

Frequently asked questions:

Problems after planning permission has been granted

<p>Can a planning permission be overturned?</p>	<p>The short answer is that nobody, other than the planning applicant, can overturn a planning permission.</p> <p>The Planning Portal, a website (planningportal.co.uk) produced by a private company in conjunction with the government's Ministry of Housing, Communities and Local Government), provides the following advice -</p> <p><i>"Can planning permission be overturned?"</i></p> <p><i>There is no third party right of appeal in England and Wales. Only the applicant can make an appeal against a granted planning application. This means you cannot appeal a planning application decision which you have not submitted yourself.</i></p> <p><i>If you have concerns over the process the local planning authority followed to make its decision, you can complain to the Local Government Ombudsman. However, the Ombudsman cannot investigate a complaint just because you do not agree with the decision. In addition, the Ombudsman has no power to alter the decision, even if the local authority administration has not been entirely correct".</i></p>
<p>What happens if there is failure to comply with a planning permission?</p>	<p>Failure to comply with a planning permission is a breach of planning control. This is dealt with by local planning authorities (LPA) in a similar way to breaches of planning conditions, below.</p>
<p>Can planning conditions be enforced, and how?</p>	<p>If development is being carried out which does not comply with a planning condition, this may be a breach of planning control.</p> <p>Where there is a breach of a planning condition, the local planning authority should first use dialogue to attempt to resolve the situation. If this fails they can issue –</p> <ul style="list-style-type: none"> • a Breach of Condition Notice (in simple, straightforward cases); or • an Enforcement Notice; or • a Temporary Stop Notice (where the breach is so serious that it must be halted without delay) <p>An Enforcement Notice will include the steps that must be taken to remedy the breach and the period within which these steps must be taken. If the enforcement notice is not complied with, the breach becomes a criminal offence.</p>
<p>Will a criminal offence occur?</p>	<p>A breach of planning control is not a criminal offence. The role of the local planning authority is to remedy the breaches, not to punish those responsible.</p>

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	A breach only becomes a criminal offence when the LPA has issued an Enforcement Notice or a Breach of Condition Notice and this notice has not been complied with.
What does National Planning Policy say about it?	<p>The National Planning Policy Framework (July 2021) para. 59 states policy regarding enforcement of planning control as follows -</p> <p><i>Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.</i></p>
Where can I find more details on the above matters?	Government guidance can be found by searching online using the words – gov uk enforcement and post permission matters