitted to us in error, we will endeavour to refer it to the correct department.

4 How do I make a complaint?

You can make a complaint in any of the following ways:

- Online at www.welhat.gov.uk
- By email to planning@welhat.gov.uk
- By post to the address below
- By visiting the Campus East Council Offices
- By phone on **01707 357000**, although we would ask you to follow up the phone call with a letter or email

You do not have to give your name and address, but failure to do so will result in your complaint receiving a low priority (see below). Any personal details you do give will be kept confidential, however if the matter gets to court or is heard by a Planning Inspector on appeal, we may ask you to give evidence in public. Please ensure that you provide a full address or accurate description of the property and of the complaint, specifying dates or enclosing photographs where appropriate.

5 How will you deal with my complaint?

Due to the high number of complaints we receive, each complaint is assigned a priority rating according to the following categories:

1. Works to listed buildings or protected trees (investigation commenced immediately or within 2 working days)
2. Development conflicting with major policy and ongoing operational development/ changes of use with a serious impact on amenity (investigation commenced within 5 working days)
3. Operational development/changes of use with less serious impact on amenity (investigation commenced within 10 working days)

4. Building works with little or no discernible impact, such as boundary fences and gates (investigation commenced within 15 working days)
5. Anonymous complaints and minor household alterations (investigation commenced within 30 working days).

Initially, the planning status of the site will be checked to see whether the development already has planning permission or whether there are any special constraints. Often a site visit will take place, having regard to these priorities, before we can determine whether or not there has been a breach of planning control.

Where a development in breach of planning control could be acceptable in planning terms, owners may be given an opportunity to apply for planning permission. In other cases, we will try to resolve the breach by negotiation. If both of these methods fail, the service of a formal enforcement notice will be considered.

Planning enforcement is discretionary and the Council will only take action where it is expedient in the public interest. Action is unlikely to be used where there are minor breaches causing no significant harm, or to punish the lack of planning permission where the works are acceptable on their planning merits.

The planning enforcement process can be complex and may involve detailed site history checks, land registry searches, liaison with other agencies and taking legal advice. This can be a lengthy process and it is often a number of months before a matter is resolved. Only in very exceptional circumstances can the council stop work that is being undertaken.



6 What you can expect from us

- a. Where a name and full address is provided, we will acknowledge your complaint by post or email within 5 working days, providing the name of the enforcement officer dealing with it and a direct telephone number.
- b. We will prioritise complaints according to the above criteria and aim to meet response times in 90% of cases.
- c. We will keep you updated with any significant developments in our investigations throughout the enforcement process.
- d. We will ensure that you are informed of the outcome of our investigations, and explain when we cannot take any action.
- e. We will carry out our duties in accordance with central and local government guidance, in particular the Concordat on Good Enforcement Practice, Planning Policy Guidance 18: Enforcing Planning Control and all relevant legislation.
- f. We will carry out our investigations in a helpful and courteous manner, applying the principles of proportionality, consistency and transparency and encouraging negotiation where appropriate.

All correspondence should be addressed to:-

**Enforcement Team
Development Control
Welwyn Hatfield Council
Council Offices
Campus East
Welwyn Garden City
Hertfordshire AL8 6AE**



7 Useful Contacts at Welwyn Hatfield Borough Council

Environmental Health (for problems regarding noise, smells or pollution)

01707 357242

Landscaping & Ecology (for information about making a High Hedges complaint)

01707 357233

Building Control (for problems regarding dangerous structures)

01707 357391

8 Other Useful Contacts

Citizens Advice Bureau (for guidance on civil disputes including boundaries)

01707 262607

Hertfordshire Police (non-emergency)

0845 3300 222

Land Registry (for information on land ownership)

01438 788889

Hertfordshire Highways (for problems regarding obstructions to the public highway)

01438 737320

**Welwyn Hatfield Borough Council
Planning Enforcement**



www.welhat.gov.uk

**Welwyn Hatfield Borough Council
The Campus, Welwyn Garden City,
Herts AL8 6AE**

