



DEVELOPMENT MANAGEMENT

Planning Enforcement a brief guide

Introduction

Aberdeen City Council is committed to delivering high-quality sustainable services to the public. This leaflet has been produced to accompany our Enforcement Charter, a legal requirement on local authorities under the Planning Etc (Scotland Act) 2006, to provide a brief guide to the enforcement process, and to tell you what standards of service you can expect when dealing with our Service.

Service standards are monitored and results reported to senior management, as we strive to ensure we continuously improve our service delivery to customers.

In Scotland, planning permission is required for most development that takes place. Sometimes however, someone may carry out work without planning permission, or they don't keep to the permission they have been given. Aberdeen City Council has powers to act in such cases.

The Council will investigate breaches of planning control. These can include:

- work being carried out without planning permission or other consent (this includes conservation area consent, listed building consent or advertisement consent);
- an unauthorised change of use of land or buildings;
- carrying out work which is not in line with the approved plans or consent;
- carrying out work which is not in line with conditions attached to a permission or consent; or
- carrying out work to trees that are protected by a planning condition or a Tree Preservation Order.

The purpose of planning enforcement is to resolve the problem rather than to punish the mistake. It is also important to remember that enforcement is a discretionary power. This means that we will decide if it is in the public interest to take enforcement action where planning control has been broken. We are not obliged to take any action, and in some cases we may decide that no action is necessary.

In some cases, the Council may not be able to take any action. Generally, building work carried out more than four years ago, or a change of use of land or a property that took place more than 10 years ago, is considered lawful and immune from action. Some complaints, such as neighbour disputes over boundaries, relate to matters over which planning law has no control, and cannot be investigated.

As a member of the public, you can play a vital role in reporting breaches of planning control to the Council. Any information that you give us is checked to find out if it involves a breach of planning control and includes all the details we need. After these preliminary checks, the complaint is registered and you will receive a written or e-mail acknowledgement with a reference number and contact details.

Following a visit to the site by one of our officers, you will be informed of what action, if any, is proposed. We will try to inform everyone involved of significant stages in the progress of a case. You may also wish to contact the case officer for a more regular update. If there has been no progress within 4 weeks, the Council will write to you to explain the delay.

Priority will be given to significant breaches of planning control including:

- Significant negative effects on amenity;
- Breaches of condition for major development;
- Damage to listed buildings; and
- Unauthorised felling of trees and matters affecting trees protected by Tree Protection Orders.

We will then take action, either by negotiating a solution, asking for a retrospective planning application to be made, or by taking more formal action such as the issue of an enforcement notice. Such a notice would include:

- a description of the breach of control that has taken place;
- the steps that should be taken to remedy the breach;
- the timescale for taking these steps;
- the consequences of failure to comply with the notice;
- where appropriate, any rights of appeal and how to lodge an appeal.

People who are served with an enforcement notice can appeal to Scottish Ministers. If so, enforcement action is suspended until a decision is issued. Failure to comply with a notice may result in the planning authority taking further action. This can include a range of possible options including:

- referring the case to the Procurator Fiscal for possible prosecution;
- carrying out work and charging the person for the costs involved;
- seeking a Court interdict to stop or prevent a breach of planning controls.

The Council has set down the procedures, standards and contact details in its Charter for Planning Enforcement. This is available to view on the Council's website, at all City libraries and at:

Planning and Sustainable Development
Ground Floor
Marischal College
Broad Street
Aberdeen AB10 1AB

Phone: 01224 523470

E-mail: pi@aberdeencity.gov.uk

or write to us at the above address.

Further Information or Assistance

If you require any further information, or assistance regarding matters raised in this leaflet, please contact:

Dr. Margaret Bochel
Head of Planning and Sustainable
Development
Aberdeen City Council
Marischal College
Broad Street
Aberdeen AB10 1AB

Phone: 01224 523470

Email: pi@aberdeencity.gov.uk

Our Office hours are:

Monday to Friday: 8:30am - 5:00pm

Weekends: Closed

(also national and local holidays)

Comments, Compliments or Complaints

To make a comment, compliment, or complaint, please contact our Chief Executive:

Valerie Watts
Chief Executive
Town House
Broad Street
Aberdeen AB10 1FY

Phone: 01224 522500

Email:

chiefexecutive@aberdeencity.gov.uk

Internet

Visit Aberdeen City Council's website at
www.aberdeencity.gov.uk/planning