

What if a complaint has been made about you?

We recognise that some breaches of planning legislation are genuine mistakes, where people don't realise that they need planning permission. Depending upon the circumstances, you may be given the opportunity to apply for retrospective planning permission and, if you request, we will give informal advice about what we consider the likely outcome will be. Securing planning permission for unauthorised extensions and changes of use is important as this can cause problems if you decide to sell your property in the future.

If there is a breach and we don't feel you would get permission you will be asked to put the situation right, e.g. by stopping the use, or pulling down, altering, or reducing the size of an unauthorised building. If you do nothing to put the situation right, then we will consider taking formal action. At each stage we will endeavour to keep you informed, by phone, email or by letter.

If you are the owner of derelict land or property, we may ask you to undertake measures voluntarily to improve its condition.

How long will the investigation take?

Anything from a few days to several months if we need to monitor, or carry out in-depth research. Once we have visited the site, we will:

- Write to inform you of our initial findings
- Advise you what actions are required
- Set a timescale in which to carry out any requirements
- We will keep you informed at key stages. If there is no breach of planning control, we will tell you and close the case.

What is formal action?

We do not take formal action lightly and endeavour to resolve any issues arising through negotiation. However, if negotiations to resolve an unacceptable development or derelict land/property fail, we will normally serve an enforcement notice to remedy the harm caused by the breach. There are a number of different legal notices which can be served and in most cases there is a right of appeal, which is dealt with by the Planning Inspectorate. In the case of derelict land, there is a right of appeal to the Magistrates Court.

If legal notices are not complied with, we may take court action which could result in a significant fine. We can also take direct action, e.g. demolishing a building and then reclaim the costs from the person responsible.

How to get in touch

In writing:

Sunderland City Council
Office of the Chief Executive
Development Control (Enforcement)
P.O. Box 102
Civic Centre
Sunderland SR2 7DN

Tel: 0191 520 5506

Fax: 0191 553 1560

Email: dcenforcement@sunderland.gov.uk

Visit us at:

Reception: Level 3, Civic Centre, Sunderland
Office Hours: Monday - Thursday 8:30am - 5.15pm, Friday 8:30am - 4:45pm

What if you're unhappy with our service?

We want to provide the best possible service at all times, but sometimes things don't go according to plan. If our service falls below what you might reasonably expect we want to know so that we can put things right and learn from the experience.

For more details on how to complain visit www.sunderland.gov.uk/complaints

or write to:

Freepost Comments and Complaints
Sunderland City Council
Civic Centre
Burdon Road
Sunderland SR2 7DN

In the first instance we encourage contact with our Development Control Office Manager who will try and resolve any issues first hand.



2008-2009
Reducing Health Inequalities



2008-2009
Reducing Re-offending



INVESTOR IN PEOPLE



The Government Standard

This information can be made available in large print, Braille, audio and other languages. Please contact Ask Personnel on 0191 561 1755 or email dc@sunderland.gov.uk for help.

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Development Control Service

Planning Enforcement Charter



Planning Enforcement Charter

This leaflet is for anyone who has, or is considering making a complaint to Sunderland City Council about a breach of planning legislation, or if someone has complained to the council about you.

It explains the timescales involved, the process, what we can take action on and what you can expect from us.

What can you complain about?

Breaches of planning control can include:

- Building an extension, or making alterations to a building without planning permission*
- An unauthorised change of use of a property (e.g. running a business from a residential property*)
- A condition imposed on a planning permission, not being complied with
- Work being carried out that is different to what was approved
- Advertisements displayed without permission*
- Protected trees being removed or lopped without permission
- Unauthorised works to a listed building
- Derelict land and buildings

We can't deal with:

- Boundary/ownership disputes
- Party Wall Act Issues
- Trespass
- Pollution, fly tipping, noise nuisances
- Enforcing covenants
- On street obstructions/parking matters (Contact City Services on 0191 520 5555)
- Health and safety issues

*** Please note, some extensions, uses or adverts can be carried out without the need for planning permission/advertisement consent.**

How can you complain?

You can submit your complaint online by using our Report a Planning Breach form, by letter, visit, phone or e-mail. Contact details can be found on the rear of this leaflet.

We will need to know:

- Your name, address and contact details
- The address that you are complaining about
- What your complaint is about
- How it affects you

An initial assessment will be made at this stage, which will determine how your complaint is progressed. It is helpful if you can provide as much information/detail as possible about your complaint at this stage, including where appropriate:

- Sizes/heights of structures
- Dates/times of activity
- When it began

Are your details kept confidential?

Under the provisions of the Data Protection Act, 1998 the name and address of the person making the complaint, or any other contact details, will not be disclosed.

If you have been asked to collect evidence to support your complaint, the council may wish to use this to demonstrate that there has been a breach of planning control if, for example, an appeal is lodged against an enforcement notice. Such evidence carries more weight if presented by the person who collected it and you may be asked if you are prepared to contribute to an appeal, but you are in no way obliged to do so. Most complaints are resolved without the need for formal action, so in most cases giving evidence will not be necessary.

Under the Freedom of Information Act 2000, the council has to make available to the public information about where there has been a complaint and what the complaint is about.

Formal notices that are served on those in breach of planning regulations, along with a list of all those people served with that notice, are also public documents.

We do investigate anonymous complaints, but due to high case loads these may take a lower priority than others, particularly if the issues complained of are unclear.

How long does it take?

If you leave contact details, we aim to acknowledge complaints in writing within **5 working days**.

The council has a priority scheme to ensure that resources can be used efficiently and targeted where they are most needed. You will be advised of the timescale in which an initial investigation will be carried out:

- **Category A: 1 day**
- **Category B: 10 working days**
- **Category C: 20 working days**

We aim to contact you within a further **5 working days** following the initial investigation to update you on our findings. Beyond this, timescales will vary depending on the need for further evidence. In any event, however, we will endeavour to keep you regularly updated as progress is made.

What happens to your complaint?

We can only take action if there has been a breach of planning control. We assess this by visiting the property. If the complaint involves the use of a property, we may need to monitor it for a few weeks first. We may ask for your help in collecting evidence of any unauthorised use. If there is a breach, we then have to consider if it would be likely to get planning permission. If we feel it might, we will invite an application, of which you would be notified, once received. It should be noted that any letters received on planning applications are public record. If an application goes before a Development Control Sub-Committee, you will be advised accordingly and will be given an opportunity to have your say in person.

If a planning application is not submitted, the council has to consider if it is in the public interest to take formal action. The council will not automatically take action just because an application is not submitted. If we do not feel planning permission would be granted and the breach is significant, we will take formal action. If formal action is necessary, due to the complexities of planning law, it can take several months, and in complex cases even longer, to satisfactorily resolve problems. At each stage we will endeavour to keep you informed, by phone, email or in writing.

Complaints about derelict land and property are dealt with differently. We can only take action if it seriously affects the amenity of the area. We will assess this by visiting the property and looking at it and its surroundings.