

PLANNING ENFORCEMENT

Presentation

by

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&

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Content

- What is Enforcement?
- What do we do?
- Planning Circular & Enforcement Charter
- Enforcement Toolkit
- Examples

What is Enforcement?

- An investigation of an alleged breach of planning control.
- It is a tool kit of varied **discretionary** powers
- Enforcement action is not a means of punishing offenders; that is a matter for the courts.
- Probably the most complex element of the planning system

What do we do?

Three questions:

- Is it “development”? Does it come within the scope of the act?
- Is it “permitted development”?
- Is it acceptable? Powers should not to be used to remedy minor and technical breaches.

Circular 10/2009

The general approach – 4 considerations

1. Primary responsibility with planning authority
2. Action should be taken without undue delay
3. Identify **unacceptable effect** on public amenity
4. Action commensurate with the breach of control

Enforcement Charter

- The Charter sets out;
 1. the role the Council plays in enforcement;
 2. the service we aim to provide; and
 3. what happens at different stages of the process

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Planning Enforcement Charter
December 2017



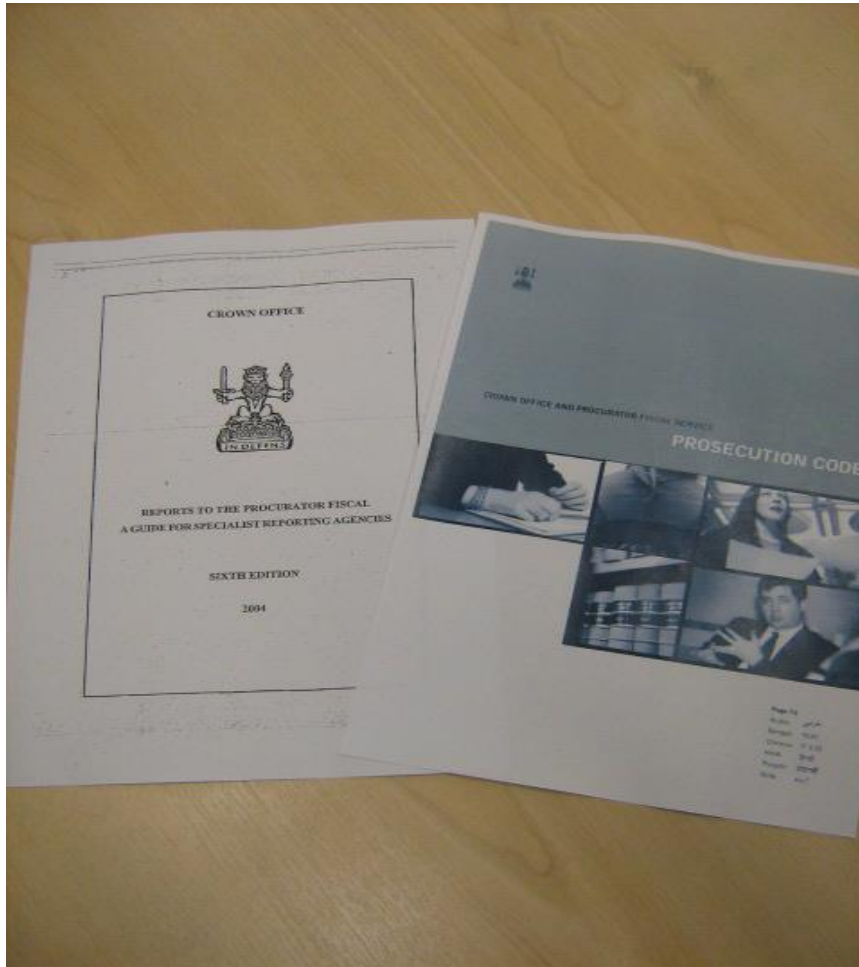
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What is the Enforcement Toolkit?



- **Enforcement Notices**
- **Stop Notices**
- **Direct Action**
- **Interdicts**
- **Prosecution**

Enforcement Toolkit, continued



- Prosecution
- Decision is taken by the Procurator Fiscal in the public interest

1. No breach identified



Do the works materially affect the external appearance of the building when looking at the building as a whole?



The works are not development under Section 26 (2)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. Breach identified and negotiated



Considerations

1. B Listed Building
2. Dalry Colonies Conservation Area

Steps taken to remedy breach

1. Letter sent asking the owners to paint the stairs to match the previous colour within 20 days.
2. Owners contacted myself to make sure the colour chosen was acceptable.
3. Follow-up site visit carried out to ensure the works were completed.



Timescale

- Enquiry registered in November 2017
- Site visit and letter sent within 20 days
- Enquirer updated within 20 days
- Repainting completed early January 2018

Breach identified and negotiated



3. Breach identified and Notice Served



4. Complex enforcement case



Questions