



Established 1894

Angmering Parish Council

The Corner House
The Square
Angmering
West Sussex, BN16 4EA

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E-mail: admin@angmering-pc.gov.uk

Website: www.angmeringparishcouncil.gov.uk

MINUTES OF THE MEETING OF THE PLANNING AND INFRASTRUCTURE COMMITTEE HELD AT THE KING SUITE, ANGMERING VILLAGE HALL ON TUESDAY 31 MAY 2022 AT 7.30PM

- Committee:** John Oldfield (Chair), Sylvia Verrinder (Vice Chair)
David Marsh, Paul Bicknell, Norma Harris, Matthew Want and Nikki Hamilton-Street (as Chair of APC)
For the meeting to take place 3 committee members need to be present, this is known as quorum and is a legal requirement.
- Present:** Councillors; Sylvia Verrinder (Vice Chair), Nikki Hamilton-Street, David Marsh, Paul Bicknell and Matthew Want
- In attendance:** Tracy Lees (Committee Clerk), two members of the public and two representatives from Gillings Planning
- Acronym:** Planning and Infrastructure Committee: PI; Angmering Parish Office: APC; West Sussex County Council: WSCC; Arun District Council: ADC; South Downs National Park: SNDP; Development Control Committee: DCC, Conservation Area: CA: Environment Agency; EA.

AGENDA ITEM	MINUTE NO.		ACTION FOR
1	22/001	ELECTION OF THE CHAIRMAN Cllr. Marsh nominated Cllr. Verrinder to be Chairman. This was seconded by Cllr. Bicknell and unanimously agreed.	
2	22/002	ELECTION OF THE VICE CHAIRMAN Cllr. N Hamilton-Street nominated Cllr. Marsh to be Vice Chairman. This was seconded by Cllr. Want and unanimously agreed.	
3	22/003	APOLOGIES FOR ABSENCE Apologies were received and approved for Cllrs. Oldfield and Harris.	
4	22/004	DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS IN ITEMS ON THE AGENDA. Cllr. N Hamilton-Street declared a non-pecuniary interest in Item 11, as she is acting Chair of Governors at the school.	
5	22/005	APPROVAL OF MINUTES Approval of the minutes of the meeting of the committee from Tuesday 10 May 2022 were agreed and were signed by the Chair.	

6 22/006 THE CLERK'S REPORT ON ANY MATTERS OUTSTANDING FROM THE PREVIOUS MEETING, BUT NOT INCLUDED ON THIS AGENDA

There was nothing new to report.
Cllrs. Bicknell's outstanding action was referred to.

7 22/007 PUBLIC CONSULTATION

A local resident mentioned several matters:-

He said he felt A/88/22/DOC, which is on the agenda, was strange and that although it is described as a Discharge of Conditions (DOC) the condition has already been discharged. He thought more information was needed on what was going on, what had possibly gone wrong and whether what was now proposed was appropriate especially in view of public comments on Arun's website.

He then said A/90/22/DOC, which is the bus access to the North of Water Lane development, is a very significant change from a physical bus gate barrier approved at outline stage to a proposed enforcement camera now. He said he felt it was better to physically stop prohibited vehicles from using the link rather than allowing them to do so and then fine the drivers. He then reminded the committee that for A/256/21/ RES, which is also the North of Water Lane development, 266 further documents had been posted on the Arun website long after the closing date for public comments.

Finally he said that, following consideration of A/88/22/DOC above he had looked again at A/255/21/DOC for which a couple of discharge of conditions on surface water drainage were refused earlier this year, one of which should have been discharged prior to occupation and hasn't, but occupation has commenced.

He said he felt Arun's engineer had made sensible observations and asked why occupation had been permitted prior to the condition being discharged. He felt conditions should be taken seriously and enforced.

Finally, he said he believed the first and last matters he referred to, raised questions about the process of onsite checking to confirm features, especially those hidden from view, and that they are built to the approved design.

Cllr. Bicknell commented that he had seen the correspondence the member of the public had referred to and agreed with all that was said.

With regard to the bus gate on North of Water Lane - Cllr. N Hamilton-Street commented that WSCC Highways were only permitted to install ANPR (an Automatic Number Plate Recognition camera), this is a new policy and that it was WSCC that changed the requirement from a gate.

8 22/008 BROADLEES DAPPERS LANE PRESENTATION

The two representatives from Gillings Planning gave a presentation which was an update to what ideas were being explored for the site. The foot print was not changing - just what was being built.

The main reason for attending the meeting tonight was to keep APC updated on what was coming up i.e. the ideas they were exploring and timelines. The current idea, although this may change, was to still have the care home but to now build houses that had nothing to do with the dementia care home.

A discussion then took place covering items such as access, vehicle movement, parking, flooding etc, and that it was originally a closed site. Concerns were raised by councillors if it was no longer going to be a closed site.

Re the parking the concerns were around there being zero parking around the site so this could lead to problems i.e. where would the care home staff park. The representatives confirmed they will be submitting a transport statement.

Re potential flooding issues Cllr. Verrinder commented that the site was very close to the black ditch the developers needed to be very mindful of this. The representative explained they were aware and had put plans in place.

The presenters wanted to make it clear that the plan they were showing was only one option and this idea was likely to change. There is also provision for a play area and 30% of the new houses will be affordable housing. They also confirmed that all comments raised would be taken back and reviewed.

Both Cllrs. Bicknell and N Hamilton-Street commented on the lack of footpaths and suggested it would be advantageous to work with other developers in the village to all work together and come up with a plan to put in as many footpaths as possible to join the village up safely.

Cllr. Marsh commented that it was good to see something happening regarding this site after so long.

Before leaving the representatives confirmed they would be writing to all neighbours of the site with an update of their new proposals.

Cllr. Verrinder thanked them for the presentation and the left the meeting at 20:01.

9 22/009 PLANNING APPLICATIONS

To consider Arun District Council File Lists **66, 67** and **68** of 2022:

FILE LIST 66 – Observations to Arun District Council by 4 June 2022

Nothing this week.	<u>ADDRESS</u>
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<p><u>A/85/22/HH</u> Hip to gable loft conversion with dormer to rear and conversion of garage to habitable use. DECISION: No Objection COMMENT: None</p>	<p><u>ADDRESS</u> Cranford Ham Manor Way Angmering</p>
<p><u>A/88/22/DOC</u> Approval of details reserved by condition imposed under A/144/15/PL relating to condition 3-surface water drainage scheme DECISION: Objection COMMENT: Condition 3 – Surface Water Drainage Scheme – Cresswell Park.</p>	<p><u>ADDRESS</u> Land at West End Nursery Roundstone Lane Angmering</p>
<p>This was discussed at length and felt that the new proposal for swales to be constructed instead of a SuD as originally proposed in the outline application, would not resolve the flooding that is still being experienced by the new residents on that estate. It was also felt that such a construction would be a constant health and safety issue especially to the young children that play in that area. There also appears to be no indication as to where this water would drain to without causing an unnecessary problem elsewhere in Angmering or the surrounding Parishes especially at high water table level after torrential rain.</p>	
<p>Swales are fine when located alongside a roadway or pedestrian precinct where they do contain the flow of water and drain it into the main drainage system.</p>	
<p>The construction of SuDs and attenuation ponds has proven very successful in many development sites, such as the SuD that was built on Mayflower Park for the Bramley Green Estate. There has been no reports of major problems or other issues when the SuD is full.</p>	
<p>It has to be remembered that nature has resolved its own drainage problems, by naturally developing areas such as attenuation and dew ponds for water to collect before joining its own waterways such as ditches, streams, and rivers.</p>	
<p>Whilst a SuD, in itself, will be a major sign of danger, it is therefore naturally avoided in the</p>	

<p>same way as care is taken beside lakes and rivers, a swale will only encourage play with the possible consequences of injury or worse.</p> <p>It is for this reason that Angmering Parish Council objects to the construction of swales on this site as it feels that the proposal will not satisfactorily drain the area in accordance with policies GEN7 and GEN9 of the Arun District Council Plan</p> <p>A/90/22/DOC Approval of details reserved by condition imposed under A/40/18/OUT relating to conditions 23-Broadband provision, 33 - risk associated with contamination and 39-bus access route. DECISION: Objection COMMENT: Condition 23 we have no objection and no comment. Re condition 33 our comment is no building on the site until decontamination as been confirmed in full. Re condition 39 our comment is that more information needs to be provided on how shared usage of the bus lane will accommodate cyclists and pedestrians safely.</p> <p>A/91/22/DOC Approval of details reserved by condition imposed under A/40/18/OUT relating to condition 41-access works to Water Lane. DECISION: Objection COMMENT: We have concerns about the flooding issues in this area and therefore need to see that the local flood authority has approved the highway design.</p> <p>A/97/22/DOC Approval of details reserved by condition imposed under ref A/76/20/PL relating to Condition No 7 - footway surfacing works at the two accesses into Public Right of Way No. 2151. DECISION: No Objection COMMENT: None</p>	<p><u>ADDRESS</u> Land North of Water Lane and South of A27 Angmering</p> <p><u>ADDRESS</u> Land North of Water Lane and South of A27 Angmering</p> <p><u>ADDRESS</u> Land at Dappers Lane Angmering</p>
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FILE LIST 68 – Observations to Arun District Council by 18 June 2022

<p>A/96/22/HH Single storey rear extension with steps. DECISION: No Objection COMMENT: None</p>	<p><u>ADDRESS</u> 20 Pine Trees Close Angmering</p>
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- 10 **22/010 PLANNING DECISIONS**
No comments made.
- 11 **22/011 PLANNING APPLICATION NOT ON THE AGENDA**
[WSCC/012/22](#)
Angmering School Station Road Littlehampton BN16 4HH
Installation of a new passenger lift to the west facing elevation to the new science and art building.
DECISION: No Objection
COMMENT: None
- 12 **22/012 LICENSING MATTERS**
None.
- 13 **22/013 CONSERVATION AREA REPORTS**
Cllr. Verrinder advised that the next meeting of the Working Group will be held on Thursday 16th June at 1030. Venue to be confirmed. Work is progressing towards the completion of the Assessment and Notification of the Extension and this will be sent out in various forms for comments from the residents and traders of Angmering.
- 14 **22/014 WORKING GROUPS UPDATE**
None.
- 15 **22/015 SOUTH DOWNS NATIONAL PARK**
Councillor Verrinder advised that the next planning meeting is on 9th June. The agenda has been published with no applications of significance relating to Angmering, however, they will be discussing the Local Plan review and the Local Development Scheme and way forward.
- 16 **22/016 ADC PLANNING COMMITTEE MEETINGS**
Wednesday 22 June at 2pm
At the time of this meeting no agenda had been set.
- 17 **22/017 COMPLIANCE**
None.
- 18 **22/018 APPEALS**
Councillor Verrinder said that there were now 4 appeals in the pipeline
- A/110/21/PL – The old Chandlers Site. The inquiry is being held from 7th to 10th June at the ADC Council Offices. Councillor Nikki Hamilton-Street will be attending on the 7th to give APC's comments and Councillor Verrinder will attend on the 10th for the final day. Other Councillors will attend on either the 8th or 9th if available.

The following three appeals will be brought to Committee at the June meeting when more information is to hand:

- A/129/21/PL – The Golf Centre, Golfers Lane
- A/169/21/PL – Land South of A259 (Redrow Homes)
- A/112/21/PL – Angmering Grange (Pound Place) Pedestrian Footpath.

Cllr. Verrinder asked that the Clerk put together a spreadsheet to enable the committee to keep upto date with all the various appeals progress.

Action: Appeal spreadsheet to be pulled together.

KH

19 22/019 CORRESPONDENCE

None.

20 22/020 HIGHWAYS MATTERS

A259 Latest update from WSCC received and still on track for November 2022 completion

A27 – No updates.

The footpath/cycleway which runs adjacent to the Angmering Community Centre and Russett Play Area has now been repaired. Councillor Verrinder wished to thank all those who fought to have this repaired, updated and made safe.

Dappers Lane/Arundel Road Junction – The WSCC highway maintenance contractor has been instructed to make the necessary amendments to the signs and road markings at the Dappers Lane/Arundel Road/Swillage Lane Junction. This work is due to be completed by the end of August.

21 22/021 ARUN DISTRICT COUNCIL PLANNING COMMITTEES

Planning Policy Committee

Councillor Verrinder said that she will watch the meeting and feedback back if there was anything to report.

22 22/022 MATTERS REQUIRING CONSIDERATION AT FUTURE MEETINGS OF:

- This Committee:
None.
- Full Council:
None.

DATE OF NEXT MEETING

The Committee's next meeting is on **Tuesday 21 June 2022** at 7.30pm in the King Suite, Angmering Village Hall.

The meeting concluded at 20:55.

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Chairman

Date.....

Date of letter: **15 June 2022**

Licence: **Pavement Licence**

Application No: **116568**

Dear Sir/Madam,

Applicant: **Mr Justin Cannons**

Date Received: **10 June 2022**

An application was made to Arun District Council under the Business and Planning Act 2020 by the above-named applicant. If you would like to make a representation please use the link below. Representations must specify in detail the grounds of opposition. Your views will be considered alongside Guidance and Policy when the application is determined. Please note we are unable to accept any representations outside of the short consultation window. New

[Click here to complete the form](#)

In order that consideration of the application may not be delayed, it will be appreciated if a reply can be sent to us by: **22 June 2022**.

Please see below for the details relating to this licence.

Yours faithfully

Joshua Marsh
Technical Support Assistant

Applicant: **Mr Justin Cannons**

Applicant Address: **Juna home and garden The square, West sussex, BN164EA**

Location of Premises: **1, Marsh House, The Square, Angmering, Littlehampton, West Sussex, BN16 4EA**

Email Address: **junahomeandgarden@yahoo.co.uk**

Telephone number: **07853907534**

Mobile number: **07853907534**

How many Tables :: 2

How many Chairs :: 6

Type of Premises :: Other use for the sale of food or drink for consumption on or off the premises

Description of the area of the Highway :: Pavement

Description of the furniture :: Bistro table and chairs

Please provide the previous licence number ::

Trading Times:

Day: Monday

Start Time: 8-30

End Time: 16-00

Further Details:

Day: Tuesday
Start Time: 8-30
End Time: 16-00
Further Details:

Day: Wednesday
Start Time: 8-30
End Time: 16-00
Further Details:

Day: Thursday
Start Time: 8-30
End Time: 16-00
Further Details:

Day: Friday
Start Time: 8-30
End Time: 16-00
Further Details:

Day: Saturday
Start Time: 8-30
End Time: 16-00
Further Details:

STATION ROAD

WATER LANE

PARKING.

2.9m

2.3m

2.9m

STEPS.

CHALK
FLATS.

CHAIR CHAIR CHAIR CHAIR

TABLE TABLE

2 SEAT BENCH.

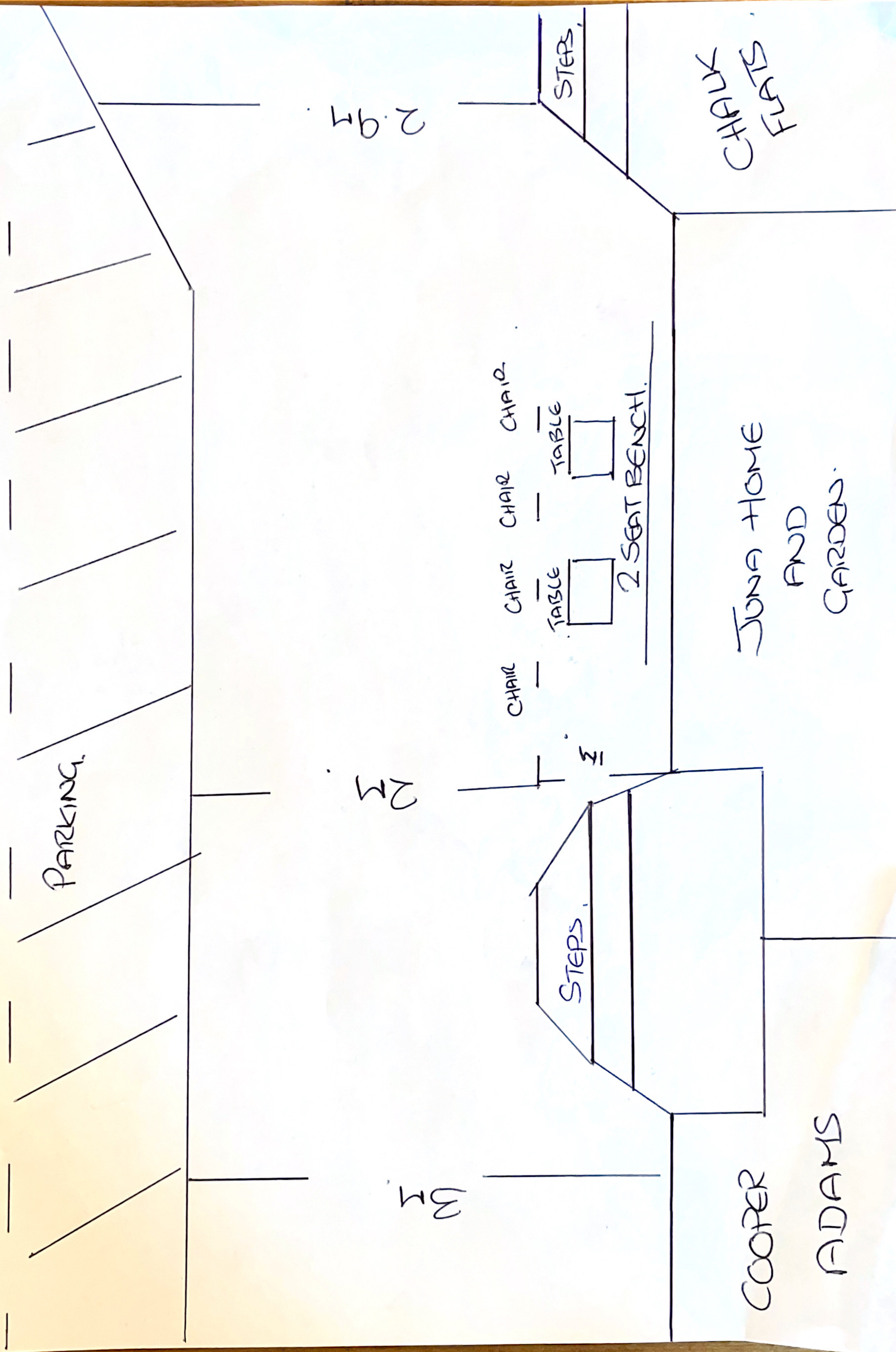
STEPS.

JONA HOME

AND
GARDEN.

COOPER

ADAMS



Michael Elkington
Head of Planning Services
www.westsussex.gov.uk

County Planning
County Hall
Chichester PO19 1RH
Tel: 01243 642118



Angmering Parish Council
Angmering Parish Council
The Corner House
The Square
Angmering
Littlehampton
BN16 4EA

31 May 2022

Dear Mrs Herr

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015
APPLICATION MADE UNDER REGULATION 3**

Application Number	WSCC/014/22
Location	St Margarets C Of E School, Arundel Road, West Sussex, Angmering, BN16 4LP
Proposal	Erection of a single storey extension building with external landscaping and associated works
Applicant	West Sussex County Council
Grid Reference	506817 105112

Please visit our website to view the details for this planning application:

<https://westsussex.planning-register.co.uk/planning/display/WSCC/014/22>

Should you wish to comment, please do so by **21 June 2022** with your observations. If I have not heard from you by this date, I shall assume that you have no comments to make; however, if your observations are likely to be delayed beyond the date give, please inform me as soon as possible.

Please send all comments to planning.applications@westsussex.gov.uk.

Your comments will be made available for public view on our website.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely

Tyra Money
County Planning
Email: tyra.money@westsussex.gov.uk
Phone: 0330 222 3143

Angmering Parish Council
The Corner House
The Square
Angmering
West Sussex
BN16 4EA

Please ask for: Mrs A Gardner
Email: Anita.Gardner@arun.gov.uk
Your Ref:

25th May 2022

PiNS Reference: APP/C3810/W/22/3293621
Original Reference: A/112/21/PL

Dear Sir / Madam,

Town and Country Planning Act 1990

Description: Application For The Removal Of Condition 14 Following Grant Of A/3/21/PI Relating To The Provision Of A Footpath Along The Site Frontage With Roundstone Lane.
Location: Pound Place Roundstone Lane Angmering BN16 4AL

I refer to the above details. An appeal has been made to the Secretary of State against the decision of Arun District Council to **refuse planning permission**.

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in Part 2 of the Town and Country Planning (Appeals) (Written Representation Procedure) (England) Regulations 2009 as amended by the Town and Country Planning (Appeals) (Written Representation Procedure and Advertisement) (England) (Amendment) Regulations 2013.

All representations made at application stage will be forwarded to the Planning Inspectorate and the appellant and will be considered by the Inspector when determining the appeal. If you wish to make further comments, or modify/withdraw your previous representation you can do so online at: <https://acp.planninginspectorate.gov.uk>.

The Planning Inspectorate is trialling a new appeals service to improve the digital services they offer. If you are looking for an appeal submitted after 7 August 2019, please use the beta service option. The unique seven digit reference number will begin with '4' if it is on this service. For all other case types please use the current service.

Angmering Parish Council
The Corner House
The Square
Angmering
West Sussex
BN16 4EA

Please ask for: Mr J Baeza
Email: Juan.baeza@arun.gov.uk
Your Ref:

30th May 2022

PiNS Reference: APP/C3810/W/22/3298192
Original Reference: A/129/21/PL

Dear Sir / Madam,

Town and Country Planning Act 1990

Description: Erection Of 191 New Homes In A Mix Of 1 To 4 Bedroom Dwellings And 1 Bedroom Apartments, With Associated Landscaping, Parking, Open Space, Play Areas, Construction Of A New Access From Golfers Lane, And All Other Associated Works. This Application Is A Departure From The Development Plan & Is In Cil Zone 3 And Is Cil Liable As New Dwellings.

Location: Rustington Golf Centre Golfers Lane Angmering BN16 4NB

I refer to the above details. An appeal has been made to the Secretary of State against the decision of Arun District Council to **refuse planning permission**.

The appeal will be determined on the basis of a **public inquiry**. The procedure to be followed is set out in the Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 as amended by the Town and Country Planning (Hearings and Inquiries Procedures) (England) (Amendment) Rules 2009 and by the Town and Country Planning (Hearings and Inquiries Procedure) (England) (Amendment) Rules 2013.

For any group or organisation who wish to take an active part in the Inquiry, the opportunity is available to apply for what is known as Rule 6 Status. Although unusual, there is also scope for interested individuals to take part on the same basis. Rule 6 status means that you would be able to present your evidence on a formal basis and cross examine the evidence of others. You can find guidance at the following link

<https://www.gov.uk/government/publications/apply-for-rule-6-status-on-a-planning-appeal-or-called-in-application>.

Arrangements for the Inquiry are currently being finalised by the Planning Inspectorate. These will include a pre-Inquiry conference call with the lead parties to deal with procedural and administrative matters, including how the evidence will be heard. As a rule 6 Party, it is anticipated that you would also wish to be a part of that process. If having read the above guidance, you wish to apply for Rule 6 status and /or have any related questions, you should contact the Planning Inspectorate immediately. If you are interested but are unable to access the guidance electronically, again, you should contact the Planning Inspectorate who will try and assist.

If having read the above guidance, you wish to apply for Rule 6 Status it is essential that you contact the Planning Inspectorate immediately.

All representations made at application stage will be forwarded to the Planning Inspectorate and the appellant and will be considered by the Inspector when determining the appeal. If you wish to make further comments, or modify/withdraw your previous representation you can do so online at: <https://acp.planninginspectorate.gov.uk>.

The Planning Inspectorate is trialling a new appeals service to improve the digital services they offer. If you are looking for an appeal submitted after 7 August 2019, please use the beta service option. The unique seven digit reference number will begin with '4' if it is on this service. For all other case types please use the current service.

If you do not have access to the internet, you can send your comments to:

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by the 29th June 2022 and must quote the appeal reference. Any representations submitted after the deadline will not usually be considered and will be returned.

The Planning Inspectorate does not acknowledge representations and any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority.

The application documents, including plans and any decision notice, may be inspected on the

Council's website <https://www.arun.gov.uk/planning-appeals>

You can get a copy of the Inspectorate's 'Guide to Taking part in Appeals' booklet free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>.

Please do not hesitate to contact the case officer on the above details if you have any questions or queries.

Yours sincerely



Neil Crowther
Group Head of Planning

If you do not have access to the internet, you can send your comments to:

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

All representations must be received by the 24th June 2022 and must quote the appeal reference. Any representations submitted after the deadline will not usually be considered and will be returned.

The Planning Inspectorate does not acknowledge representations and any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority.

The application documents, including plans and any decision notice, may be inspected on the Council's website <https://www.arun.gov.uk/planning-appeals>

You can get a copy of the Inspectorate's 'Guide to Taking part in Appeals' booklet free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at <https://acp.planninginspectorate.gov.uk>.

Please do not hesitate to contact the case officer on the above details if you have any questions or queries.

Yours sincerely



Neil Crowther
Group Head of Planning

Application No.	Date notified	PiNS Number	Location	Description	Developer	Associated Planning Applications	Type of Appeal	Comments Submitted	Dates for hearing	APC
A/129/21/PL	30/05/2022	APP/C3810/W/22/3298192	Rustington Golf Centre Golfers Lane Angmering BN16 4NB	Erection of 191 new homes in a mix of 1 to 4 bedroom dwellings and 1 bedroom apartments, with associated landscaping, parking, open space, play areas, construction of a new access from Golfers Lane, and all other associated works. This application is a Departure from the Development Plan & is in CIL Zone 3 and is CIL Liable as new dwellings.	BDW	A/45/22/PL	Public inquiry	To be discussed at PI in June 2022	TBC	
A/168/21/PL	07/04/2022	APP/C3810/W/22/3295115	Land South Of Littlehampton Road and East of Worthing Road Angmering BN12 6PN	Erection of 76 No. dwellings, means of access, public open space, play areas, associated infrastructure & landscaping. This application is a Departure from the Development plan, is in CIL Zone 5 and is CIL Liable as new dwellings & affects a Public Right of Way.	Redrow	A/50/22/PL	Public inquiry	Yes - 21/04/2022	Monday 4 July and, in general, the Inquiry session will finish each day at around 1700 hours. The Inquiry will resume at 0930 hours on subsequent days, if necessary. Venue will be the Council Chamber Littlehampton, which will be available for the whole week.	
A/112/21/PL	25/05/2022	APP/C3810/W/22/3293621	Pound Place Roundstone Lane Angmering BN16 4AL	Application for the removal of Condition 14 following grant of A/3/21/PL relating to the provision of a footpath along the site frontage with Roundstone Lane.	Savista Dvlpmnts	A/3/21/PL	Written representations	To be discussed at PI in June 2022	N/A	
A/110/21/PL	21/04/2022	APP/C3810/W/22/3292333	BMW House Chandlers Garage Ltd Water Lane Angmering BN16 4EH	Erection of retirement apartment with 20 No. 1 Bed flats & 13 No.2 Bed flats with communal facilities & car parking, erection of a retail store with car parking & associated highway works. This application affect the character & appearance of the Angmering Conservation area, affects the setting of listed buildings and is in CIL Zone 2 (Zero Rated) as other development.	McCarthy Stone	A/45/19/PL	Public inquiry	Yes - 11/03/2022	Enquiry complete - await outcome. No date given as to when result can be expected.	Cllr. N Hamilton-Street attended the first day, along with Cllr. Bicknell.

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF PLANNING COMMITTEE ON 25 MAY 2022

SUBJECT: Updated Planning Compliance Strategy

REPORT AUTHOR: Juan Baeza

DATE: March 2022

EXTN: 01903 737765

AREA: Place - Planning

1.0 EXECUTIVE SUMMARY

The Council last amended its Compliance Strategy in 2019 ([Planning-Compliance-Strategy.docx \(live.com\)](#)). To better manage the available resources and the significant number of reported alleged breaches of planning control the strategy is proposed to be amended as per the attached document (Appendix 1).

2.0 RECOMMENDATIONS

To approve the amended Planning Compliance Strategy 2022 (Appendix 2) on the basis that.

- Work will be ongoing on creating a new digital complaint form that makes it easier for complainants to provide the required information. This form will be in place within three months of the adoption of this Strategy.
- Work to monitor and include performance targets specified in the Strategy will be sought, subject to Technical Services Unit constraints, within three months of the adoption of this strategy.
- An explanatory breach of planning control Note and further discussions/procedures with the Council's Contact Centre to assist with the ending of the Council's Duty Planner service will take place within three months of the adoption of this strategy.
- Before formal adoption Town/Parish Councils will be informally consulted to enable them to address concerns that members of their Parish may raise with them.

3.0 PROPOSAL

3.1 The planning department has been working towards a revised strategy since August last year. Several meetings have taken place with the enforcement officers designed to amend the strategy. The purpose is to streamline the strategy so that only those breaches that are seen to be harmful are given priority.

3.2 Work has also been progressing to introduce an information leaflet which will signpost those complaints that can be addressed by reference to other documents. For example, the leaflet would inform complainants that breaches which are Permitted Development are not subject to planning control and therefore will not be investigated. This will be completed within 3 months of the date of the Committee and it will sit alongside the Strategy.

3.3 At the moment the Council continues to receive a number of enforcement cases that it is not able to deal with due to difficulties in recruiting replacement enforcement officers. Instead of a full complement of 5 officers it currently has one part time officer. Work is currently taking place to source consultants to progress Compliance work and Officers are investigating partnership arrangements with nearby authorities so that this work can be carried out.

3.4 The Council last amended its Enforcement Strategy in 2019 ([Planning-Compliance-Strategy.docx \(live.com\)](#)).

3.5 The changes are under:

- Section 4 'Planning Enforcement Objectives' where the objectives have been simplified to be more understandable to the public.
- Section 5 'Key Principles' reference to providing a duty planning service removed. Within three months of adoption of this updated Strategy the Duty Planner service will end and be replaced by the provision of an explanatory breach of planning control note and where the Council's Contact Centre cannot satisfactorily deal with customer enquiries on alleged breaches an alternative planning mailbox will be provided.
- Section 6 General Principles reference will be added to make clear that enforcement action will not be taken for all breaches and breaches will be directed to where resources are most appropriate.
- At the end of section 7 'What is a Breach of Planning Control' an additional sub section will be added to say that some breaches where they cause negligible, or no harm will not be investigated.
- The list to section 8 'Reporting a Breach' setting out the information required when reporting a breach will be extended and stated that without all that information being provided may result in complaint returned and not being investigated.
- A new section 10 'Case Priority' will be incorporated into the strategy with those cases falling into Priority 4 will be dealt with without being formally registered.

3.6 The recommendations proposed will update the Council's Compliance Planning strategy to enable the available resources to be directed only to breaches that are resulting in significant planning harm. This will have the benefit of managing public expectation by being made clearly aware of where enforcement resources will be directed. This will mean that officer time will be freed away from the bulk of complaints that relate to minor levels of harm to deal with those that result in significant harm.

3.7 The Planning Committee was provided with an executive summary of the findings on the Hannaby Planning Solutions Ltd. who were appointed by the Council to review the

Planning Service.

3.8 Several recommendations were put forward to lead a change programme that will deliver the necessary procedural, performance and cultural changes needed to improve the service and resolve its difficulties. This updated Compliance Strategy is seen to be part of that change.

4.0 OPTIONS:

Alternatively, the Compliance Strategy can remain as it is with the danger that customers will be given unrealistic levels of service that will mean that more unsustainable levels of complaints will be received with an increase in customer dissatisfaction.

5.0 CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify)		X
6.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	X	
Legal		X
Human Rights/Equality Impact Assessment		X
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability		X
Asset Management/Property/Land		X
Technology	X	
Other (please explain)		

7.0 IMPLICATIONS:

To make necessary changes to capture more information the production of a new online form is required, and additional funding may be required that will need to be found from the planning budget to complete this

8.0 REASON FOR THE DECISION:

To improve and speed up the Council's Planning Compliance service.

9.0 BACKGROUND PAPERS:

Planning Compliance Strategy 2019 - [Planning-Compliance-Strategy.docx \(live.com\)](#)



PLANNING COMPLIANCE STRATEGY

May 2022

1. Introduction

Arun District Council are committed to providing an efficient, effective, and fit for purpose planning compliance service. This Compliance Strategy will explain how the service will be delivered and the extent of powers available to the Local Planning Authority in relation to breaches of planning control. This document replaces the Planning Compliance Strategy published in 2019.

2. The purpose of planning enforcement

Planning laws and policies are designed to control development and use of land and buildings in the public interest. They cannot be used to protect the private interests of one person against the activities of another. The relevant legislation to these powers is contained primarily within the Town and Country Planning Act 1990 (as amended) and the Planning (Listed Building and Conservation Area) Act 1990. This legislation is supported by Government advice, including the National Planning Policy Framework (NPPF)¹ and the National Planning Practice Guidance (NPPG)².

3. The Compliance Strategy comprises

- Planning enforcement objectives
- Key principles
- General principles
- What is a breach of planning control?
- Reporting a breach
- Freedom of Information
- Case priority
- Investigating a breach of planning control
- Possible outcomes of the Council's planning investigation
- Monitoring of development for compliance
- Appendix 1 - Types of formal enforcement action

4. Planning enforcement objectives

Arun District Council recognises the importance of planning compliance to maintain the quality of the environment. The Council has established the following objectives: -

- To remedy **significant** harm caused by unauthorised development.
- Enforcement action is discretionary, and local planning authorities should act proportionately in responding to breaches of planning control and take action where appropriate.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

² <http://planningguidance.planningportal.gov.uk/>

- Where resources allow; be pro-active in regard to the monitoring of large-scale strategic development to ensure compliance with conditions imposed on planning permissions.
- Where a report refers to matters not controlled under planning legislation but is capable of being pursued by the Council the complaint will be passed to the relevant department for further investigation. Where a report refers to matters not controlled by the Local Authority complainants will be advised accordingly.

5. Key principles

The key principles are:

Transparency

- We will provide information in plain language to complainants and offenders.
- Be transparent in our actions (some information, such as the name of the complainant and any information which could be used to identify the complainant, will remain confidential unless required for court or appeal proceedings).

Helpfulness

- Officers will clearly identify themselves by name when on site and provide contact details to enable further communication and act in accordance with the Town and Country Planning Act governing access to land and buildings.
- Interested parties (including complainants) will be updated when sufficient progress has been made on an investigation.

Consistency

- Action against breaches of planning control will be proportionate to the impact of the breach.
- All duties undertaken will be carried out in a manner which is fair, equitable, and consistent.

6. General Principles

The general principles which govern the operation of planning compliance are: -

- The Council will not take enforcement action to resolve all breaches of planning control.
- The use of enforcement powers is discretionary and carrying out development without planning permission, although unauthorised, is **not** illegal. It becomes a potential criminal offence if any subsequent formal notice (e.g., Enforcement

Notice) has not been complied with which then can be subject to a formal prosecution to the Courts.

- There are a number of powers available to address breaches of planning control and the Council will apply those most appropriate to the circumstances of each case.
- Anonymous complaints will not be investigated.
- The Council will seek to resolve breaches of planning control through negotiation in the first instance unless the breach is causing irrevocable harm requiring immediate action. Formal action will only be used if informal attempts to resolve the breach have failed.
- Where development taking place is unlawful (for example, where a developer has not discharged the required planning approval conditions before commencing development) the Council may use Temporary Stop Notices that will require development to stop until such time as all the required conditions are discharged and complied with.
- Where appropriate, reasonable time will be given for compliance in order to achieve resolution of the breach via an application.
- Applications submitted in an attempt to regularise unauthorised development may be determined by the Council.
- Action should be proportionate to the harm caused and should take into account relevant circumstances. The Council will consider if it is expedient or in the public interest to undertake enforcement action to resolve breaches of planning control.
- A Temporary Stop Notice will not be issued where there is a Discharge of Condition application awaiting determination that relates to breach.

7. What is a breach of planning control?

A breach of planning control is defined in section 171A of the Town and Country Planning Act 1990 (as amended)³ as the carrying out development without the required planning permission or failing to comply with any condition or limitation subject to which planning permission has been granted. Similarly, any contravention of the limitations, or conditions belonging to, permitted development, rights, under the Town and Country (General Permitted Development) (England) Order 2015⁴, constitutes a breach of planning control against which enforcement action may be taken⁵.

Below are examples of what does and does not constitute a breach of planning control:

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Breach of planning control	Not a breach of planning control
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³ <http://www.legislation.gov.uk/ukpga/1990/8/section/171A>

⁴ <http://www.legislation.gov.uk/uksi/2015/596/contents/made>

⁵ Paragraph: 001, Reference ID: 17b-001-20140306, National Planning Practice Guidance⁶
<http://www.legislation.gov.uk/ukpga/1990/8/section/171D>

<ul style="list-style-type: none"> ✓ Breaches of conditions attached to planning permissions ✓ Not building in accordance with the approved plans of a planning permission ✓ Unauthorised material change of use of land or buildings ✓ Unauthorised works to a Listed Building ✓ Unauthorised advertisements ✓ Unauthorised works to trees the subject of a tree preservation order (TPO) or in a Conservation Area ✓ Unauthorised demolition within Conservation Areas ✓ Engineering operations, such as raising of ground levels or the creation of earth bunds ✓ Unauthorised stationing of a caravan or mobile home for use as an independent dwelling ✓ Land or buildings in such poor condition that they adversely affect the amenity of an area 	<ul style="list-style-type: none"> ✗ Any works which are deemed to benefit from 'permitted development' under the Town and Country (General Permitted Development) (England) Order 2015 ✗ Running a business from home where the residential use remains the primary use of the dwelling ✗ Felling of a tree not within a Conservation Area or protected by a Tree Preservation Order ✗ Land ownership or boundary disputes or trespass issues e.g., scaffolding erected on neighbouring property (these are private matters) ✗ Dangerous structures or health and safety issues – these should be directed to the Council Building Control Department (number) ✗ Internal works to a non-listed building ✗ Obstruction of a highway (Contact West Sussex County Council), public right of way or a private right of way ✗ Parking of private and commercial vehicles on the highway or on grass verges ✗ Parking caravans on residential driveways or within the curtilage of domestic properties as long as they are incidental to the enjoyment of the property ✗ Covenants imposed on property deeds (these are private matters) ✗ Advertisements that are either excepted from deemed or express consent under the Town and Country (Control of Advertisements) (England) Regulations 2007 ✗ Damage caused to neighbouring properties during construction work (this is a private matter) ✗ Anti-social behaviour
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Minor Breaches of planning control that may not be investigated (not an exhaustive list)

- Fences and outbuildings 10cm higher than allowed under permitted development rights
- Fences that are not harmful to amenity
- Untidy land unless significantly detrimental to amenity
- Where reports of breaches relate to works that do not require planning permission

Where cases of a minor breach are reported, minimal investigations will take place and the most likely outcome is that they are closed due to the limited and acceptable planning harm that they cause.

When/if minor breach reports are received case officers will send an appropriately worded email to say that these complaints will not be registered and proceed to close them.

8. Reporting a breach

In most cases, complaints from members of the public, Councillors and other depts. can only be made and will only be accepted via the online form. Emails and telephone calls may be accepted for priority 1 cases only.

Online Complaint Report Form: [Report a breach of planning regulations | Arun District Council](#)

Email: planning@arun.gov.uk

Tel: 01903 737500

The reported breach must include (*as a minimum*):

- An accurate description of the location or address for the site.
- A detailed description of the activities/development taking place that causes concern.
- Why the complainant believes there is a breach.
- The harm being caused and/or how it affects the complainant.
- Attached photo (subject to changes to the website/form).
- Estimated or real measurements.
- Names, address and phone numbers (if known) of those responsible for the alleged breach or the landowner.
- The date and times of when the alleged breach took place including when it first started.
- Other information or evidence that may be of assistance e.g., planning application number, previous planning problems/breaches, or additional evidence relating to the breach.
- Your name, address, phone number and e-mail address.
- If the site is large the precise location of the potential breach within that site.

Failure to supply all the above information may result in your report being returned without investigation.

Once the allegation has been investigated and it is established a breach of planning control has taken place, formal enforcement action **may** be taken if considered expedient to do so. Assessment of the extent of harm caused would not include the following (not exhaustive):

- ✗ Loss of property value
- ✗ Competition to another business
- ✗ Loss of an individual's view or trespass onto someone else's land
- ✗ Party Wall infringement
- ✗ Local/property bylaw infringement

9. Requests made under the Freedom of Information Act 2000 and Environmental Information Regulation 2004

Where the Council receive requests for information on enforcement investigations under either the Freedom of Information Act 2000 or the Environmental Information Regulation 2004, information will be released subject to compliance with General Data Protection Regulation.

10. Case priority

Priority 1	Priority 2	Priority 3	Priority 4
Direct and potentially irreversible harm	Potential to escalate and cause serious harm to the environment Contentious	Loss of amenity Other breaches likely to remain stable	Minor breaches Private disputes Other issues not stated below.
Site visit within 1 working day	Site visit within 15 working days	Site visit within 20 working days	Desktop Assessment These will be dealt with without formal registration.
Examples	Examples	Examples	Examples
Unauthorised works to protected tree/s or tree/s in a Conservation area	Unauthorised change of use of land and/or building	Unauthorised outbuildings/ Extensions	Boundary treatment

Unauthorised works to listed building	Unauthorised building	Untidy site	Telecommunications
Condition monitoring (contaminated land + piling only)	Condition monitoring (minus contaminated land + piling)	Deviation from approved plans (new application required, minor variation or de minimis)	General enquiries
Demolition of a building essential to retain	Business from home (high activity levels)	Advertisement control (visual amenity)	Advertisement control (for sale / to let boards)
Breach of condition (serious harm to amenity & ecology)	Advertisement control (highway safety)	Business from Home (initial investigations)	House in multiple occupation
Deviation from approved plans (irreversible harm)	Caravans & development related to travellers	Breach of condition (all other alleged breaches)	Flag poles
			Satellite dishes
			Works likely to be permitted development
			AirBnB's / Holiday lets
			Porches

11. Investigating a breach of planning control

An enforcement investigation can be lengthy and complex, and the time taken to determine each case will vary.

On receipt of an alleged breach the Council aims to:

- Register and acknowledge your complaint within 5 working days
- Carry out the initial site visit:
 - **Priority 1** cases within 1 working day
 - **Priority 2** cases within 15 working days
 - **Priority 3** cases within 20 working days
 - **Priority 4** cases will involve a desktop assessment and a site visit may not be required.
- Provide an update to the complainant at key stages in the investigation and when **significant progress** has been made
- Advise the person reporting and site owner/occupier of the outcome of the investigation and any further action required:
 - **Priority 1** cases within 30 working days
 - **Priority 2, 3 & 4** cases within 90 working days

The council have set performance monitoring targets to carry out initial site visits in accordance with the time specified for that priority (above) in 75% of cases. Further performance monitoring targets have been set for concluding investigations (excluding formal enforcement action and allowing time for an identified breach to be resolved informally or via a retrospective planning application) of 30 days for Priority 1 cases and 90 working days for Priority 2, 3 & 4 cases 80% of the time.

Reasonable time must be given for compliance with an Enforcement Notice and if this is challenged at appeal, then the Council would be subject to timescales imposed by the Planning Inspectorate or the Courts. As a result of long compliance periods there may be limited progress with which to update interested parties. In such cases interested parties are welcome to contact the investigating officer to check progress.

12. Possible outcomes of the Council's planning investigations

In most cases, a breach of planning control is identified, and no action is taken. In cases where a breach is identified, in accordance with Government guidance the Council will seek to secure a negotiated solution unless there is substantive unresolvable harm that requires immediate action. Adequate time must be allowed for compliance to be achieved.

The table below shows potential outcomes for investigations.

Outcome of the investigation	Action taken
No breach – No development has taken place; the development is permitted by The Town and Country (General Permitted Development) Order 2015; or	The case will be closed, and no further enforcement action taken. The complainant will be informed of the closure and the reason for this.

is not within the control of planning legislation.	
Breach identified but action not expedient – e.g., the development is marginally larger than permitted development limitations and does not result in unacceptable harm. In such cases it would not normally be expedient to pursue formal action.	A retrospective application may be invited to regularise the development, or a delegated report prepared seeking authorisation for the case to be closed and no further action taken.
Development is immune from action – The development or use has been in existence for a period of time which makes it exempt from enforcement action.	Where the case is not priority 4 a report will not be prepared and the case closed.
Breach ceased (negotiation) – In line with the National Planning Practice Guidance, the breach has ceased following negotiation.	An application may have been invited; appropriate time given for the removal of the structure or cessation of the use; or alterations made to the development to resolve the case.
Formal Action – The development causes unacceptable harm and amendments cannot be made to resolve the harmful impacts of the development or use.	Formal action will take place. This is a lengthy process if negotiated solutions cannot be achieved. Adequate timescales for compliance with formal action must be provided by the Council. A Temporary Stop Notice <u>will not</u> be issued where there is a current and undecided discharge of condition application.

13. Monitoring of development for compliance

The Local Planning Authority (LPA) will seek, where resources allow, to pro-actively monitor large-scale development to ensure compliance with planning approvals. Due to the number of planning permissions granted each year it is not possible to monitor all development. The LPA will continue to rely upon the knowledge of local people, Ward members and Town and Parish councils to identify matters of non-compliance.

Appendix 1 - Types of formal enforcement action

If negotiation cannot secure a resolution to the case the Council will consider use of discretionary powers to take enforcement action. The nature of the breach will dictate what action will be most appropriate. The tools available include:

Enforcement tool	Definition
<p>Planning Contravention Notice and requests for information</p>	<p>In order to confirm the existence or nature of a breach, a Planning Contravention Notice (PCN) may be served under S171C of The Town and Country Planning Act 1990 (as amended). As well as clarifying the details in relation to a suspect breach, the PCN serves as a statement of intent of enforcement action by the LPA, formally demonstrating that it takes the matter seriously. The PCN offers the contravener an opportunity to meet officers to agree a plan for remedial measures. Failure to respond within time or not at all, or replying with false or misleading information, constitutes a criminal offence under Section 171D of the Town and Country Planning Act 1990 (as amended)⁶ and may lead to a penalty of up to a maximum of £5,000⁷.</p> <p>A notice under s.16 of The Local Government (Miscellaneous Provisions) Act 1976 or s.330 of The Town and Country Planning Act 1990 (as amended) can be issued with respect to specific matters only (for example; names, addresses and nature of interest; and use of a premises, dates and names, addresses and interests of users respectively). Land Registry searches into ownership of land can be undertaken.</p>
<p>Enforcement Notice</p>	<p>An enforcement notice can be served under Section 172 of the Town and Country Planning Act 1990 (as amended)⁸ and is the principle tool to remedy a breach of planning control. It imposes a legal duty on those with an interest in the land to affect measures specified in the notice within a specified period of time (no less than 28 days). Recipients may appeal to the Planning Inspectorate, during which time the notice is held in abeyance until the appeals determination.</p> <p>Enforcement Notices are entered in the Land Charges Register and Planning Enforcement Register and run with the land, remaining effective in perpetuity, even once complied with. Non-compliance constitutes a criminal offence for which recipients may be prosecuted and if found guilty are liable to a fine up to £20,000</p>

⁶ <http://www.legislation.gov.uk/ukpga/1990/8/section/171D>

⁷ <http://www.legislation.gov.uk/ukpga/1982/48/part/III/crossheading/introduction-of-standard-scale-of-fines>⁸ <http://www.legislation.gov.uk/ukpga/1990/8/section/172>

⁸ <http://www.legislation.gov.uk/ukpga/1990/8/section/172>

	<p>together with costs and a criminal record or an unlimited fine on indictment⁹.</p> <p>Section 171B¹⁰ of the Town and Country Planning Act (1990) as amended sets time limits within which the LPA can take planning enforcement action these are:-</p> <ul style="list-style-type: none"> • Four years for building, engineering, mining or other operations in, on, over or under land, without planning permission. This development becomes immune from enforcement action four years after the operations are substantially completed. • Four years for the change of use of a building, or part of a building, to use as a single dwelling house. Enforcement action can no longer be taken once the unauthorised use has continued for four years without any enforcement action being taken. • Ten years for all other development. The ten year period runs from the date the breach of planning control was committed. <p>However, where a person deliberately conceals unauthorised development, the deception may not come to light until after the time limits for taking enforcement action has expired. In such cases an enforcement order can be obtained which would enable the LPA to take action in relation to an apparent breach of planning control notwithstanding that time limits may have expired¹¹.</p>
Listed Building Enforcement Notice	<p>This is the equivalent notice available under Listed Building legislation¹². Works to a Listed Building do not benefit from the time limits for enforcement action imposed by The Planning and Compensation Act 1991. Therefore, this notice may be issued at any time.</p> <p>The same penalties apply to non-compliance with a Listed Building Enforcement Notice as to an Enforcement Notice. Any person who executes or causes work to be executed for the demolition of a Listed Building or for its alteration or extension in any manner will be guilty of an offence under s. 9 of the Planning (Listed Building and Conservation Areas) act 1990 (as amended) and if found guilty of an offence shall be liable</p>

⁹ <http://www.legislation.gov.uk/ukpga/1990/8/section/179>

¹⁰ <http://www.legislation.gov.uk/ukpga/1990/8/section/171B>

¹¹ Paragraph 024, Reference ID:17b-024-20140306, National Planning Practice Guidance

¹² <http://www.legislation.gov.uk/ukpga/1990/9/part/II/chapter/IV>

	on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding £20,000, or both; or on conviction on indictment, to imprisonment for a term not exceeding two years or a fine, or both ¹³ .
Breach of Condition Notice	This remedy is available in the event of non-compliance with a condition on a planning permission. There is no right of appeal and the penalty for non-compliance is a fine up to £2,500 ¹⁴ .
Stop Notice	In the most serious of cases the LPA may decide to issue a Stop Notice. Such notices can only be served in conjunction with an Enforcement Notice. They can require cessation of unauthorised activities where they cause severe harm to local amenity. The duty to comply is universal and not limited to recipients of the notice. The improper use of a Stop Notice may result in the LPA being liable for compensating owners and/or occupiers for losses directly attributed to the service of the notice. The fine for breaching a Stop Notice is currently £20,000 with an unlimited fine on indictment ¹⁵ .
Temporary Stop Notice	It is effective immediately and does not require the prior service of an Enforcement Notice. They last for a maximum of 28 days and cannot be renewed unless an Enforcement Notice is served. The fine for a breach a Temporary Stop Notice is the same as for a Stop Notice.
Court Injunction	This may be sought in the most serious of cases to restrain anticipated breaches as well as prevent actual breaches. Non-compliance is considered to be in contempt of Court and may result in a fine and/or imprisonment.
Untidy Land (s.215) Notice	Notices under s.215 of The Town and Country Planning Act 1990 (as amended) can encompass buildings as well as land. The LPA need only show that amenity is adversely affected by the state of the premises. Appeals are to the Magistrates' Court and non-compliance is a criminal offence for which recipients may be prosecuted and are liable to a fine of up to £1,000 ¹⁶ .
Advertisements	Advertisements, other than those exempt under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ¹⁷ , require consent. Any person who displays an advertisement in contravention of the Regulations is guilty of an offence under s. 224 (3) of The Town and Country Planning Act 1990 (as

¹³ <http://www.legislation.gov.uk/ukpga/1990/9/section/9>

¹⁴ <http://www.legislation.gov.uk/ukpga/1990/8/section/187A>

¹⁵ <http://www.legislation.gov.uk/ukpga/1990/8/section/187>

¹⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11491/319798.pdf

¹⁷ <http://www.legislation.gov.uk/uksi/2007/783/contents/made>

	<p>amended) and would be liable to a fine upon conviction of up to £2,500¹⁸.</p> <p>A Discontinuance Notice can be served in respect of adverts that have deemed consent; this is the relevant power where the LPA consider that an advertisement is not appropriate or dangerous. The notice cannot take effect less than 8 weeks after service and the notice carries a right of appeal¹⁹.</p>
Prosecution	<p>Prosecution is one of the remedies available in respect of a breach of any of the notices listed above (excluding Court Injunctions) and this action will be taken where there is sufficient evidence and it is in the public interest in accordance with the Code for Crown Prosecutors²⁰.</p> <p>If found guilty of the offence the Defendant may incur the costs of the LPA in bringing the prosecution; any resultant fines imposed; any costs incurred themselves directly in seeking legal representation; and have a resultant criminal record.</p>
The Proceeds of Crime Act 2002 ²¹ (POCA)	<p>The Act provides for the confiscation or civil recovery of proceeds of crime. POCA deals with a wide range of matters relevant to planning. Including confiscation orders against convicted individuals (requiring payment to the State based upon the benefit obtained from their crimes) and civil recovery of proceeds of crime from unconvicted individuals. Where a prosecution concerns offending conduct falling within the relevant tests under the Proceeds of Crime Act 2002, the Council will consider seeking a confiscation order to remove the benefit obtained from such criminal conduct. This sends a clear message 'that crime does not pay'.</p>
The Powers of Entry	<p>The Powers of Entry the LPA has to investigate potential breaches of planning control are;</p> <ul style="list-style-type: none"> • S. 196A, s. 196B (Power of Entry following issue of a warrant) and s. 196C (supplemental provisions relating to Power of Entry) of The Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 2004). • S. 214B, 214C (Power of Entry following issue of a warrant) and s. 214D (supplemental provisions relating to Power of Entry). • S. 225 of the Town and Country Planning Act 1990 (only entitles access to buildings which have public access).

¹⁸ <http://www.legislation.gov.uk/ukpga/1990/8/section/224>

¹⁹ <http://www.legislation.gov.uk/uksi/2007/783/regulation/8/made>

²⁰ https://www.cps.gov.uk/publications/docs/code_2013_accessible_english.pdf

²¹ <http://www.legislation.gov.uk/ukpga/2002/29/contents>

	<ul style="list-style-type: none"> • S. 324 and 352 (supplemental provisions relating to Power of Entry) pursuant to the Town and Country Planning Act 1990. • S. 36 and 36A (Power of Entry following issue of a warrant) of the Planning (Hazardous) Substances Act 1990. • S. 88 of the Planning (Listed Building and Conservation Areas) Act 1990. • S. 24 of The Local Government (Miscellaneous Provisions) Act 1976. • S. 33 of The Local Government (Miscellaneous Provisions) Act 1982.
Direct Action	Direct Action involves the Council undertaking the work specified in the notices.