

How long will it take?

Often negotiating a solution is the quickest way to resolve a breach of the planning rules.

Requiring a planning application or taking formal action can often take several weeks or months, particularly if a formal notice is served. This is because we have to give a reasonable length of time for the breach to stop; for example if somebody would lose their home then we have to give them time to find somewhere else to live first.

What could happen next?

An appeal

If the notice has been served then very often we receive an appeal which will be considered by an independent inspector. We will let you know if there is an appeal and what opportunity you have to be involved in it. Whilst an appeal is being considered the notice is put on hold, although we may continue to monitor the site.

Prosecution

In cases where valid notices have not been complied with we can then take action in the courts.

What information is publicly available?

Legal notices issued by the Council

Planning applications including plans, reports and decision notices

Available on our website

www.ashford.gov.uk

Select application search and go to enforcement.

You can also see two charts of how we deal with enforcement from the Planning Enforcement page on our web site.

How to contact us Email:

planning.enforcement@ashford.gov.uk

planningenforcement@ashford.gov.uk

Telephone: 01233 331111

Letter

Planning Enforcement,
Ashford Borough Council, Civic Centre,
Tannery Lane
Ashford, Kent
TN23 1PL

In person

At the Ashford or Tenterden Gateway



Ashford Borough Council

Planning Enforcement

What happens after I
have complained?

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Prioritisation

We have to prioritise the cases we deal with based on the degree of harm they are causing. More information is available on the "Our Approach to Planning Enforcement" page of our website.

Initial Checks

We will check the planning history of the site to see if the issue already has permission. If it does we will let you know and we will take no further action.

If it does not, we will decide on the best course of action which will often include an initial site visit.

The site visit

We will visit the site and take appropriate measurements; photographs; a record of what we find on the site as well as speaking to anybody who is there.

We may also want to see the breach from your property or from the surrounding area. We will arrange with you to do this in a way that protects your anonymity.

Assessment

Government policy is that enforcement is discretionary, that is the Council does not have to take action, and any action taken must be proportionate to scale and nature of the harm being caused.

Resolution

After the site visit and initial checks we will decide on the best course of action to follow, which will be one or more of the following:

No further action

If no unauthorised development has taken place the case will be closed. If work has occurred that requires permission but it is simply a technical or trivial matter, then we will close the case. We will always let you know what we decide.

Requesting an application

If there is a breach of planning rules, but it might be acceptable, then we will suggest that a planning application is made. If it is we will let you know so that you may comment on it. An application can be made even if the works have already been carried out.

Negotiating a solution

In many cases we can sort out the problem by negotiation. In these cases we will monitor the site to ensure that the agreed solution is carried out and will suggest an application is made to put things right in the long term.

Closing a file

When an application has not been received but we consider the breach to be acceptable we will write a report explaining our views and close the file. No further action will be taken apart from letting you know what has happened.

Formal Action

If it is clear that the breach is unacceptable, and cannot be made acceptable, then we will tell the person responsible. Normally we will give them an opportunity to put things right but, if they do not, formal action is likely to be followed.

Action will be a legal notice setting out what they have to do to resolve the breach and giving a timescale for this to happen. If they do not do this then further action in the courts can follow.