

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 meaning of development as defined by Section 55 of the TCPA 1990? If Y, go to Q13 – If N, no further action on this form is required and go to Q34	
13	Permitted Development	Is the development permitted development ? If N, go to Q14, if Y no further action on this form is required and go to Q34 Comments (if any):	
14	Breach	Has a breach of control taken place? If Y go to Q15 if N, go to Q34 Comments (if any): 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 illegal works to listed buildings, illegal advertisements, hedge removal and trees covered by a tree preservation order or in a conservation area ? If Y go to Q16– the case needs investigating	

Details of Breach

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

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

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

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