



Local Enforcement Plan 2026 - 2028

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1. Introduction

1.1. This Local Enforcement Plan details Cotswold District Council's approach to dealing with any reported breach of planning control. It sets out the principles and procedures the Council will follow when considering and taking enforcement decisions and actions.

1.2. The national Planning Practice Guidance sets out that effective enforcement is important to tackle breaches of planning control, maintain the integrity of the decision making process and ensure public acceptance of decisions is maintained. Whilst discretionary, the Council is committed to the principles of good regulation, ensuring its regulatory activities are:

- **Proportionate:** Enforcement action will be proportionate to the perceived risks and seriousness of the alleged offending and the harm caused.
- **Consistent:** Duties will be carried out in a fair and consistent manner, adopting a similar approach across the District where possible.
- **Transparent:** Clear, concise, and accessible information, advice, and guidance will be provided, distinguishing between legal requirements and best practice.
- **Accountable:** Decisions will be guided by clear, transparent criteria, with documented reasoning and accessible policies, while recognising that some parts of the process must remain confidential.
- **Targeted:** Resources will be focused on higher-risk breaches and areas where action is most needed, with timely and proportionate responses that reflect local needs and national priorities.

1.3. All enforcement activities will be carried out in accordance with the Human Rights Act 1998 and relevant equality legislation. The Council will ensure that

decisions and actions respect individuals' rights to privacy, property, and fair process, balancing these rights against the wider public interest.

2. What is a Breach of Planning Control

2.1. A breach of planning control occurs when development is undertaken without the necessary planning permission or consent, or when conditions or limitations attached to a permission are not complied with. Planning enforcement action is discretionary and serves a remedial purpose, meaning that action is taken to remove the harm caused by a breach of planning control, rather than simply to punish.

2.2. Most breaches of planning control are not criminal offences. A criminal offence typically arises if the requirements of a formal enforcement notice are not complied with within the specified time. However, certain breaches are criminal offences from the outset, including:

- Unauthorised works to a Listed Building.
- Unauthorised works to a tree protected by a TPO or to a tree within a Conservation Area.
- The display of advertisements which do not benefit from deemed (automatic) consent.

2.3. Breaches of planning control can become immune from enforcement action after a period of time has elapsed without action being taken:

- For breaches substantially completed before 25 April 2024, the previous 4-year rule applies to operational development and to changes of use of a building to a single dwellinghouse. All other breaches were subject to the 10-year rule. For breaches completed on or after 25 April 2024, the time limit is 10 years for all types of development, following changes introduced by the Levelling-up and Regeneration Act 2023.

- There is no time limit for taking enforcement action in relation to unauthorised works to listed buildings
- These time limits may be extended where there is evidence that the alleged breach has been deliberately concealed from the Council. These cases are very rare.

2.4. Matters that are not breaches of planning control can include (not exhaustive):

- Internal alterations to a building that is not a listed building.
- Land ownership disputes and boundary disagreements.
- Removable A-Board pavement advertisements
- Parking of vehicles on the highway or on grass verges.
- Operating a business from home, where the residential use remains primary and there is no significant impact on residential amenity or character.
- Matters covered by private covenants or other civil laws.
- Any development that benefits from "Permitted Development" rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- Clearing land of hedges, bushes, or undergrowth, unless protected by the Ancient Hedgerows Regulations 1997 (gov.uk/countryside-hedgerows-regulation-and-management and provided trees are not protected by a TPO or within a Conservation Area).
- Parking a caravan within the curtilage of a dwelling, provided its use is incidental or ancillary to the main dwelling.
- Insertion of additional windows in existing dwellings, unless restricted by planning conditions or permitted development rights.

What the Council Can and Cannot Do

2.5. The Enforcement Team investigate alleged breaches of planning control on behalf of Cotswold District Council. Officers do not act for the person reporting the breach or any third party. Planning enforcement is governed by law and must be fair, proportionate, and in the public interest. Officers cannot act outside of legal powers or intervene in matters covered by other legislation.

2.6. Officers therefore will:

- Investigate planning breaches where there is evidence and potential harm.
- Prioritise cases based on the level of harm caused.
- Seek informal resolution first, before considering formal enforcement action.
- Provide advice on options such as retrospective planning applications where appropriate.

2.7. The Council generally cannot investigate anonymous reports because we often need to contact the complainant to request further information, clarify details, or understand the nature of the harm. Accepting anonymous reports also increases the risk of malicious or unfounded allegations. To ensure fairness, transparency, and proper use of public resources, The Council require contact details for almost all reports. If someone wishes to remain anonymous, they may ask a Parish Councillor or District Councillor to submit the report on their behalf.

3. Matters we do not Investigate

3.1. Whilst the Council will always endeavour to investigate all reports, certain matters will fall outside the scope of planning enforcement. The Council cannot therefore:

- Act on behalf of complainants – officers role is impartial.
- Accept anonymous reports directly.
- Intervene in private or civil disputes, including:
 - Trespass on land
 - Boundary disputes
 - Deeds and covenant restrictions

For advice on these matters, consult a solicitor or the Citizens Advice Bureau. Guidance on the Party Wall Act 1996 is available at: gov.uk/party-wall-etc-act-1996-guidance.

- Investigate issues outside planning control, such as:
 - Obstruction of highways or public rights of way – Managed by Gloucestershire County Council or the police if safety is affected.
 - Parking of commercial or other vehicles on highways or grass verges – Usually a highways matter.
 - Health and safety concerns on building sites – These fall under the Health and Safety Executive.

4. Reporting a Suspected Breach of Planning Control

4.1. Routine monitoring of all development is not feasible across a district of this size, so potential breaches are usually identified through reports from the public and other stakeholders. Before reporting an alleged breach, it is recommended that third parties:

- Review the Council's Online Planning Register to see if planning permission has already been granted for the works: <https://publicaccess.cotswold.gov.uk/online-applications/>.

- Consider other agencies - If the issue relates to highways, noise, or health and safety, it may fall under other authorities such as Gloucestershire County Council, the police, or the Health and Safety Executive.
- Have all the details of the alleged breach to hand - having regard to paragraph 4.4 of this plan.

4.2. If you wish to report a breach to the Council, you are able to report this to us via the Council's online form. The Council's website provides a dedicated online form for reporting suspected breaches of planning regulations. This ensures all necessary information is captured efficiently and will ensure reports are processed expediently.

4.3. If it is not possible to use the online form, reports may be submitted by email or hard copy letter. However, these must include the minimum required information as outlined in paragraph 3.3 of this plan.

- Email: Planning.Enforcement@cotswold.gov.uk
- Post: The Council Offices, Trinity Road, Cirencester, Gloucestershire, GL7 1PX

4.4. To support an efficient investigation and avoid delays, the following minimum information is required:

- The precise address or location of the site where the alleged breach has occurred (ideally shown using What Three Words).
- A clear description of what the alleged breach of planning control is.
- When the alleged breach first occurred or when the activity started.
- If referring to non-compliance with approved plans or conditions, the specific planning application reference number and relevant conditions.
- Any supporting evidence, such as photographs, which can be uploaded via the online form or attached to emails.
- How the alleged breach affects you/the perceived harm
- Your full name, postal address, email address, and telephone number.

4.5. To enable a thorough investigation, complainants should provide as much information as possible. Unfortunately, if sufficient information is not received, the Council may not be able to investigate, or the report may not be deemed to meet the threshold to proceed to investigation when triaged (See Paragraph 5.4).

4.6. The Council will take steps to keep complainants' details confidential and ensure they are not shared with the individual(s) responsible for the alleged breach. However, in some circumstances, particularly if a case proceeds to an appeal or legal proceedings, it may be necessary for a complainant to give evidence, which could lead to their identity being disclosed. Such instances are very rare, and the case officer would contact complainants if this is the case.

5. Assessing and Prioritising Suspected Breaches

5.1. Each report of an alleged breach of planning control will be assessed on its individual merits. As planning enforcement is discretionary, the Council is not required to take formal action against every breach identified. This ensures a proportionate approach in accordance with the NPPF. Formal action will not be taken against unauthorised development that is acceptable in planning terms, where no harm is identified, or the harm is minimal.

5.2. In assessing suspected breaches, the Council will have regard to all relevant planning policies and other material considerations. Below are examples of matters that may be material and those that are not material considerations:

Material Consideration	Not a Material Consideration
<ul style="list-style-type: none"> • Overlooking and loss of privacy • Loss of light • Overshadowing • Creating a sense of enclosure/overbearing • Impact on the character of an area • Noise, Odour, Pollution • Highway safety • Planning policy and guidance • Design • Effect on Listed Buildings 	<ul style="list-style-type: none"> • Property values • The right to a view • Business competition • Restrictive covenants • Matters covered by other legislation • Moral objections • Land ownership

5.3. When considering whether to take formal action, the Council must be able to show that demonstrable harm has occurred as a result of the breach and that any action is proportionate and reasonable. The decision is based upon expediency, informed by considerations such as:

- Is the development acceptable in respect of all material considerations?
- If an application was submitted, is it likely to have been supported/permitted?
- Is the breach causing harm to public amenity and/or safety?
- Is the development contrary to national and/or local planning policy?
- Would action be proportionate to the level of harm identified?
- Is action required now, and is it in the public interest?

5.4. Reports will be triaged within 10 working days of receipt, except those relating to works to a listed building or a protected tree, which will be prioritised. Where a complaint is progressed to a formal investigation, a Triage Outcome Letter will be issued within this triage period. Cases that do not meet the triage

thresholds set out below will be closed and the complainant notified. These cases will not progress to a formal investigation:

A. No Breach of Planning Control Identified or Insufficient Information

- Following review if it is determined that:
 - The development is permitted under Permitted Development Rights, or
 - The activity does not constitute “development” under the Town and Country Planning Act 1990, or
 - The matter falls outside the scope of planning control (e.g., civil disputes, land ownership issues), or
 - Insufficient information has been submitted to undertake an initial investigation (including anonymous reports*).

Then:

- The case is closed and recorded as a no breach, with a written explanation to the complainant.
- The decision is recorded in the enforcement database with supporting evidence (e.g., photos, legal references).
- No further action is taken unless new evidence emerges.

B. Breach Identified but No Harm/Not Expedient

- If a breach is confirmed but:
 - The harm to public amenity, heritage, or environment is minimal, and
 - The development would likely have received planning permission if applied for, and
 - Enforcement action would be disproportionate or not in the public interest,

Then:

- The case is closed on the grounds of non-expediency.

- A retrospective planning application may be invited (but not required).
- The complainant is informed of the outcome and reasoning.
- The landowner is notified and advised of best practice or future compliance.

Please note: Where triage cannot determine the level of harm with reasonable certainty, or where further enquiries are necessary to understand the alleged breach, the matter will be progressed to a formal investigation.

5.5. To ensure effective use of resources and a consistent service, all reported breaches that progress to a formal investigation following triage will be assigned a priority rating, based on the nature of the alleged breach and the degree of harm caused. Cases may be re-prioritised as the investigation progresses.

5.6. Complainants will be advised of the Council's priority categorisation within the Triage Outcome Letter. Officers will undertake an initial investigation in accordance with the targets set below and the complainant will receive a post-initial investigation update within this timescale. Following this, updates will be provided at key milestones, where additional information is required and where timescales change. Routine communication where there is no meaningful update during investigations will not be provided owing to resource constraints.

5.7. Complainants should be aware that these are target timescales and may be subject to change due to caseload demands or the complexity of the investigation.

Priority Category	Type of Reported Breach (Examples)	Initial Investigation Target
Priority 1: Urgent / Serious Harm	<ul style="list-style-type: none"> - Unauthorised works to a Listed Building causing potentially irreversible damage - Unauthorised felling or significant damage to a protected tree (TPO or within a Conservation Area). - Development posing an immediate and serious risk to public safety (e.g., dangerous structures, significant highway safety issues). 	Within 10 working days
Priority 2: Significant Harm	<ul style="list-style-type: none"> - Unauthorised major operational development (e.g., new dwellings, large extensions) causing significant harm to amenity (e.g., severe overlooking, loss of light, overbearing impact). - Unauthorised material change of use causing significant and widespread nuisance (e.g., excessive noise, odour, traffic generation). - Non-compliance with conditions on major developments causing significant harm. - Untidy land or buildings causing substantial and widespread harm to the visual amenity of an area. 	Within 30 working days
Priority 3: Moderate Harm	<ul style="list-style-type: none"> - Unauthorised minor operational development (e.g., small extensions) causing moderate, localised harm to amenity. - Unauthorised change of use causing localised nuisance. 	Within 40 working days

	<ul style="list-style-type: none"> - Non-compliance with conditions on minor developments causing moderate harm. - Unauthorised advertisements causing moderate visual clutter. 	
Priority 4: Low Harm / Technical Breach	<ul style="list-style-type: none"> - Minor operational development with negligible or no demonstrable harm (e.g., small sheds, minor alterations that could likely be permitted). - Technical breaches of conditions causing limited harm. - Development that may upon investigation benefit from retrospective planning permission. 	Within 40 working days
Priority 5: Monitoring / Compliance	<ul style="list-style-type: none"> - Cases requiring ongoing monitoring of compliance with notices or conditions. - Follow-up on previously resolved cases. 	As required by case progression

5.8. Initial investigation means the first substantive enquiries and evidence gathering to establish key facts and assess harm. The outcome will generally include confirmation of whether a breach of planning appears likely, unlikely, or is not yet clear, and identifying next steps (close, monitor, negotiate, invite an application, issue a PCN, or consider formal enforcement action).

5.9. The target timescales are a guide. Actual response times may vary depending on:

- The volume of reports received at any given time.
- The need to gather further information or evidence from various sources.
- Staff availability and resources.

5.10. The Council will always endeavour to keep complainants informed if there are significant delays or changes to the expected timeframe.

6. Investigation Process and Enforcement Tools

6.1. Once a report has been triaged and allocated a priority category, it will be allocated to an Enforcement Officer to undertake an investigation. This may involve:

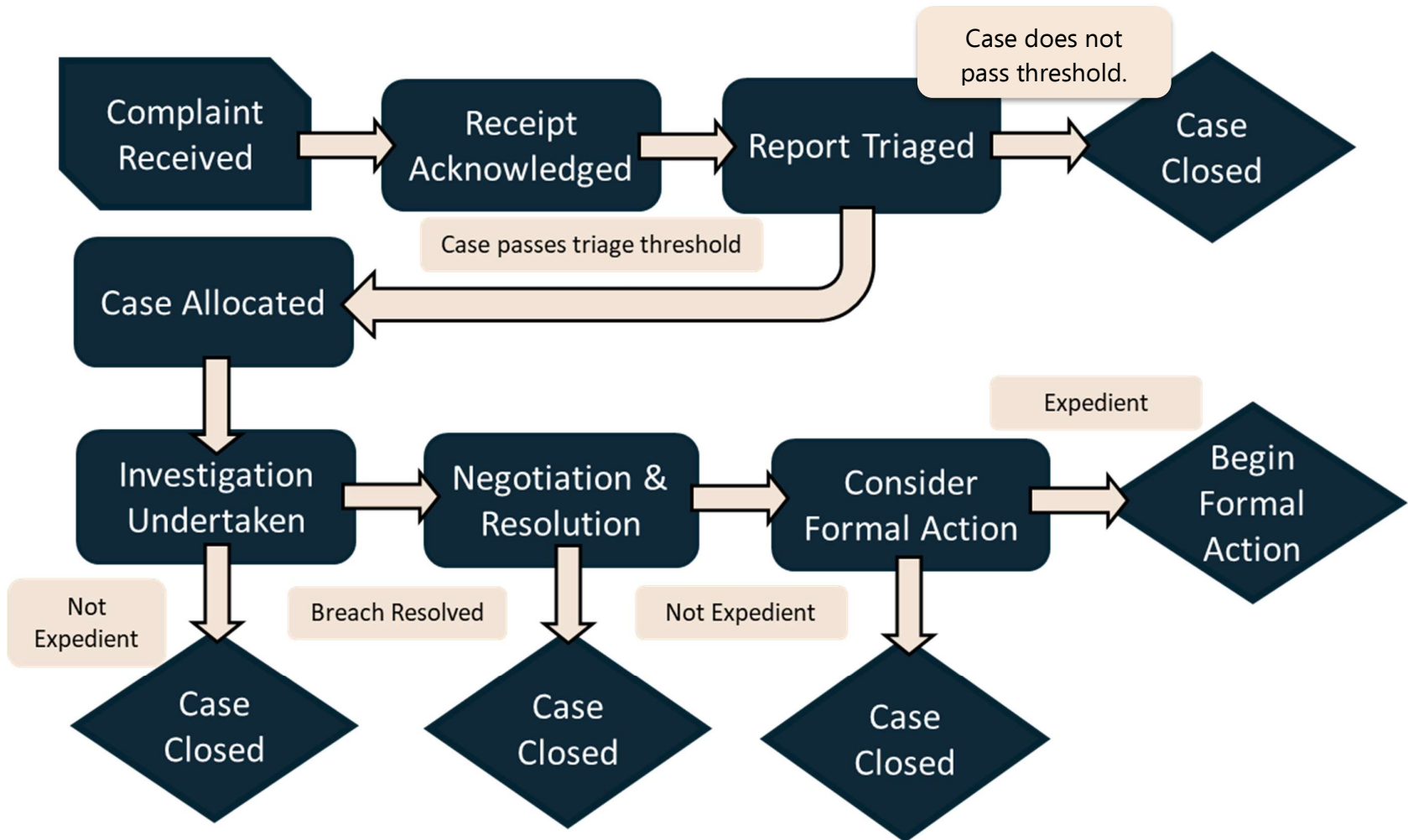
- Reviewing the information provided by the complainant.
- Checking planning history for the site.
- Consulting relevant planning policies and guidance.
- A desktop review of available online information
- Undertaking a site visit (internal or external, depending on access rights and nature of breach) to gather evidence, take photographs, and assess the extent of the alleged breach and any harm caused.
- Identifying the person(s) responsible for the breach and/or the landowner.
- Requesting further information from the complainant or other parties.

6.2. In most cases, the Council will seek to resolve breaches informally, particularly where the harm caused is moderate, or where the unauthorised development could be made acceptable through minor alterations or by submitting a retrospective planning application. This may involve:

- Engaging in discussions and negotiations with the alleged offender to seek a voluntary remedy.
- Requesting a retrospective planning application or inviting a pre-application where appropriate.
- Issuing an informal warning letter.

- 6.3. Informal resolution is often the quickest and most effective way to resolve a breach and is preferred where appropriate. Planning Enforcement is not a punitive process, and the objective is to resolve a breach of planning and mitigate any harm caused.
- 6.4. Where informal resolution is not achieved, or where the breach is serious and causes significant demonstrable harm, the Council will consider formal enforcement action where expedient. The Council has a range of statutory powers available under planning legislation, which are set out in more detail within Annex A:
- 6.5. Decisions on whether to take formal enforcement action will be made by authorised officers under the Council's adopted Scheme of Delegation. Legal advice will be sought where appropriate. All decisions will be based on the principles set out at paragraph 1.2 of this plan and will consider all material planning considerations and the public interest. The Council will maintain a record of all decisions made.

Flowchart of Enforcement Process for Service Users



7. What to Expect if a Report is Made About Your Property/Land

7.1. If you are the subject of a planning enforcement investigation, here are some practical steps to help you manage the situation:

- Enforcement is about resolving issues, not punishment. Most cases are settled informally. Avoid making further changes until the matter is clarified. It may be beneficial to consider applying for pre-application advice if you require guidance on the potential acceptability of your development, the Council officers a dedicated pre-application service relating to enforcement breaches.
- If officers contact you, reply within the timeframe given. Provide accurate information as delays or incomplete responses can prolong the case and may potentially result in formal action where meaningful progress cannot be made through informal processes.
- Under the Town and Country Planning Act 1990, authorised officers have a legal right to enter land (but not a dwelling without 24 hours' notice) for enforcement purposes. This power is used reasonably and only where necessary to investigate a report or monitor compliance.
- Formal action is usually a last resort. If a breach is confirmed, you may be asked to:
 - Apply for retrospective planning permission.
 - Make changes to comply with planning rules.
- You will be informed of any formal notices and have a right of appeal. The Council will always act proportionately and fairly.

8. Concerns and Complaints

8.1. If a service user wishes to raise concerns with the process of an enforcement investigation, it is possible to make a formal complaint. Details of this

procedure can be found on the Council's website or by contacting the Council's customer services team. This procedure covers complaints about the standard of service provided, including delays, errors, or unfair treatment, but does not cover situations where you wish to challenge a planning judgement or decision not to take enforcement action.

- 8.2. If once the Council's formal complaints process has been exhausted, a service user continues to believe the Council has acted unfairly or failed to follow proper administrative procedures, a complaint may be made to the Local Government and Social Care Ombudsman. The Ombudsman cannot overturn investigation outcomes, but can investigate alleged maladministration or service failure.

Data Protection and Privacy

- 8.3. Cotswold District Council processes personal data in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. When you report a suspected breach of planning control, we will use your information solely for the purposes of investigating and resolving the case. Your details will be kept confidential and will not be shared with the person alleged to have breached planning control, except where disclosure is required by law, for example, if you choose to give evidence at an appeal or in court proceedings.
- 8.4. We retain information only for as long as necessary in line with our retention schedules. Further information on how the Council handles personal data, including your rights, is available in our Privacy Notice on the Council's website.

Review and Governance

8.5. This Local Enforcement Plan will be reviewed every three years, or sooner if there are significant changes to national legislation, local policy, or service requirements. Updates will be approved in accordance with the Council's governance arrangements, typically by the relevant Cabinet Member or Director with responsibility for Planning Services. The Planning Enforcement Team will monitor the effectiveness of this Plan and may recommend amendments to ensure it remains current, proportionate, and aligned with best practice.