

# Enforcement Harm Checklist

## Case Details

1	Contravention No.	
2	Site Address	
3	Alleged Breach	
4	Action Target Date	
5	Priority	
6	Ward	
7	Ward Member	

## Relevant Policies and Considerations

8	Enforcement / Planning History	
9	Local Enforcement Plan	
10	Equalities Act	
11	Human Rights Act 1998	

## Primary Considerations

Y/N/NA

12	Development	Do the works that have taken place fall within the <b>meaning of development</b> as defined by Section 55 of the TCPA 1990? If Y, go to Q13 – If N, <b>no further action</b> on this form is required and go to Q34	
13	Permitted Development	Is the development <b>permitted development</b> ? If N, go to Q14, if Y <b>no further action</b> on this form is required and go to Q34 <b>Comments (if any):</b>	
14	Breach	<b>Has a breach of control taken place?</b> If Y go to Q15 if N, go to Q34  <b>Comments (if any):</b> i.e is development, but built to approved plans, or mud on road but condition not breached etc	
15	Illegal works	Does the complaint concern <b>illegal works to listed buildings, illegal advertisements, hedge removal and trees covered by a tree preservation order</b> or in a <b>conservation area</b> ? If Y go to Q16– <b>the case needs investigating</b>	

## Details of Breach

16	Type of breach	What <b>type of breach</b> has occurred?	Y/N
		a) Operational Development	
		b) Change of Use	
		c) Breach of Condition	
		d) Untidy Land	

		e) Advertisement	
		<b>Comments (if any):</b>	
17	The complainant	<b>Who is the complainant?</b>	Y/N
		a) Member	
		b) Parish Council	
		c) Immediate Neighbour	
		d) Other	
		<b>Comments (if any):</b>	
<b>Impact of Breach</b>			Y/N
18	Conservation area	a) Is the breach taking place in a <b>conservation area</b> ?	
		b) Is the breach potentially causing <b>harm</b> to the <b>character</b> and <b>appearance</b> of the <b>conservation area</b> ?	
		<b>Comments (if any):</b>	
19	Listed Building	a) Is the breach potentially causing harm to the <b>setting</b> of a <b>Listed Building</b> ?	
		b) Has the <b>conservation officer commented</b> on the case?	
		c) If <b>Y</b> , have they raised <b>strong objections</b> to the works?	
		<b>Comments (if any):</b>	
20	Visual impact	a) Do the unauthorised works result in an <b>adverse visual impact</b> on the character of the area or existing property by reason of <b>poor design, incongruous features</b> , etc	
		b) Have you <b>spoken</b> with a <b>planning officer</b> regarding the design?	
		c) Are the works <b>contrary</b> to the <b>Design Guide/ development plan policies</b> ?	
		<b>Comments (if any):</b>	
21	Residential amenity	a) Is the breach having an adverse impact on the <b>residential amenity of neighbouring properties</b> ?	
		b) If <b>Y</b> , How many neighbours is it affecting?	
		c) And in what way are they being affected?	
		(i) Noise	
		(ii) Smell	
		(iii) Light	
		(iv) Overlooking	
		(v) Other	
		<b>Comments (if any):</b>	
22	Stat nuisance	a) Is the breach causing a (potential) statutory nuisance?	
		b) If <b>Y</b> , have you consulted Environmental Protection / Building Control?	
		<b>Comments (if any):</b>	
23	Highway Safety	Is the breach causing <b>highway safety</b> issues?	
		<b>Comments (if any):</b>	
24	Other safety issues	Is the breach causing any <b>other safety</b> issues?	
		<b>Comments (if any):</b>	
25	Protected species	Is the site likely to have <b>protected species</b> present or is there any evidence of <b>habitat disturbance</b> ?	

		<b>Comments (if any):</b>	
26	<b>Trees</b>	Is the breach impacting on <b>trees</b> in a <b>conservation area</b> or protected by a <b>Tree Preservation Order</b> ?	
		<b>Comments (if any):</b>	
27	<b>Flood Zone</b>	Is the development in Flood Zone 2 or 3?	
<b>Harm Caused by Breach</b>			<b>Y/N</b>
28	<b>Extent</b>	What is the <b>extent</b> of the <b>harm</b> caused by the breach?	
		a) <b>Widespread</b>	
		b) <b>Local</b>	
		<b>Comments (if any):</b>	
29	<b>Scale</b>	Is the <b>harm</b> caused by the breach <b>irreversible</b> ?	
		<b>Comments (if any):</b>	
30	<b>Precedence</b>	Could allowing breach to remain <b>erode</b> the Council's <b>ability to enforce elsewhere</b> ?	
		<b>Comments (if any):</b>	
31	<b>Urgency</b>	Is the <b>breach</b> within <b>6 months</b> of <b>immunity</b> ?	
32	<b>Status</b>	What is the <b>current status</b> of breach?	
		a) <b>Worsening</b>	
		b) <b>Stable</b>	
		<b>Comments (if any):</b>	
33	<b>Planning Permission</b>	Would an <b>application</b> for <b>planning permission</b> be viewed <b>favourably</b> for the development? If <b>Yes</b> go to <b>Q34</b>	
		<b>Comments (if any):</b>	
<b>Conclusion</b>			<b>Y/N</b>
34	<b>Recommended action</b>	<b>No Further Action and close case</b> Not development, is permitted development, limited or no harm, planning permission would likely be granted if applied for, etc.	
		<b>Request Further Information</b> Issue a PCN or seek further information, such as via diary sheets.	
		<b>Invite Retrospective Application</b> If the case is borderline or acceptable with conditions.	
		<b>Ask owner/occupier to remove the development/cease the use</b> Harm which cannot be resolve via a retrospective application and before resorting to a formal notice	
		<b>Serve Notice</b> Harm that cannot be resolved (negotiations have failed or not an option).	
		<b>Serve Temporary Stop Notice or Stop Notice</b> Necessary to stop the breach immediately.	
		Provide specific details:	
<b>Completed by</b>			
35	<b>Case Officer</b>		Date: <input type="text"/>
<b>Authorising Officer</b>			<b>Y/N</b>

36	Sign off	Do you <b>agree</b> with the Case Officer's recommended <b>action</b> and <b>reasoning</b> ?	
		Comments (if any):	
37	Timescale for Action	What is the recommended <b>timescale</b> for the <b>action</b> to be <b>carried out</b> ?	
		Comments (if any):	
38	Authorising Officer		Date: <input type="text"/>