



Welwyn Hatfield Borough Council

# Planning Enforcement Plan 2026



WELWYN  
HATFIELD



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## 1. INTRODUCTION

This document sets out Welwyn Hatfield Borough Council's approach to delivering effective planning enforcement within the borough. It explains how the service operates, the principles that guide it, and the constraints within which it works.

Effective enforcement plays a vital role in upholding the integrity of the planning system. The Council is committed to ensuring that harmful unauthorised development is dealt with swiftly and proportionately, so that residents can have confidence and trust in the planning process.

Planning enforcement is, however, complex and evidence-led. Where the Council must follow statutory procedures or obtain detailed evidence of a breach, achieving a full resolution can take time.

It is also important that officer time is focused on the most serious breaches that cause significant planning harm, rather than on matters outside the Council's control or where there is little material impact. The planning enforcement team is primarily a reactive service, relying on reports from members of the public, councillors, and other agencies, rather than proactively seeking out breaches.

This Plan accords with paragraph 59 of the National Planning Policy Framework (NPPF) and the Government's guidance *Ensuring Effective Enforcement*, which encourage local planning authorities to publish clear policies explaining how they will investigate alleged breaches and take proportionate action.

## 2. WHAT IS A BREACH OF PLANNING CONTROL?

A breach of planning control occurs when development is carried out without the necessary planning permission, or when the conditions attached to a planning permission are not complied with.

Under the Town and Country Planning Act 1990, this may involve either carrying out development that requires planning permission without consent or failing to comply with a condition or limitation imposed by a planning permission.

The Planning Enforcement Team investigates a range of matters, including:

- Unauthorised building works (operational development)
- Unauthorised changes of use of land or buildings
- Breaches of approved plans or planning conditions
- Breaches of the General Permitted Development Order (GPDO)
- Unauthorised works to trees in conservation areas or protected by a Tree Preservation Order (TPO)
- Unauthorised works to a listed building
- Unauthorised advertisement displays and flyposting (not on the public highway)
- Land or buildings considered untidy under Section 215 of the Town and Country Planning Act
- Gypsy and Traveller incursions on private land

## **Matters Outside the Scope of Planning Enforcement**

- Damage to verges, the highway or any other highway matters, such as mud on the road, advertisements, or obstruction of the highway (Hertfordshire Council) <http://www.hertfordshire.gov.uk/services/transtreets/highways/>
- Noise & disturbances, including bonfires (Regulatory Services) [Report a Noise Nuisance – Welwyn Hatfield Borough Council \(welhat.gov.uk\)](#)
- Health & Safety, including asbestos, on building sites (report to Health and Safety Executive) <http://www.hse.gov.uk/>
- Neighbourhood, land boundary or ownership disputes, including covenants (consult your own legal advisor or Citizens Advice) <https://www.citizensadvice.org.uk/housing/problems-where-you-live/neighbour-disputes/>
- Works to party walls (Party Wall Act 1996 – consult your own legal advisor and/or party wall surveyor) [Party walls and building work: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/party-walls-and-building-work)
- High hedges [High hedges – Welwyn Hatfield Borough Council \(welhat.gov.uk\)](https://www.welhat.gov.uk)
- Dangerous structures (Building Control) [Contact us | Email - Address - Phone \(hertfordshirebc.co.uk\)](https://www.hertfordshirebc.co.uk)
- Works relating to minerals and waste (a Hertfordshire County Council function) [Minerals and waste planning | Hertfordshire County Council](https://www.hertfordshire.gov.uk/minerals-and-waste-planning)
- Non-planning matters – moral or ethical concerns, competition and private interests.
- Anonymous complaints, unless they relate to alleged criminal activity – you can contact a District Councillor if you wish to raise a concern anonymously.
- Works carried out on or activities undertaken on land owned by Welwyn Hatfield Borough Council.
- Allegations pertaining to a breach of Welwyn Garden City's Estate Management Scheme.
- Rubble/Waste on verges.
- Vehicles on the highway, whether parked or advertised for sale
- Wildlife crime
- Anti-social behaviour - [Anti-social behaviour – Welwyn Hatfield Borough Council](https://www.welhat.gov.uk)

### **3. HOW TO REPORT A BREACH OF PLANNING CONTROL**

The quickest and easiest way to report a breach of planning control is by using the Council's online reporting form. More information can be found on the Council's website:

[Planning enforcement – Welwyn Hatfield Borough Council \(welhat.gov.uk\)](#)

Alternatively you can email us on [enforcement@welhat.gov.uk](mailto:enforcement@welhat.gov.uk)

or write to us at:

FAO The Planning Enforcement Team  
Welwyn Hatfield Borough Council  
Council Offices  
Campus East  
Welwyn Garden City  
Hertfordshire  
AL8 6AE

Or telephone the Council on 01707 357000 – After making a verbal report it is favourable to follow up your complaint in writing to ensure that all relevant details have been taken down.

When reporting a breach to us, we will request the following information:

- Your name and address
- Your telephone number and email address, so that we can contact you about the alleged breach
- The address of the alleged breach
- Details about the alleged breach, including any relevant documents
- Any known information about the owner of the site of the alleged breach
- Photographs of the alleged breach

Details of complainants are kept strictly confidential and would never be shared with alleged contravengers. It is important to note that sometimes the nature of the complaint can lead the contravener to deduce who the complainant is. However, these assumptions will not be confirmed or denied by the case officer.

In the instance that a planning enforcement complaint is withdrawn, the Council will consider whether it remains expedient to continue the investigation. If the complaint alleges a criminal offence, or a breach of planning control which is considered to generate significant harm, the case may continue to be investigated.

### **4. SERVICE STANDARDS AND TIMESCALES**

All complaints received by the Planning Enforcement Team will receive an acknowledgement. The timeframe for response will typically range from a few hours to around two to three working days, depending on the number, priority, and complexity of enquiries received.

If an initial review identifies that the matter falls outside the control of the Planning Enforcement Team, we will signpost you to the relevant council service or external authority. Where the review confirms that the development is lawful, either through permitted development rights or an existing planning permission, we will provide the relevant details, such as the planning reference or the applicable section of the General Permitted Development Order (GPDO).

In all other cases requiring further investigation or assessment, you will receive an acknowledgement letter confirming receipt of your complaint, the name and contact details of the assigned case officer, and a unique case reference number. Please quote this reference in all future correspondence to avoid confusion.

## **Response Times**

- **Priority cases** – For unauthorised works to listed buildings or protected trees, the Council will aim to carry out a site visit within two working days. These cases are treated as the highest priority, as any delay could result in further, potentially irreversible harm.
- **All other cases** – The Council will aim to commence investigations within 10 working days. How this begins will depend on the nature of the case; it may involve contacting the property owner to arrange access for a site visit or conducting a desktop review to gather relevant information.

## **Keeping You Informed**

We aim to keep complainants updated at key stages of the process, particularly to:

- confirm any informal resolution reached to remedy the breach;
- notify you of a planning application or appeal relating to the case; or
- inform you that the case has been closed, for example because no breach was found, the breach was not expedient to pursue (causing no or limited harm), or the issue has been fully resolved or regularised.

While we will update you wherever possible, there may be circumstances where we cannot share full details of ongoing investigations. This may be because doing so could compromise the effectiveness of the case, or because sensitive or confidential matters are involved.

## **5. INITIAL INVESTIGATION PROCESS**

The way a complaint is investigated will depend on the nature of the alleged breach. Case officers use a range of methods to gather the information needed to establish whether a breach of planning control has occurred.

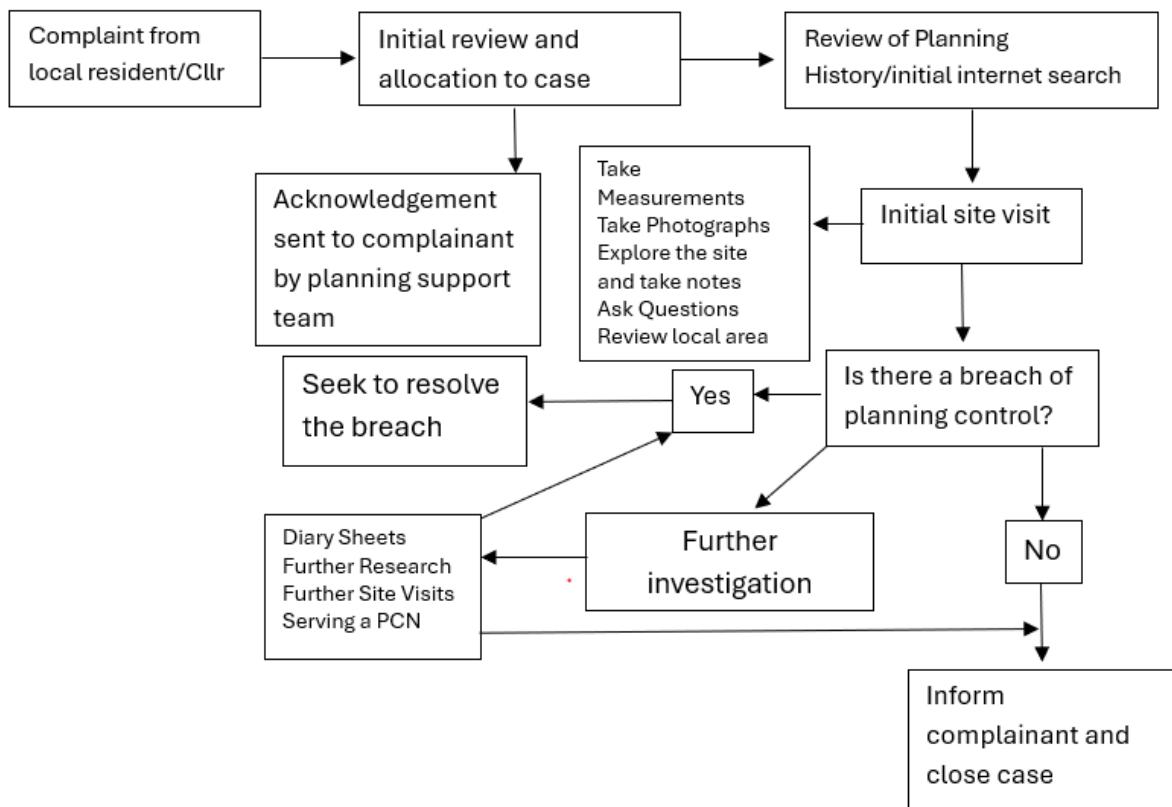
In most cases, a site visit will be undertaken. This may be either unannounced, in accordance with the Council's powers of entry under section 196A of the Town and Country Planning Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act 1990, or arranged in advance with the landowner or occupier. Unannounced visits are more likely where prior notice could compromise the ability to obtain evidence.

The purpose of a site visit is to verify the facts of the case. More than one visit may be required during an investigation. Where entry onto land is refused, or it is anticipated that access will be refused, the Enforcement Team may apply to the Court for a warrant of entry.

Officers also use internal Council systems to review the planning history of the site and access other relevant records such as Council Tax or business rates information. Online research is often used to gather further evidence, particularly in change-of-use cases. Examples include identifying short-term letting advertisements (such as Airbnb listings) or commercial activities being promoted online. Because it is not always possible for officers to witness a breach directly, complainants may occasionally be asked to complete diary sheets or provide additional evidence to support the investigation.

In summary, the Enforcement Team may use a combination of site inspections, research, correspondence and evidence provided by third parties to determine whether a breach of planning control has occurred.

This flowchart illustrates the initial investigation process of a typical case:



\*Please note that this flowchart does not feature the measures involved in resolving a breach of planning control, or the factors considered in determining expediency\*

## 6. SEEKING TO RESOLVE A BREACH OF PLANNING CONTROL

When a breach of planning control has been identified, whether this involves operational development (for example, an extension or outbuilding) or a material change of use, the case officer will seek to resolve the matter in the most appropriate and proportionate way.

In many cases, where the breach is considered to be minor in its harm/conflict to planning policy, case officers will seek to resolve the breach of planning control without initiating formal enforcement action. Particularly those involving householder developments, there may be opportunities to resolve the matter by undertaking minor remedial works. An example of this includes reducing the height of an outbuilding, fence, or extension so that it matches with the requirements of 'permitted development' (works not requiring the submission of a planning application to the Council). Such negotiated compliance is the approach the Council will adopt wherever possible. Officers will set time limits for such remedial action depending on the type and scale of the breach. Should these minor remedial works not be undertaken, the case officer, alongside the Principal Planning Enforcement Officer, will consider the expediency of pursuing the case any further.

Another option is to invite a retrospective planning application. The Council cannot compel the submission of such an application; however, where it appears that planning permission could be granted, the case officer may invite the submission of an application to regularise the development.

Any retrospective application will be assessed without prejudice against local and national planning policies. The case officer will advise against submitting an application if it is unlikely to be supported. Conversely, if the breach appears to comply with policy and is not causing harm, an application may be encouraged. An invitation to apply does not guarantee that permission will be granted.

If an invited application is not submitted within a reasonable period, the Council may decide to close the case with no further action, provided that the breach is minor and causes no material harm.

In the instance that a breach of planning control is considered to be generating substantial harm to the amenity of the local area, as well as conflicting with local/national planning policy, the case officer may provide an initial time frame to resolve the breach of planning control voluntarily prior to initiating formal enforcement action.

This may be through requesting steps such as: Demolishing an outbuilding, or ceasing the sale of vehicles from a particular piece of land. Should the breach not be resolved voluntarily, then the case officer will likely seek to consider the expediency of serving a formal notice. The case officer may elect to initiate formal enforcement action without any prior requests for voluntary compliance in cases where the contravener has been subject to planning enforcement intervention in the past, or where prolonging the breach may cause unnecessary harm to the amenity of the local residents or landscape.

## **7. EXPEDIENCY**

Government policy makes clear that it is inappropriate for a local planning authority to take formal enforcement action against breaches of planning control that are technical in nature or cause little or no planning harm. Each Council has discretion in deciding what it considers to be expedient in the public interest.

The Council must ensure that officers' time and limited resources are focused on the most serious breaches that cause significant harm to amenity, public safety, or the environment.

When assessing expediency, case officers will consider:

- the level and nature of harm caused by the breach;
- the degree of conflict with local and national planning policy; and
- the likely cost, benefit, and prospect of success if formal action is taken (including any potential appeal).

In reaching a decision, the Council will also have regard to the public interest, the principles of proportionality, and relevant human rights considerations. To maintain the objectivity and integrity of the planning system, decisions on expediency will be based solely on planning merits and not influenced by public opinion.

### **Planning Contravention Notices**

To assist the Council in determining expediency, where necessary, the Council may issue a Planning Contravention Notice (under section 171C of the Town and Country Planning Act 1990). A Planning Contravention Notice will require the recipient to provide details of activities or operations allegedly taking place or matters relating to a planning condition attached to a planning decision. Failure to respond to a Planning Contravention Notice is a criminal offence.

## **8. FORMAL ENFORCEMENT ACTION**

Pursuing formal enforcement action is a discretionary measure available to the Council and should only be taken when it is considered expedient in the public interest to do so. Determining what kind of formal enforcement action to take will be considered on a case-by-case basis by the case officer.

There are a range of formal notices available to the Council when seeking to resolve a breach of planning control. The case officer will ensure that only the notice considered the most appropriate and proportionate will be served in pursuance of resolving a breach of planning control.

Every notice served by the planning enforcement team will feature the following information:

- The land to which the notice relates
- The name and address(es) of the intended recipient (as well as information regarding any other recipient(s))
- The breach of planning control the notice has identified

- The requirements the recipient(s) must undertake to resolve the breach of planning control.
- The period of compliance and the effective date of the notice.

Depending on the type of notice served, information relating on how to appeal the notice will be enclosed, as well as a warning of the potential criminal penalties should the notice not be complied with within the period of compliance.

There are various tools at the disposal teams of the planning enforcement team which resolving breaches of planning control such as:

### **Enforcement Warning Notice**

Where a Council considers that, subject to planning conditions, there is a reasonable chance that planning permission would be approved, then a Enforcement Warning Notice may be served section 172ZA of the Town & Country Planning Act 1990. The Enforcement Warning Notice would state a specified period within which the application must be submitted to the Council for consideration.

### **Enforcement notice**

The Council will serve an enforcement notice where there has been a breach of planning control and it is considered expedient to serve an enforcement notice. The notice will clearly state what the alleged breach is, the requirements to remedy the breach of planning control and also the timeframe to comply. This is the most common formal enforcement action that the Council issues. There is a right of appeal against this type of notice.

### **Breach of condition notice**

A breach of condition notice is served when a condition that was attached to a planning permission has not been complied with. There is no right of appeal against this type of notice.

### **Temporary stop notice / stop notice**

The Council reserves the right to serve both Temporary Stop Notices and Stop Notices where it is considered expedient to do so.

A Temporary Stop Notice allows the Council to act quickly to prevent, or significantly reduce, works or activities taking place on a site for up to 56 days. Its purpose is to stop unauthorised development that is causing, or is likely to cause, significant harm while the Council investigates the matter or considers further action.

A Stop Notice prohibits some or all of the activities that constitute the alleged breach of planning control identified in a related Enforcement Notice.

A Stop Notice cannot be served before an Enforcement Notice, but it may accompany one or take effect before the Enforcement Notice becomes operative.

## **Planning Enforcement Order**

A planning enforcement order allows the Council to take action in relation to an alleged breach regardless of whether the breach is now immune. It is used where a person has deliberately concealed a breach of planning control.

## **Listed Building Urgent Works Notice**

This type of notice may be served where works are urgently necessary for the preservation of a listed building. The notice will list the required works and the timescale to complete the works by. If the owner does not carry out those works, the Local Planning Authority must carry them out and attempt to recover the costs from the owner.

## **Listed Building Repairs Notice**

If the Council consider that a listed building is not being properly being maintained then a Repairs Notice can be served which gives the owner an opportunity to carry out the necessary works. If the works are not carried out then the Council can compulsorily purchase the building.

## **Listed Building Enforcement Notice**

This type of notice is similar to enforcement notice. If unauthorised works have been carried out without listed building consent, or in breach of a condition attached to a listed building consent, the Council may choose to serve a Listed Building Enforcement Notice. The Notice legally requires works to be carried out to either bring the building back to its former state or, where that is not practical or desirable, to alleviate the effect of the unauthorised works. There is a right of appeal against a Listed Building Enforcement Notice.

## **Section 215 notice**

The Council can serve a Section 215 Notice on the owner/occupier of any land or building where it is considered to have an adverse effect on the amenity of the area. The notice would require those that the notice has been served on to tidy the site and the Council can prosecute if the notice is not complied with.

## **Prosecution**

Pursuing prosecution for criminal offences under planning legislation can place significant demands on both the time and financial resources of the Enforcement Team. For this reason, prosecution is not an automatic response to a breach. Each case will be considered individually, taking into account the likely effectiveness of prosecution, the resources required, and the desired outcome.

However, the Council will normally seek to prosecute where an individual or organisation fails to comply with a valid Enforcement Notice, or commits other clear criminal offences such as unauthorised works to a listed building or protected tree.

All prosecutions must be authorised in accordance with the Council's Constitution before being initiated, and will be pursued in line with the Code for Crown Prosecutors, ensuring that both the evidential and public interest tests are met.

### **Direct Action**

The Council may consider taking Direct Action to resolve a breach of planning control where all other reasonable steps have failed, or are likely to fail, to achieve compliance.

Because this approach can involve significant cost and potential risks to officer safety, each case will be carefully assessed and authorised before action is taken.

Where Direct Action is pursued, the Council may recover its costs from the landowner or place a charge on the land in accordance with section 178 of the Town and Country Planning Act 1990.

### **Injunction**

In exceptional circumstances, the Council may apply to the Court for an injunction to prevent or restrain a continuing or anticipated breach of planning control.

Because this is a serious and resource-intensive measure, it will only be pursued where no lesser action would achieve the desired outcome and it is clearly in the public interest to do so.

## **9. IMMUNITY**

The Levelling Up and Regeneration Act 2023 amended section 171B of the Town and Country Planning Act 1990 in England. This section sets out the time limits within which the Council can take enforcement action against a breach of planning control.

Before the amendment, which took effect on 25 April 2024, section 171B provided that:

1. Building, engineering, mining or other operations became immune after four years from the date on which the works were substantially completed.
2. A change of use to a single dwellinghouse became immune after four continuous years from the date of the breach.
3. All other changes of use and breaches of condition became immune after ten continuous years from the date of the breach.

The 2023 amendment replaced these limits with a single **TEN-YEAR** period for taking enforcement action against **any** type of breach, including operational development, material changes of use, and breaches of condition.

However, if the development or change of use was substantially complete or active before 25 April 2024, the previous four-year limits continue to apply.

## **10. COMPLAINTS**

The Council is committed to providing an efficient, fair and effective planning enforcement service, and to maintaining good relations with all residents, businesses and stakeholders.

If you believe there has been a failure in the service provided by the Planning Enforcement Team, you can raise this by submitting a comment or complaint through the Council's formal complaints procedure.

Details of how to do this are available on the Council's website at:  
[Complaints – Welwyn Hatfield Borough Council](#)