

Planning Enforcement Factsheet



This Factsheet is about complaints about Planning Enforcement. It should be read together with our general information booklet about our service.

The Council is the local planning authority for its area (in some areas this is a function of a National Park Authority). Planning authorities are responsible for making decisions and taking action about various planning matters. They have to work within the law, government guidance and the authority's own policy. The Ombudsman may be able to help you with your complaint against a planning authority.

What the Ombudsman can do

He can:

- look at a complaint that you are affected by breaches in planning control if you consider that a Council has not dealt with matters properly;
- check that a Council has taken enforcement action fairly and by following the regulations, policy and guidance;
- look into issues such as unreasonable delays in assessing a case or taking action, where planning conditions have not been followed, failure to keep proper records and poor communications;
- ask the Council to explain its planning enforcement decisions to ensure that officers have taken all the relevant facts into consideration.

What the Ombudsman cannot do

He cannot:

- force a Council to take, or not take, enforcement action;
- he would not normally investigate a complaint that enforcement action had been taken against you where you had the right to appeal.

Issues to bear in mind

Quite a lot of development can take place without planning permission so a council may not be required to take action.

A council can choose not to take enforcement action if it thinks that is the right thing to do.

Government guidance encourages councils to try informal methods of dealing with planning problems. Formal enforcement would normally be a last resort.

Government guidance encourages councils to consider the possibility of asking developers to submit retrospective applications to deal with breaches of planning permissions.

A council may have a written enforcement policy which it should make available to you or is on its website.

Further information

Planning Aid Wales can give helpful information on planning matters. You can contact them by phone on **029 2062 5000** or via the internet at www.planningaidwales.org.uk

Planning information can also be obtained at <http://www.planningportal.gov.uk/wales/public>

The Council's own website may also contain information about some planning matters. The Ombudsman is independent and impartial; he cannot order public bodies to do what he recommends – but, in practice, they almost always do.

Examples of cases that the Ombudsman has looked at can be found on our website. Please see www.ombudsman-wales.org.uk

If you are unsure whether the Ombudsman would be able to look into your complaint, please contact us:

- **phone** 0300 790 0203;
- **e-mail** ask@ombudsman-wales.org.uk;
- **visit the website at** www.ombudsman-wales.org.uk;
- **follow us on Twitter:** @OmbudsmanWales;
- **write to:** The Public Services Ombudsman for Wales
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