



Planning and Development
Brent Civic Centre
Engineers Way
Wembley
Middlesex HA9 0FJ

Tel: 020 8937

Email: @brent.gov.uk

Web: www.brent.gov.uk

Owner/Occupier of
Address

Our Ref: E/XX/XXXX
Contact: Case Officer
Date

Dear Sir/Madam

Town & Country Planning Act 1990 (as amended)

Thank you for your complaint received , regarding:

Property address in question

I can confirm that it has been registered and given the reference number **E/XX/XXXX** . This case and it has been allocated to me for review and follow up an with an investigation, if it is warranted.

In the meantime in order to help me with my review and/or investigation/review, it would be helpful if you could provide me with the following information by email, if you have not already done so:

- **photographs of the issue of concern**
- **further details of the activities you are complaining about**
- **when they first commenced and**
- **what impact they have on you.**

Unfortunately due to the number of complaints the Council receive, it is necessary to prioritise cases. Therefore the cases which cause the greatest problems will be dealt with first. Other cases where limited or no harm has been identified will go to the back of the queue. Therefore it is important to provide the information requested above to allow a prioritisation procecess to take place.

If, from the evidence you have provided, there does NOT appear to be a harmful breach of planning control, I will close the case and take no further action on the matter.

If, from the evidence you have provided, it indicates that there IS a breach of planning control, then I will investigate the matter.

Please find printed on the back of this letter our standard leaflet – *"Planning Enforcement Investigation Guide"* with this letter which gives further information about the enforcement process and the service we can provide. This may answer any questions you have.

If you have any other queries, you may email or telephone me using the contact details at the top of this letter. Due to the volume of complaints received, you may be asked to leave a message and I will call you back. I will not automatically update you except at the stages identified on the attached Guide.

Please quote the enforcement reference number **E/XX/XXXX** in all correspondence.

If you would like more information on the Council's Enforcement Policy it can be viewed on the Brent Council web-site at www.brent.gov.uk.

Yours faithfully,

Case Officer's name/surname
Principal Planning Enforcement Officer
COMMUNITIES AND REGENERATION



Brent - building a better borough

Planning Enforcement Investigation Guide

The construction of buildings without planning permission or unauthorised changes in the use of buildings or land can have a damaging effect on the local area.

Brent Council's planning enforcement team works to protect the local environment and quality of life for people living in the borough by taking action to enforce planning rules where development which is taking place without permission and is causing harm to an area or to people.

This leaflet is an easy to use guide to how the service works. It tells you what the Council will do when a complaint is made that planning rules have not been followed.

Planning enforcement is a very complex area of law and we have tried to make it as easy to understand as possible. This guide gives a brief summary of planning enforcement and what you can expect from the Planning Service. For more detail please refer to the Council's Planning Enforcement Policy. This is available on the Planning section of the Council's website at www.brent.gov.uk.

What is a breach of planning control?

- **A breach of planning control** is when building works or use/activities are carried out without the necessary planning permission being obtained in advance. This could be the construction of a building without planning permission, a change in the use of land or a building or the display of an unlawful advertisement.
- **A breach of planning control** is not a criminal offence.
- **Planning permission** can be applied for after development has taken place –The Council may encourage this where it may help the issues to be examined.
- **No enforcement action** can be taken against works which have been largely completed more than 4 years ago (or 10 years in the case of changes of use or breaches of planning conditions).
- **Not all building works or uses** need planning permission. These are known as 'permitted development' and allow quite large alterations and extensions to be made to buildings as well as outbuildings under certain conditions. There are also other things which are **NOT** breaches of planning control. These include:
 - Internal works to most buildings unless they are listed (of high architectural or historic value).
 - Obstruction of a highway or public right of way.
 - Parking commercial vehicles on the highway in residential areas or on grass verges
 - Parking a caravan within the residential boundary of a property, provided that it is not lived in or used as part of the home.
 - Clearing land of vegetation, unless it is subject to planning protection.
 - Operating a business from home if the residential use remains the main use.
 - Boundary disputes.
 - High hedge disputes.
 - Deeds and covenants.
 - Trespassing on land
 - Health and safety issues

Priorities

The Council will focus its resources on the breaches which in their view cause the most serious planning harm. Not all breaches of planning control will be pursued. We will however, always tell you if we do not intend to follow up a breach. If we decide to take action, we will continue with that action until the situation is resolved or there is no longer a reasonable prospect of success.

What can I do if I think someone is breaching planning control?

The planning enforcement service is concerned with resolving serious breaches of planning control. It does not deal with neighbour or business disputes or a change to the environment that an individual or group of residents may not like. There must be **significant harm** to public amenity, safety or the environment for enforcement action to be justified.

As a first step, consider if the potential breach is something you could resolve yourself by speaking with your neighbour or the person who you feel is causing the harm. It is far better to resolve things by agreement if you can, than formerly involve the Council. Indeed in some instances, the Planning Service will be unable to help



you either because it does not require planning permission or it is not serious enough to warrant formal enforcement action.

If you feel unable to speak to your neighbour and you consider that significant harm is being caused, you can contact us by phone, letter, email or fax. We regret that we are unable to accept telephone complaints unless there is a good reason why you are unable to put your complaint in writing. We will not deal with anonymous complaints. Therefore we are not able to register or start to deal with your complaint unless we have your name and contact details, as well as the following information:

- *The site address or location*
- *What the development or activity is that is causing the harm, when it began and as much information as you can give about it and who you consider is responsible for it*
- *Details of the way in which the development or activity is having a harmful impact on you*

Details of how to contact us are at the end of this leaflet.

Will my details be made public?

- No, unless the Council need to release the information for the legal purposes.
- We may ask for your permission to make your details public if a case is pursued and your evidence is an essential part of the Council's case.

If you are worried about giving your details to the Council, you could contact your local ward councillor, who may make the complaint on your behalf.

If I am told action will be taken in respect of my complaint what form will it take?

This can vary but will normally take the form of an enforcement notice requiring action to remedy the breach/undo the development. You will be notified within 3 working days of any action taken or notices served by the Council in respect of your complaint.

How long will it take?

Planning enforcement is not a quick process. The initial investigation can take several weeks to complete and attempts will be made to resolve the situation without formal enforcement action first, sometimes through the submission of a retrospective planning application. If an enforcement notice is served, there are rights of appeal which can delay the matter even further. In some circumstances it may take one to 12 months to resolve.

How will I be kept informed of progress on dealing with my complaint?

The Council will aim to contact you by letter at the following stages of their investigation:

- To acknowledge your complaint within 7 working days of receiving it.
- To notify you whether we consider there has been a breach of planning control.
- Within 3 working days of the issue of any formal notice by the Council in respect of the breach.
- To notify you if an appeal has been made against an enforcement notice.
- To notify you of an enforcement appeal decision.
- To notify you of if the Council decide to prosecute or to carry out direct action to remedy the breach.

We will **NOT** routinely contact you other than at these stages in the process but you may contact the case officer to obtain an update on progress.

How to contact the planning enforcement team:

Telephone: 020 8937 5280 or **Email:** planningenforcement@brent.gov.uk

Post: Planning Enforcement Team, Planning and Regeneration, 7th Floor, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ

