

In most cases, development becomes immune from enforcement if no action is taken:

within 4 years of substantial completion for a breach of planning control consisting of operational development;

within 4 years for an unauthorised change of use to a single dwellinghouse;

within 10 years for any other breach of planning control (essentially other changes of use or breaches).

These time limits are set out in [section 171B of the 1990 Act](#) and we will not normally take any further action if we find out that an unauthorised development is immune from enforcement because we are too late to take action.

However, these statutory time limits do not prevent enforcement action after the relevant dates where there has been deliberate concealment of a breach of planning control.

Deliberate concealment may be considered to have occurred when deliberate attempts have been made to hide or disguise a breach of planning control to prevent its discovery, or deliberately misleading statements or information have been provided to the Council to prevent a breach of planning control being discovered.

In cases of deliberate concealment, officers may decide to proceed with formal enforcement action that would normally be considered 'out of time' or apply for a planning enforcement order to gain more time to consider whether formal enforcement action should be taken.

### **When might formal enforcement action not be appropriate?**

Addressing breaches of planning control without formal enforcement action can often be the quickest and most cost effective way of achieving a satisfactory and lasting remedy. For example, a breach of planning control may be the result of a genuine mistake where, once the breach is identified, the person responsible will take immediate action to remedy it.

We will generally not take further formal enforcement action when action is taken to remedy a breach of planning control within 3-6 months of that action being agreed. The amount of time needed to put things right will depend on what actions are required to remedy the identified breach of planning control, but officers will not normally agree to a period longer than 6 months unless there are exceptional circumstances.

In deciding, in each case, what is the most appropriate way forward, the Council should also usually avoid taking formal enforcement action where:

There is a minor or technical breach of planning control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;

Development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;

The submission of a formal retrospective planning application is the appropriate way forward to regularise the situation, for example where planning conditions may need to be imposed to make an unauthorised development acceptable in planning terms.

In most cases, only a minor breach of planning control will fall within the above criteria and these types of breaches will normally be low priority cases. However, if the Council decides not to take further action when it has completed its investigation of a low priority case this should not be taken as condoning a willful breach of planning law.

A decision to take no further action will be a proportionate response when the retention of an unauthorised development or works will not result in any demonstrable harm. Nonetheless, it is in the landowner's own best interests to regularise unauthorised development by applying retrospectively for the relevant planning permission or consent even when the Council decides not to take any further action.