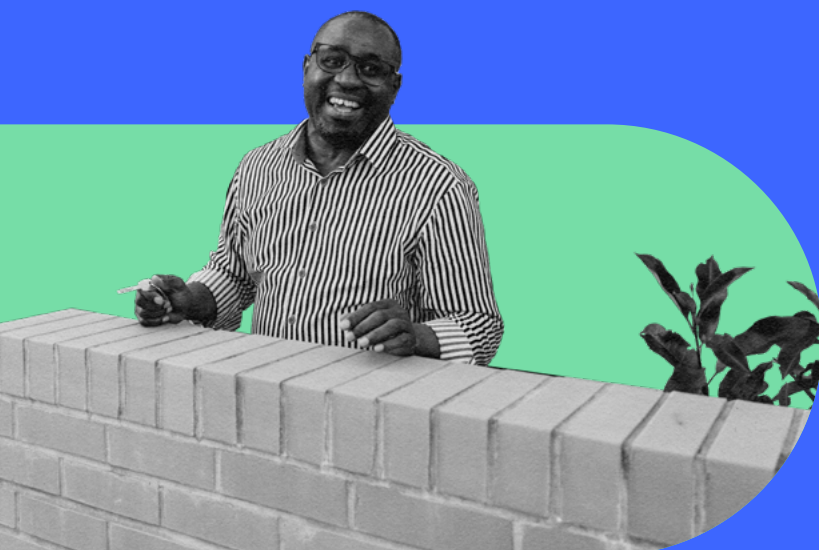
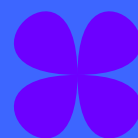
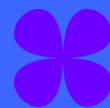


Royal Borough of Greenwich

Planning Enforcement Plan

2025



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Foreword

The Royal Borough of Greenwich is a growing borough that expects the best developments to be brought forward. The planning system is a positive driver for placemaking, regeneration and good growth. Ensuring good quality, sustainable development is important for improving the borough and creating better places in which to live, work and visit.

This Planning Enforcement Plan sets out a positive and proportionate approach to ensuring development is carried out in accordance with the Development Plan to make development acceptable and appropriate for the community. Our Planning Enforcement Plan clearly sets out when the council will intervene if planning

regulations are breached to ensure the best quality outcomes for our communities. Where a planning breach causes harm, the council is not afraid to use the full force of its planning enforcement powers. Effective enforcement of the planning system is essential to maintain the credibility and effectiveness of planning.



Cllr Majid Rahman
Cabinet Member for Planning,
Estate Renewal and Development

Introduction

The Royal Borough of Greenwich is a growing borough with ambitions to deliver on the good growth agenda. The council recognises and values investment in the borough but is clear that development must be of an exemplar quality and that all those developing in the borough abide by the planning regulations and permissions granted. It contains a variety of environments, including a World Heritage Site, Greenwich's historic town centre, industrial areas and urban and open space area.

This Enforcement Plan sets out general principles that the Royal Borough of Greenwich will follow in relation to planning enforcement and prosecution. It sets out what businesses, individuals and the community as a whole can expect from the council in the discharge of its various planning enforcement functions.

The Town & Country Planning Act gives the council, as the Local Planning Authority (LPA), powers for the control of unauthorised development. This document sets out the council's Plan for planning enforcement in the Royal Borough of Greenwich and the approach that the council will take in investigating and remedying breaches of planning control. Effective enforcement is important as a means of maintaining public confidence in the planning system.

The council is firmly committed to the effective and proportionate compliance of planning control. It views breaches of planning control very seriously and has

a specialist planning enforcement team within the planning service. Ideally, the council would like there to be no breaches of planning control in the borough. However, where breaches occur, planning law lays down strict requirements which the council has to follow before it can enforce against them. These requirements seek to balance the concerns of local people and the rights of owners against the need to secure proper planning control in the borough.

In accordance with paragraph 60 of the National Planning Policy Framework Guidance (NPPF), this Enforcement Plan has been prepared to outline the approach that will be taken by the council to remedy unauthorised development, and the procedures that will be followed.



Effective enforcement is important to:

- Tackle breaches of planning control which would otherwise have unacceptable impact on the area;
- Maintain the integrity of the decision making process;
- Help ensure that public acceptance of the decision making process is maintained.

In dealing with any enforcement issues, the council takes full account of the Royal Borough of Greenwich's Core Strategy which sets out the council's Development Plan Policies, in addition to those of the London Plan.

Implementing and following the processes and procedures in this strategy will support the council's Themes and Missions in Our Greenwich. The five themes being centred around the following:

- **People**
- **Place**
- **Economy**
- **Communities**
- **Organisation**



The purpose of Planning Enforcement

The purpose of planning enforcement is to ensure fairness and the integrity of the planning system.

Without effective planning enforcement, there would be less incentive to obtain or correctly implement planning permissions. This would undermine the integrity of the planning system and the objectives of our Development Plans and negatively impact our communities, residents and businesses. Planning enforcement seeks to strike a balance between the freedom of owners to use and alter their properties as it suits them and the need to prevent harmful impacts on the locality whilst preserving or enhancing historic buildings and areas and maintaining the quality of our borough.

The relevant enforcement legislation is complex and is qualified by High Court judgements and appeal decisions made by the Secretary of State. The National Planning Policy Framework (NPPF) provides guidance that must be given due consideration in each case.

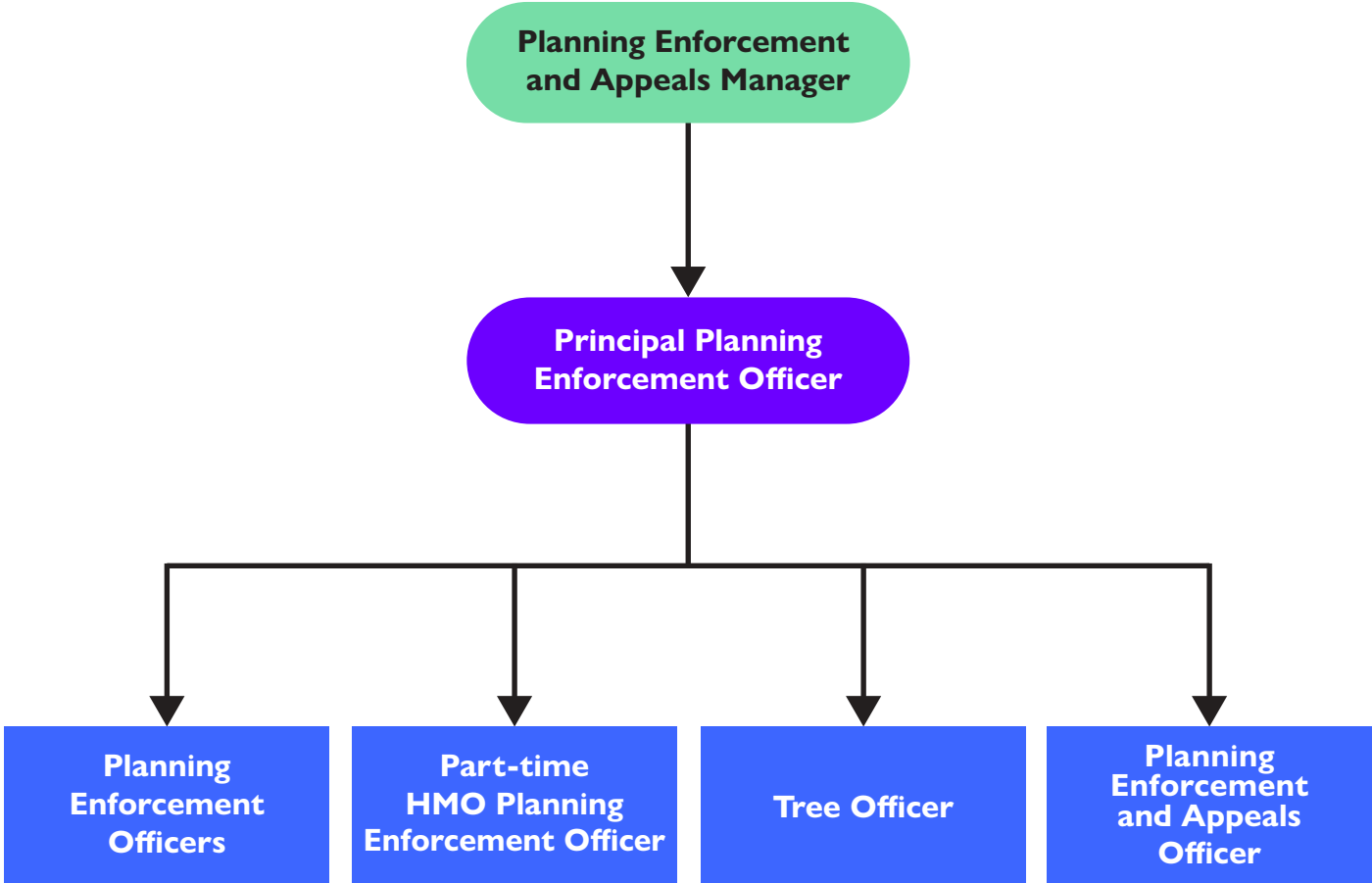
There is a need to ensure that despite this inherent complexity, when formal enforcement action is warranted, it is taken as quickly as possible, and its effectiveness is not reduced by lengthy negotiations.

Undertaking planning enforcement action is a discretionary power and is only undertaken where there is a clear public interest in enforcing planning law and planning regulations in a proportionate way. Enforcement action is only taken by the LPA when it is expedient to do so having regard to the development plan policies and other material considerations.



The Planning Enforcement Team

The planning enforcement team are within the the Royal Borough of Greenwich's Place and Growth directorate. We are a largely reactive team, and our primary duty is to investigate and resolve reports of unauthorised development. The team has limited capacity to be proactive but where possible we monitor compliance with conditions and undertake specific themed improvement projects.



Breaches of planning control

Breaches of planning control occur in many ways, for example where:

Building work, engineering operations, and material changes of use (such as unauthorised Places of Worship and Homes of Multiple Occupation (HMO's)) are carried out without planning permission.

Development has not been carried out in accordance with the approved plans.

Conditions of planning permissions or the terms of a legal agreement (for example, S106 obligations) have not been complied with.

Unauthorised demolition takes place.

Unauthorised works are carried out to a listed building which affect its character and/or appearance.

Removal of, or works carried out to, protected trees and hedgerows without consent being granted or proper notification given.

The display of advertisements that require express consent without such consent having been granted.

Land or buildings which are derelict, unkempt or overgrown and are adversely affecting public amenity. These are classed as 'untidy sites'.

Approved works commenced and not being completed in an appropriately timely manner.

Time Limits

The Levelling-Up and Regeneration Act 2023 introduced changes which affect the time limits within which enforcement action may be taken by local planning authorities, against works (operational development) and material changes of use. This Act has brought in a number of positive changes to planning enforcement.

In most cases, no enforcement action may be taken after the end of the following periods:

- **10 years** beginning with the date of substantial completion of works (operational development) where substantial completions took place on or after 25 April 2024.
- **10 years** beginning with the date of an unauthorised change of use to a single dwellinghouse, where the change of use commenced on or after the 25 April 2024.
- **4 years** beginning with the date of substantial completion of works (operational development) where substantial completion took place before 25 April 2024.
- **4 years** beginning with the date of an unauthorised change of use to a single dwelling/house, where the change of use commenced before 25 April 2024.
- **10 years** beginning with the date of any other breach of planning control, including changes of use and breaches of conditions.

- **There is no time limit for taking enforcement action in relation to works to Listed Buildings.** However no enforcement action may be taken in relation to alterations to listed properties where the works were completed before the date of the listing.

There are some other changes to the planning enforcement powers as a result of the new legislation. They include the addition of Enforcement Warning Notices which are set out in the Enforcement Toolkit section of this document. In addition there have been changes to the appeal of enforcement notices with the removal of the ground A appeal option in circumstances where a planning appeal has already been dismissed for a planning refusal.



Planning Enforcement priorities

The team will use the following classification when deciding which cases will be given priority in respect of urgency and Special Project Investigations. These are not inflexible priorities, and as judgement will be exercised on receipt of the complaint and the initial assessment, this could alter as the case progresses. We will carry out our enforcement duties with respect to openness, helpfulness, proportionality and consistency.

Priority 1 Complaints

(Risk of Significant Harm) – Requiring Immediate Investigation (as appropriate within a maximum of 10 working days).

The following types of cases are regarded as **Priority 1** (no particular order):

- Works to Listed Buildings
- Works to protected trees (either those covered by a Tree Preservation Order (TPO) or those within a Conservation Area) and safeguarded hedgerows
- Demolition of important unlisted buildings in Conservation Areas (non-designated Heritage Assets)
- Development which may have a significant and permanent adverse impact on (or destroy) a site of nature conservation value or the natural environment

Examples of the latter could include unauthorised mineral extraction and tipping of waste near protected sites

- Development which results in concerns for public safety, such as where the construction or demolition is open and close to the public realm
- Operational and building works, changes of use, minerals/waste issues and non-compliance with conditions/obligations that significantly affect residential amenity

Priority 2 Complaints

(Risk of Medium Harm) – Investigation to commence and complainant to be informed of progress within 15 working days.

The following types of cases are regarded as **Priority 2**:

- Operational development within Conservation Areas and areas subject to Article 4 directions
- Where the opportunity to take compliance action will shortly end due to immunity rules
- Changes of use such as premise to HMO's

Priority 3 Complaints

(Risk of Low Harm) – Investigation to commence and complainant to be informed of progress within 25 working days.

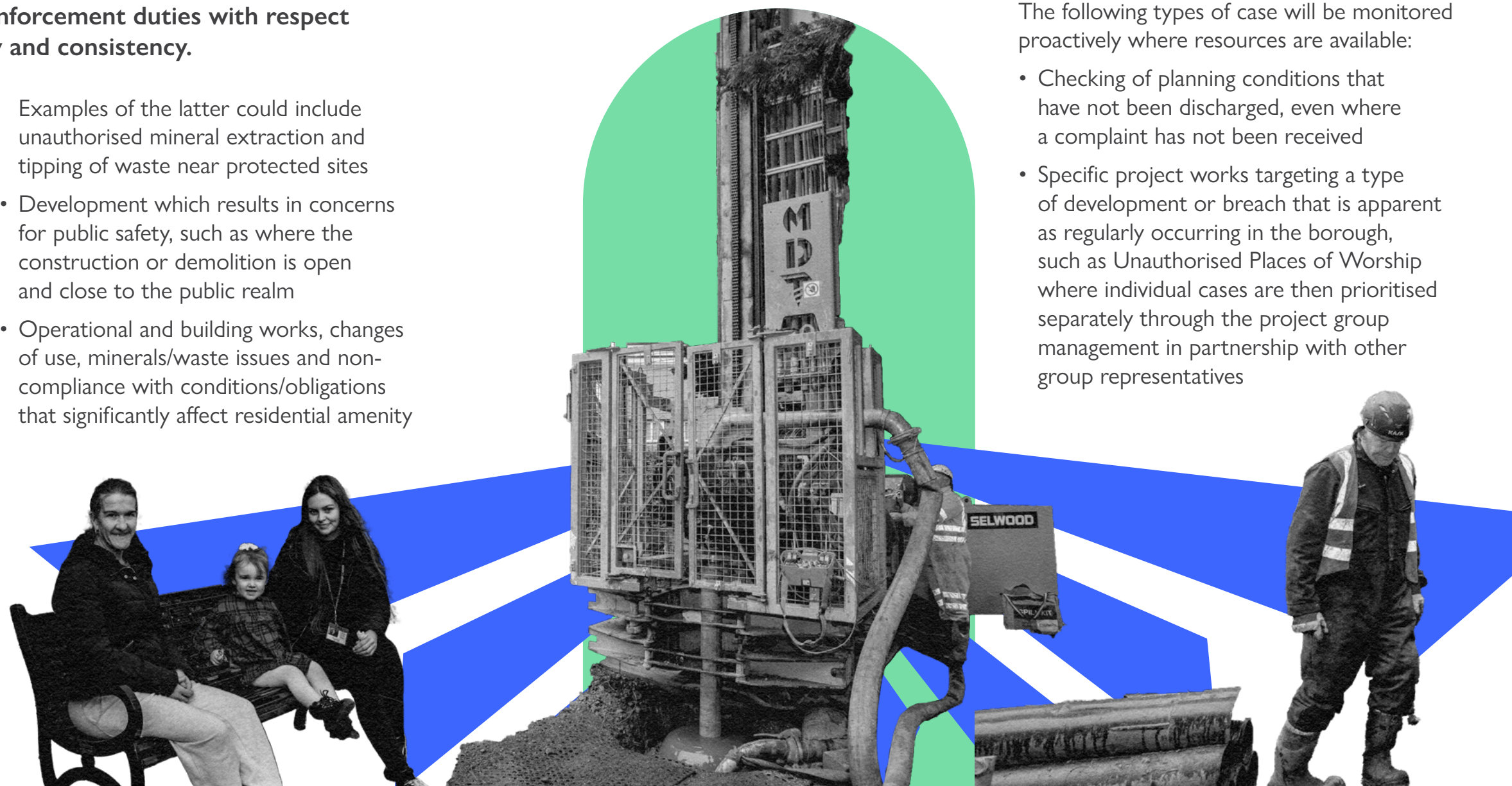
The following types of cases are regarded as **Priority 3**:

- Other changes of use
- Other building works/condition of land/compliance with conditions
- Advertisements and satellite dishes (Conservation Areas to be prioritised)
- Untidy Sites

Project Investigations – will have no specific priority but will be undertaken as required.

The following types of case will be monitored proactively where resources are available:

- Checking of planning conditions that have not been discharged, even where a complaint has not been received
- Specific project works targeting a type of development or breach that is apparent as regularly occurring in the borough, such as Unauthorised Places of Worship where individual cases are then prioritised separately through the project group management in partnership with other group representatives



What we can and can't investigate

What we can investigate

- Works to listed buildings
- External works to non-listed buildings
- Display of advertisements
- Demolition in a Conservation Area
- Operational development such as construction works on land or to buildings
- Change of use of buildings and or land
- Non-compliance with conditions attached to permissions
- Untidy land or poor condition of buildings
- Works to trees in a Conservation Area or trees protected by Tree Preservation Order

What we can't investigate

- Internal works to a non-listed building unless they relate to a change of use
- Works or land uses that are permitted development
- Changes of use within the same use class
- Land ownership disputes, trespass, party wall agreements or covenant infringements
- Works to pipes, sewers or highways carried out by the council or road network, telecommunications and energy providers, that do not constitute development or that benefit from permitted development rights
- Anti-social behaviour
- Dangerous structures or other health and Safety issues on a site
- Parking issues unrelated to planning conditions
- Tables and chairs on the public highway (the use of the highway for tables & chairs is covered by the The Deregulation Act 2020)

Reporting a breach of planning control

You can report a breach using the online form at the following link: royalgreenwich.gov.uk/reportabreach

What to include in your report

When reporting a potential breach, please supply as much information as possible about the current and previous situation as per the guidance on the online form, including:

- Your name and contact details (these will remain confidential)
- The exact address where the alleged breach is taking place
- The nature of the alleged breach
- When the alleged breach started
- Details of how the breach is affecting you
- The contact details of owners or other persons responsible, if known
- Photographs, where possible

What we will do

Acknowledgement and site inspections

If you provide contact details we will send you an acknowledgement with the name and contact details for the officer investigating your enquiry.

The officer will visit the site where necessary to obtain detailed factual information and photographs of the alleged breach of planning control.

Assessment

The officer will carry out a variety of assessments which will differ depending

on the nature of the alleged breach and information obtained but can include assessing information obtained as set out below:

- Desktop research of planning and land use history
- Land Registry searches
- Requesting information from internal and external agencies and teams, via Planning Contravention Notices issued to Land owners or those involved in the alleged breach

If a breach has occurred, the officer will write to you and advise accordingly. If it is found that there has not been a breach we will also write to you and explain the reason for the decision.

How long is the process likely to take?

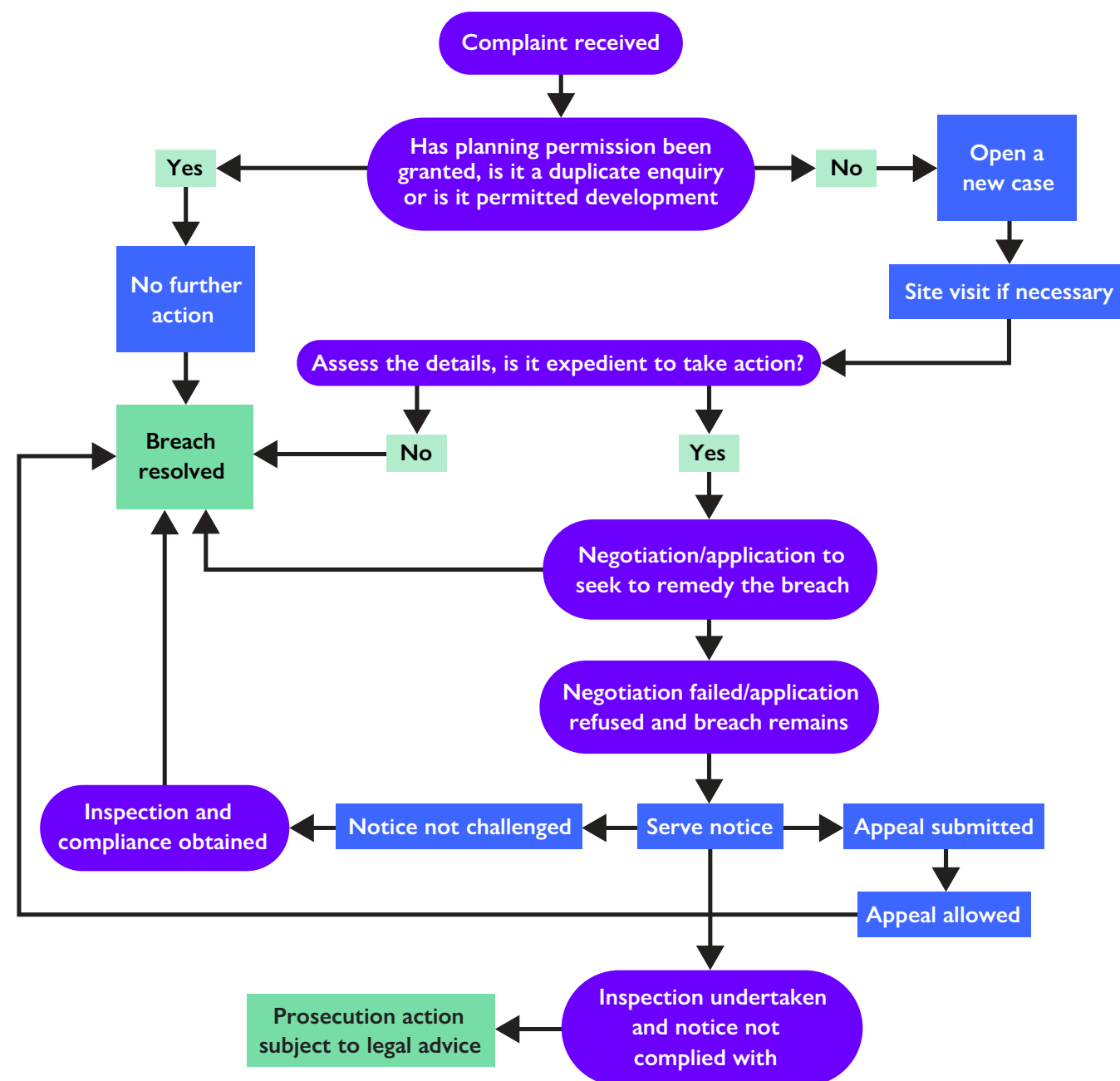
Dealing with breaches of planning control can be a lengthy process and the time taken to resolve breaches can vary considerably. This is because sometimes a breach of planning control can be resolved very quickly following initial visits and contacts and whilst in other cases, the breach may not be resolved without formal enforcement action being necessary.

When formal action is taken, the person against whom it is taken may choose to appeal. Appeals to the Planning Inspectorate or to the courts can take many months. If an appeal is submitted we will notify you.

The planning enforcement process

How will enforcement investigation progress?

The following flow chart provides a guide to how a typical planning enforcement investigation may proceed.



Enforcement Principles

Discretionary Powers

The use of planning enforcement powers is discretionary. This means that there is no statutory requirement to take enforcement action in relation to a breach of planning control. For each breach of planning control investigated the council must decide what action is most appropriate and whether such action is proportionate.

Formal action

This refers to the service of a legal notice, direct action, undertaking prosecution action or obtaining a court injunction.

Expediency

When determining whether to take action against a planning breach, the council must assess the nature of the breach and the impact of the breach on public amenity, visual amenity, environmental quality and the built and historic environment. This assessment will include determining whether the development complies with national planning policies, the London Plan and the Royal Borough of Greenwich Core Strategy and Local Development Framework as well as other material considerations.

Reasons for not taking action can include:

- There is no harm, or insufficient evidence of harm caused by the development
- The benefits of the development outweigh the harm caused
- Planning permission would be granted if an application was submitted

Informal action

This may include negotiation to resolve the breach, or an invitation to submit a retrospective application.

Taking no further action

This means that the council has decided that it is not expedient to take any action against the breach, or that there is no breach to take action against.

Enforcement toolkit

Depending on the nature of the breach we will either resolve planning breaches through informal action and negotiation or through formal direct enforcement action. However, where informal negotiations do not result in the planning breach being resolved, there are a number of planning enforcement powers available, and in each case the council must determine which tool is appropriate and proportionate.

Rights of Entry Warrant

A warrant issued by the Magistrates' Court to enable the council to access a property to investigate a breach.

Planning Contravention Notice (PCN)

A legal questionnaire issued to establish who owns the site, the nature of the breach, and how long the breach has been on-going.

Enforcement Notice

A legal notice that may require the removal of works, alteration to comply with a planning permission, or cessation of a use.

Planning Enforcement Order

The council can seek a Planning Enforcement Order from the Magistrates' Court where development is deliberately concealed.

Listed Building Enforcement Notice

A legal notice in relation to unauthorised works to a Listed Building or failure to comply with conditions attached to a listed building consent.

Repairs Notice

A legal notice setting out the repairs needed for the proper preservation of a listed building.

Section 215 Notice

A legal notice requiring improvements to a building or site when its condition is considered to adversely affect the amenity of the area.

Breach of Condition Notice

A legal notice requiring compliance with conditions attached to an implemented planning permission.

Discontinuance Notice

A legal notice requiring the removal of an advertisement with deemed consent.

Tree Replacement Notice

A legal notice requiring a replacement tree of a certain size and species to be planted in a particular location.

Stop Notice

A legal notice requiring an activity to cease before the expiry of the compliance period set out in a related enforcement notice.

Temporary Stop Notice

A legal notice requiring an activity to cease before an enforcement notice has been served.

Listed Building Temporary Stop Notice

A legal notice requiring unauthorised works to a Listed Building, or works in breach of a condition on a Listed Building consent, to cease.

Section 330 Notice

A legal notice requiring information about who owns a property.

Development Completion Notice

Powers introduced by the Levelling up and Regeneration Act 2023. A legal notice stating that a permission will cease to have effect at a specified time, where the council is of the opinion that a development that was commenced before the expiry of the permission will not be completed within a reasonable period. Resulting in the works being unauthorised.

Development Commencement Notice

As above these are new powers. A legal notice requiring that information be provided confirming the commencement date of a development.

Enforcement Warning Notice

A legal notice requiring the submission of a planning application where there has been a breach of planning control, but there is a reasonable prospect that permission would be granted.



Direct Action

Where an enforcement notice has not been complied with, the council may enter the property to fulfil the requirements of the notice and may recover from the owner of the land any expenses reasonably incurred in doing so.

Injunction

A legal order issued by the High Court stating that an unlawful act should not take place or should be undone or requiring specified action.

Prosecution

Prosecution may be pursued in the Magistrates' Court or Crown Court in relation to the following offences

- Failure to comply with a legal notice (e.g. an enforcement notice, listed building enforcement notice, stop notice or s215 notice)
- Undertaking unauthorised works to a Listed Building
- Displaying an advertisement without express consent

- Unauthorised removal or works to a tree within a conservation area or subject to a Tree Preservation Order.
- Failure to provide details of a development commencement date (this is new legislation not yet in effect)

Recovering financial benefit from a planning offence (POCA)

In some limited cases where a planning offence has occurred, and a successful prosecution has been secured against the offence, the council has powers to seek a confiscation order of any financial gains proven to be solely related from the planning breach.

Post enforcement matters

Once the Council progresses formal enforcement action there are two avenues that can be followed — appeal, either to the Planning Inspectorate or through the courts and secondly, or compliance with the notice

Appeals

Enforcement Notices

An appeal may be submitted to the Planning Inspectorate in relation to the service of an enforcement notice, listed building enforcement notice or a discontinuance notice. The Planning Inspector will consider the appeal, may visit the site, and will issue a decision. If an appeal is lodged, the requirements of the notice and the time period for compliance are suspended until the appeal decision is issued.

Magistrates Court

There is a right of appeal to the Magistrates' Court for Section 215 notices. If an appeal is lodged, the requirements of the notice and the time period for compliance are suspended until the court decision is made.

High Court

There is no right of appeal in relation to a temporary stop notice, a stop notice or a breach of condition notice. The validity of these notices can only be challenged by application to the High Court.

Costs

The council will seek to recover costs in relation to appeals against enforcement action that are considered to be unreasonable.

Withdrawal of Notices

A request can be made to withdraw an enforcement notice or listed building enforcement notice where it has been complied with and there is no prospect of the breach recurring. Unless notices are withdrawn, they remain as a charge on the Local Land Charges Register.



