

Brecon Beacons National Park Authority

Planning Enforcement Charter

Approved July 2008 (revised September 2011)



Introduction

This document describes the National Park Authority's procedures for enforcing compliance with planning controls. It is a guide for those affected by breaches of planning and listed building control who may wish to know what steps the Authority can take and the timescale involved in achieving a result.

The Authority recognises the importance of an effective planning enforcement service within the National Park and has established a dedicated Enforcement Team which is responsible for investigating reported breaches of planning control.

However, enforcing compliance with planning controls can be both time consuming and complex. In many cases the Authority will try to negotiate compliance rather than pursue formal action although in those cases where serious environmental damage or demonstrable harm is being caused on the local amenity of the area, or where damage is being caused to protected landscapes, trees and listed buildings, the Authority will use the full range of its enforcement powers to bring the matter speedily under control.

Whilst it is a criminal offence to carry out unauthorised works to a listed building or a protected tree, it is not illegal or an offence to carry out a development or use that does not have proper planning permission. It is merely unauthorised and no criminal offence has been committed. Only when the Authority has served formal enforcement or similar notices, all avenues of appeal have been exhausted and time periods for compliance have expired, does the person responsible for the unauthorised use or development become liable to prosecution and, if found guilty, acquire a criminal record.

The person against whom an enforcement notice is served has rights of appeal which must be respected and this can result in some delay in securing a resolution of the matter.

The Authority can only use its enforcement powers effectively if there is sufficient robust evidence available to demonstrate clearly that a breach of planning and/or listed building control has occurred.

What is a breach of Planning Control?

There are two main ways in which a breach of planning control can occur:

- Building works or engineering operations or changes in the use of land or buildings that are carried out without the necessary planning permission.

However, not all building/engineering work or changes of use require planning permission. Many are either considered not to be development at all or are defined as 'permitted development', meaning that an application for planning permission is not necessary. For example, the erection of a small house extension or a garden shed within specified limits may not need planning permission (being classed as 'permitted development').

- Where planning permission has been granted but the approved plans and/or the conditions attached to the approval have not been followed properly.

For example, a building may be larger than shown on the approved plans or a condition that specifies the working hours of a business may have been breached. To assist in identifying such breaches the Authority liaises with the local authority building control departments. Where a breach is suspected, a site visit will be carried out to ensure the development is in accordance with the approved plans.

The Brecon Beacons National Park Authority's Policies on Planning Enforcement

This charter should be read in association with Circular 10/97 (Enforcing planning control: legislative provisions and procedural requirements) and Technical Advice note 9 (Wales) Enforcement of Planning Control.

Policies

Who can report a breach of planning control?

The Brecon Beacons National Park Authority Planning Services gives equal access to members of the public and does not discriminate against age, gender, race or disability.

We accept that many people do not like to make formal complaints to the Authority; however Planning Enforcement is mainly a complaint driven department. Your details will remain confidential and will not be publicly available.

ENF 1 - The Brecon Beacons National Park Authority Planning Enforcement Service is available to all sections of the community, regardless of age, gender, race or disability.

How to report a possible breach of planning control?

The Brecon Beacons National Park Authority requires that all complaints relating to possible breaches of planning control be submitted using the electronic complaints system on the Authority's website, alternatively in writing (more information provided further in this document). If a complaint is reported via the telephone, officers will send a complaint form to be completed. The complaint form will indicate what information is required by the complainant in order that consideration can be given to warrant an investigation. The information required to be accompanied by the complaint form or uploaded with the electronic complaints system will include the full name, address and a contact telephone number of the complainant in the first instance. To manage complaints effectively the complaints form must include an address, a grid reference or a site location plan and the nature of the alleged breach of planning control, Photographs, and diary logs would also be very useful if they are available. The Brecon Beacons National Park Authority will not process anonymous complaints. Without sufficient information provided, the Authority will not register a complaint until it is satisfied the matter warrants an investigation.

ENF 2 - The Brecon Beacons National Park Authority will only investigate complaints which have been made in writing and where the complainant has provided all the relevant information and evidence required.

How the Authority will treat information which is held in relation to enforcement cases?

The Brecon Beacons National Park Authority recognises the importance of confidentiality. Personal information provided by complainants will not be disclosed to any other parties without the complainant's authority.

ENF 3 - Any personal information disclosed to the Brecon Beacons National Park Authority Enforcement Team will remain confidential.

How the Authority will consider the breach of planning control?

When the Authority receives a completed complaint form with supporting evidence outlining that unauthorised development has occurred, the Authority will initially consider whether the complaint constitutes unauthorised development that requires planning permission ('development' as defined by Section 55 of the Town and Country Planning Act 1990).

Where it is identified that the complaint is not 'development' the Authority will aim to write to the complainant informing them of the decision.

In making decisions on planning applications the Authority considers the proposed development against the policies of the current development plan. The policies of the plan are a material consideration for determining planning applications and should be equally relevant for enforcement action. There are no specific policies in the Brecon Beacons National Park Unitary Development Plan (approved March 2007) which relate to enforcement action; it is therefore appropriate for this policy to affirm the importance of the Local Plan.

ENF 4 - The Brecon Beacons National Park Authority will use enforcement powers against unauthorised development, when and where it is necessary, in order to reinforce Unitary Development Plan Policies.

How the National Park approaches planning enforcement?

The Brecon Beacons National Park Authority will initially aim to resolve breaches of planning control by negotiation with the owner or occupier of the land.

The aim of negotiating will be to resolve the breach of planning control voluntarily, with the owner or occupier of the land to take steps, if any are available, to reduce any adverse effects on public amenity to an acceptable level.

However, Brecon Beacons National Park Authority will consider the statutory time limits for taking enforcement action and that prompt initiation of enforcement action may be necessary to prevent an unacceptable breach of planning control from becoming well established and more difficult to remedy.

ENF 5 - The Brecon Beacons National Park Authority will negotiate with the owners or occupiers of the land in an attempt to resolve the breach of planning control. When and only when, negotiations have broken down will the Authority consider taking formal enforcement action.

Where acceptable, but unauthorised, development has been carried out

During the course of the enforcement investigation the Brecon Beacons National Park Authority will assess whether it is likely that unconditional planning permission would be granted for development which has already taken place if a retrospective application were submitted.

Where it is considered that the unauthorised development is acceptable in terms of the policies set out in the Brecon Beacons National Park Authority Unitary Development Plan, the enforcement team will invite the person responsible for the unauthorised development to submit a retrospective application for planning permission

In these circumstances, the Brecon Beacons National Park Authority will inform the owner or occupier of the land that if in the future they wish to dispose of their interest in the land and have no evidence of any permission having been granted for its development, this may be reflected in the valuation and give rise to uncertainty about the rights they have over the land.

ENF 6 - The Brecon Beacons National Park Authority will not issue enforcement notices on cases where, in its opinion, there is no significant planning policy objection solely to remedy the absence of a valid planning permission.

Where unauthorised development could be made acceptable through the imposition of conditions

Where the Brecon Beacons National Park Authority considers that an unauthorised development could be made acceptable by the imposition of planning conditions, the Authority will invite the owner or occupier of the land to submit an application for planning permission.

The Brecon Beacons National Park Authority will make it clear to the person concerned that the it does not wish the development to cease, but that it has a public duty to safeguard amenity by ensuring that development is carried out, or continued, within acceptable limits, having regard to local circumstances and relevant planning policies.

If after a formal invitation to do so, the owner or occupier of the land refuses to submit a planning application which would enable the Brecon Beacons National Park Authority to consider granting conditional planning permission, then the Authority will issue an enforcement notice if, in its view, the unauthorised development has resulted in any unacceptable injury to public amenity, or damage to a statutorily designated site, which can only be satisfactorily removed or alleviated by imposing conditions on a grant of planning permission for the development.

ENF 7 - Where unauthorised development is seen to be acceptable if conditions to control the development were in force, then the Brecon Beacons National Park Authority will invite the owner/occupier to submit a planning application. If a planning application is then not submitted, the Brecon Beacons National Park Authority shall consider whether it is expedient to warrant further enforcement action.

Where unacceptable unauthorised development warrants immediate action

Where the Brecon Beacons National Park Authority receives a complaint that an unauthorised development is causing unacceptable harm to public amenity, and there is little likelihood of the matter being resolved through negotiations or voluntarily, the Authority will take vigorous enforcement action to remedy the breach urgently, or prevent further serious harm to public amenity.

ENF 8 - The Brecon Beacons National Park Authority will take formal enforcement action to resolve an unauthorised development, only when and where the Authority considers that the unauthorised development is causing an unacceptable harm to the public amenity and there is little likelihood of resolution through negotiations.

Unauthorised development by private householders

Where the householder appears to have relied on permitted development rights as authorisation for the development, but a specified limitation has been exceeded in carrying it out, in considering whether it is expedient to take enforcement action, the Brecon Beacons National Park Authority will have full regard to what would have been permitted if the development had been carried out in strict accordance with the relevant provisions. The Brecon Beacons National Park Authority will not normally take enforcement action in order to remedy only a slight variation in excess of what would have been permitted by virtue of the General Permitted Development Order provisions.

ENF 9 - The Brecon Beacons National Park Authority will only take further enforcement action where, an unauthorised development is grossly in excess of what would have been permitted by the relevant provisions of the Town and Country Planning (General Permitted Development) Order 1995.

Unauthorised development relating to listed buildings

Unauthorised developments that are carried out without the necessary listed building or conservation area consent, or by failing to comply with a condition attached to that consent, is an offence under Section 9 and 59 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In this instance the Brecon Beacons National Park consider it vital that any unauthorised development, which it considers to have a seriously detrimental effect on the listed building, be enforced against. The National Park will consult with the National Park Building Conservation Officer and if necessary CADW prior to taking any formal enforcement action.

ENF 10 - The Brecon Beacons National Park Authority will take enforcement action against unauthorised developments or breaches of conditions where it is considered to have a serious detrimental effect to the listed building.

Control over mineral working

Mineral planning control is well established as part of the general planning system and there are no separate enforcement powers for unauthorised mineral working. The general policies and principles applicable to enforcement apply equally to mineral cases.

Unauthorised mineral working sometimes poses particular enforcement problems, both in terms of the occasionally irremediable nature of the working and the speed at which damage can be caused as well as the fact that they will have no arrangements for restoration and aftercare of the land or even an agreed after use.

While the powers available to local planning authorities are helpful in preventing damage which would otherwise be virtually or totally irremediable, either to the site itself or to its surroundings, it is clearly preferable for there to be effective liaison and contacts between local planning authorities and minerals operators, which would avoid contraventions of planning conditions and enable any problems to be resolved through discussion and co-operation.

ENF 11 - The Brecon Beacons National Park Authority will take formal enforcement action against unauthorised mineral workings and breaches of conditions relating to mineral related planning permissions, when and where they consider it necessary in order to safe guard public amenity and/or where the special qualities of the park are threatened.

Control over waste disposal

Unauthorised waste disposal and landfill sites sometimes poses particular enforcement problems, both in terms of the occasionally irremediable nature of the working and the speed at which damage can be caused as well as the fact that they will have no arrangements for restoration and aftercare of the land or even an agreed after use.

While the powers available to local planning authorities are helpful in preventing damage which would otherwise be virtually or totally irremediable, either to the site itself or to its surroundings, it is clearly preferable for there to be effective liaison and contacts between local planning authorities and waste operators, which would avoid contraventions of planning conditions and enable any problems to be resolved through discussion and co-operation.

ENF 12 - The Brecon Beacons National Park Authority will take formal enforcement action against unauthorised waste disposal and breaches of conditions relating to authorised waste disposal sites, when and where they consider it necessary in order to safe guard public amenity and/or where the special qualities of the park are threatened.

Tipping and Land adversely affecting the amenity of a neighbourhood

The depositing of refuse or waste material on land is development by reason of a material change of use because of specific reference in Section 55(3)(b) of the Town and Country Planning Act 1990

The rural and isolated landscape of the National Park provides opportunity for tipping to discreetly take place away from the public eye. It is often very difficult to identify the individual who has tipped; however where possible the Authority will identify the owner of the land where the tipping has taken place and seek to resolve the matter through negotiation. Where this is not possible the Authority will take formal enforcement action to resolve the unauthorised material change of use of land.

In instances where complaints relate to land which is adversely affecting the amenity of a neighbourhood, the Brecon Beacons National Park Authority has powers under Section 215 of the Town and Country Planning Act to secure proper maintenance of the land. This can also relate to private gardens which adversely affect the amenity of a neighbourhood, however each complaint will be investigated and only when negotiations have failed will Brecon Beacons National Park Authority consider taking formal action under Section 219.

ENF 13 - The Brecon Beacons National Park Authority will take formal action against unauthorised tipping and land which is adversely affecting the amenity of a neighbourhood, when and where they consider it expedient to do so.

Tree Enforcement

Trees play a unique role in enhancing the quality of life in urban and rural by the provision of aesthetic, environmental and societal benefits. The National Park recognises this and seeks, where appropriate, to protect its tree population with tree preservation orders. These orders can be on individual trees, groups of trees or trees identified on an area of land.

Where planning permission has been granted for a development where a protected tree is to be removed, then the planning permission grants permission for the tree to be removed, without further permission being granted from the National Park Authority.

Where unauthorised works have been undertaken to a tree which is protected by a tree preservation order, the National Park will take formal enforcement action, when and where it is considered expedient.

ENF 14 - The Brecon Beacons National Park Authority will take enforcement action against breaches of planning control related to protected trees, when and where the Authority consider it expedient to do so.

Unauthorised Advertisements

An advertisement is a poster, placard, a fascia sign, a projecting sign, pole sign, canopy sign, model and device, advance sign and directional sign, estate agents boards, captive balloon advertisements (not balloons in flight), flag advertisements, price displays, traffic signs and place name signs. Memorials and railway signals are not advertisements.

The standard conditions in the regulations for all advertisements are that they are kept clean and tidy and in a safe condition. They must have the permission of the site owner including the Council on highway land. They must not block the view of road, rail, waterway or aircraft signs and they must not be so permanent that they cannot be removed if required.

The Brecon Beacons National Park is a protected landscape; this protected landscape can be harmed by the erection of unauthorised signs and advertisements. Signs that require advertisement consent which are being displayed without the benefit of advertisement consent and are considered a threat to either the visual amenity of an area or causing harm to highway users will be susceptible to enforcement action.

ENF 15 - Where unauthorised signs or adverts are erected or displayed which cause harm to the visual amenity or highway safety. The Brecon Beacons National Park Authority shall take formal enforcement action to secure the removal of the unauthorised advertisement.

Where enforcement action will not be considered

Some complaints and requests for enforcement action received by the Brecon Beacons National Park Authority are malicious or are a result of conflict between neighbours or land owners.

The Brecon Beacons National Park will screen anonymous complaints, complaints which are potentially private disputes and non planning issues. If there are private or civil law solutions to these complaints the Authority will not become involved. Similarly, if other regulatory agencies have been contacted and are more empowered to control a situation, the Authority will not duplicate such enforcement action.

ENF 16 - The Brecon Beacons National Park Authority may not consider taking enforcement action if a complaint is:

- **Anonymous**
- **Malicious in nature**
- **A Neighbour dispute**
- **A civil matter**
- **A non planning related matter**
- **Being enforced by a more empowered agency and the complaint is a duplicate**

Enforcement and other government bodies or agencies

It is often essential to liaise with other local authorities, departments and external agencies, for example the Environment Agency Wales, when investigating breaches of planning control. The Brecon Beacons National Park Authority considers liaising with third parties agencies an integral part of the current approach to planning enforcement and is vital for thorough investigations.

ENF 17 - The planning enforcement function of the Brecon Beacons National Park Authority will be integrated with the regulatory functions of other Local Authority departments or external agencies when and where it is considered appropriate.

Proactive planning enforcement

The Brecon Beacons National Park Authority believes that “prevention is better than cure” and as such will proactively seek to inform members of the public and local Community Councils of the different types of breaches of planning control, what to do if a breach is identified, how to report a potential breach of planning control and how the Town and Country Planning (General Permitted Development) Order 1995 affects planning enforcement, this will be provided within the Brecon Beacons National Park Authority publication “A Guide to Planning Enforcement”. Enforcement Officers of the National Park Authority may also be available to attend Community Council Meetings to provide further information if resources allow.

ENF 18 - Proactive enforcement of regular or anticipated breaches of planning control will be undertaken by the Brecon Beacons National Park Authority as and when resources permit.

How do we take formal action?

The Authority will notify the transgressor that enforcement action is being considered - this allows a further chance for a negotiated settlement.

The Authority will then begin preparing the formal Notices or legal proceedings if necessary.

Serve the Notices on all parties with an interest in the site, as defined under the Town and Country Planning Act 1990.

The Notice will specify the steps that need to be undertaken within an appropriate timescale.

In the case of unauthorised works to listed buildings and/or to protected trees, the Authority can proceed to instigate prosecution proceedings without having to first serve an Enforcement Notice (as such unauthorised works are unlawful and therefore potentially constitute a criminal offence).

What happens after notices are served?

The recipient of a Notice will either:

- comply with the Notice (in which case the matter is closed);

or

- contest the Notice by way of an appeal to the Planning Inspectorate Wales or challenge in a Court of Law, where this is appropriate.

Hearing a case on appeal will take time and can often delay proceedings particularly if a public inquiry has to be arranged.

If the appeal against the Notice does not succeed the formal Notice comes into force, although there can be further challenges to the Authority's action. If the appeal is successful and/or planning permission is granted, then this is normally the end of the matter.

If the Notice is upheld or there is no appeal but it is still not complied with, the Authority may then consider prosecuting the perpetrator in the criminal courts.

We will keep complainants advised of progress at key stages during these proceedings, for example, when an appeal is received or when a case is to be heard in the local Magistrates Court.

The Enforcement Powers

Listed below is a brief description of the various enforcement powers available to the Authority. 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 Authority will seek to use the most effective power available to remedy a breach of planning control.

Planning Contravention Notice

This Notice enables the Authority to require detailed information about suspected breaches of planning control.

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; and
- the nature of any legal interest in the land and the names and addresses of any other person known to have an interest.

The service of a Planning Contravention Notice does not stop the Authority taking other formal action against a breach of planning control. The recipient of a Planning Contravention Notice 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 by the Authority in a Court of Law.

The penalty for non-compliance with a Planning Contravention Notice can result in a fine of up to £1,000. Similarly, if any person makes a false or misleading statement he/she shall be guilty of an offence on conviction (maximum penalty £5,000).

A Planning Contravention Notice cannot be served in respect of any suspected breaches of listed building control.

Enforcement Notice

This is the principal form of Notice used to deal with unauthorised development. As in all other forms of action it is subject to the Authority and its legal advisors being satisfied that a breach of planning control has occurred.

Above all, the Authority must be satisfied that it is expedient to serve an Enforcement Notice having regard to the development plan and to any other material considerations.

Such a Notice must specify the time at which it takes effect, what steps must be undertaken to remedy the breach and a time period in which those steps must be undertaken.

An appeal against an Enforcement Notice must be made before the date on which the Notice takes effect (normally within 28 days of service). If an appeal is made, the requirements of the Notice are suspended until the appeal has been decided.

Non compliance with the requirements of an Enforcement Notice is a criminal offence against which the Authority can instigate prosecution proceedings. The maximum fine in the Magistrates Court is £20,000 and is unlimited in the Crown Court. 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.

Listed Building Enforcement Notice

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. The Notice must specify time constraints for securing compliance with the requirements of the Notice.

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.

Breach of Condition Notice

If any conditions imposed on a grant of planning permission or listed building consent have not been complied with, the Authority can serve a Breach of Condition Notice to require the recipient to secure compliance with the condition/s.

The Breach of Condition Notice will specify the steps which the Authority considers should be taken or the activities which the Authority considers ought to cease, in order to secure compliance with the condition/s specified in the Notice.

There is no right of appeal against a Breach of Condition Notice although the Authority's decision to issue a Breach of Condition Notice can be challenged in the Court.

If the requirements of the Notice have not been met within the prescribed period, the person responsible is in breach of the Notice and shall be guilty of an offence on conviction (maximum penalty £1000) should the Authority decide to prosecute the matter.

Injunctions

Where the 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. 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.

Stop Notice

The Authority can serve a Stop Notice at the same time as an Enforcement Notice where it considers it expedient to take urgent action, in order to bring a particularly offensive activity to stop sooner than an Enforcement Notice.

The exercise of the power to serve a Stop Notice is discretionary, and the fact that it is expedient to issue an Enforcement Notice, will not automatically mean that it will be expedient to serve a Stop Notice. If a Stop Notice is served it will have effect either immediately or within a few days and even if an appeal is made against the accompanying Enforcement Notice, the Stop Notice must be complied with or if not the Authority can prosecute the offender.

As a breach of listed building control is in itself a criminal offence, there is no need or provision for serving a Stop Notice in respect of a breach of listed building control.

Section 215 Notice

The 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 affect 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 not legal proceedings can be taken by the Authority.

Advertisements

Some advertisements may not be displayed without prior approval by the Authority. In such cases, the 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 offence to amenity or traffic safety).

Why can enforcement action take so long?

Many of the reasons have been explained above but it is often frustrating to complainants that despite contacting the Authority, the activity which is causing concern still persists. Some of the factors which can result in apparently slow progress include:

- the gathering of satisfactory robust evidence;
- continuing negotiation to try to resolve the matter with the offender without pursuing formal action;
- consideration of an application seeking to remedy the matter; and
- awaiting determination of an appeal against formal Notices.

How to report a breach of planning control

All suspected breaches of planning and listed building control should be reported to the Brecon Beacons National Park Authority using the electronic complaints system on the Authority's Website (www.breconbeacons.org) which is to be accompanied by supporting evidence (i.e. photographs, location plan, diary logs etc.). In the absence of internet access, you can ring and request an enforcement complaints form by ringing the Planning Services Helpdesk on **01874 620431** where a form will be sent to you. We rely upon the help of the public to bring such breaches to our attention.

What happens next?

Upon receiving a complaint with supporting evidence the Authority will:

- Acknowledge complaints within 5 working days from receipt.
- Assess whether the complaint and supporting evidence constitutes unauthorised development (defined under Section 55 of the Act) to warrant an investigation.
- If there is insufficient evidence to support the complaint, the complainant will be notified that the matter will not be registered until the necessary information has been supplied.
- Following receipt of sufficient documentation, the matter will be registered and categorised in line with prioritisation system (prioritisation list attached to the end of this charter).
- Complainants will be notified of case reference and the priority the case has been given and approximate timescales of when an initial site visit is likely to take place.
- Investigate the details of the complaint
- Establish whether a breach of planning control or listed building control has taken place.
- Try to negotiate a solution with the "transgressor" if the development/use can be stopped or if there is a possibility that planning permission might be granted.
- Where there is no breach found, the complainant will be notified that no action is proposed.
- Where a breach has occurred, we will gather sufficient robust evidence as necessary to be satisfied that formal action is justified.
- Consider the expediency of taking formal enforcement action having regard to the development plan and all other material considerations.
- If the Authority does not consider that formal enforcement action is expedient then the complainant will be notified in writing of the reason/s why the Authority is not taking any further action.

Complaints about the Planning Enforcement Service

All complaints relating to the Planning Enforcement Service will be acknowledged by the Authority within 5 working days. All complaints will be fully investigated by the Authority and the complainant will receive a written response within 20 working days of receipt of the complaint.

In the first instance, all Planning Enforcement Service complaints should be addressed to:

Director of Planning
Brecon Beacons National Park Authority
Cambrian Way
Brecon
LD3 7HP

If a complainant remains dissatisfied with the written response from the Director of Planning, then details will be supplied for pursuing the complaint further through the Authority's Formal Complaints System. The Authority will always strive to resolve a complaint locally but if this is not possible, the complainant will be advised on how to pursue the matter further with the Commissioner for Local Administration (the Ombudsman).

Freedom of Information

The Freedom of Information Act 2000 gives a general right of access to information held by public authorities. The Authority holds much information including information relating to pre-application advice, planning applications and appeals. The presumption will always be in favour of disclosure of such information. This is because it is important for the Authority to promote accountability and transparency in the planning process and to allow individuals to understand views expressed and the reasons underlying decisions that have been taken.

With the exception of complaints relating to irreplaceable assets, anonymous complaints may not be investigated. Your details will be treated in strictest confidence and are exempt from disclosure under section 30 of part II of the Freedom of Information Act. However, in certain cases you may be asked to assist the Council by providing evidence at an appeal or in Court. Before this happens the Case Officer will ask for your consent. If you are unwilling to give your consent it is possible that the Authority would be unable to take further action.

Where the Authority does refuse a request to disclose information under the Act, a written explanation will be provided setting out the exemptions relied on by the Authority for withholding the information and the relevant appeal procedures.



Planning Services Enforcement

Prioritising of Complaints

Due to the volume of complaints received, each case is categorised in order of High, Medium and Low priority¹. This is based upon the severity of the breach of planning control.

The following list is not comprehensive but it is a guide as to the types of cases that are categorised in each form of priority.

High

- Unauthorised works to Listed Buildings
- Unauthorised works to Scheduled Ancient Monuments
- Unauthorised works in sites of statutory designations, i.e. SAC's
- Unauthorised large scale engineering operations
- Unauthorised felling/works to trees subject to TPO's (Tree Preservation Orders) or within a Conservation Area

Initial site visit to be undertaken within 24 hours of the registration of the complaint.

Medium

- Serious breach of conditions
- New Building works of medium scale
- Significant number of complainants suggesting importance
- Non compliance with conditions precedent conditions
- Unlawful advertisements suggesting significant visual detriment or highway safety

Initial site visit to be undertaken within 5 working days of the registration of the complaint.

Low

- Civil Issues
- Minor or small scale developments or engineering operations
- Alleged material change of use - not impacting residential amenity
- Development of a material change of use – Not residential.

Initial site visit to be undertaken within 10 working days of the registration of the complaint

¹ Based on The Planning Officers Society for Wales (POSW) classification system