

Planning Enforcement - the basics

Introduction

Planning permission is required for most development that takes place in Scotland, with the exception of some minor works. Sometimes, however, developers or householders undertake work without planning permission or fail to keep to the permission they have been given.

Councils have powers to enforce planning controls in such cases, if they consider it is in the public interest to do so. Councils can monitor developments to ensure planning controls are being followed but there is also a role for the public in alerting the Council to any problems they become aware of.

A breach of planning control is not a criminal offence unless a listed building or an advertisement requiring express consent is involved. The primary purpose of planning enforcement is to resolve the problem rather than to punish the mistake. In addition, any action taken has to be appropriate to the scale of the breach.

In the public interest

The Council has statutory powers to investigate breaches of planning control and the conditions attached to planning permissions and to take formal action where a satisfactory outcome cannot be achieved by negotiations. Enforcement, however, is a discretionary power. That means, even where there is a breach of planning control, the Council has to consider if it is in the public interest to take enforcement action. The Council is not required to take any particular action on a specific breach of planning control, and indeed can decide that no action is necessary.

More information on the use of enforcement powers can be found on the Scottish Government website, in the following publications: **Scottish Planning Policy 1, Circular 10/2009**

Planning enforcement also covers the display of advertisements such as billboards and advertisement hoardings, although slightly different procedures apply. The actual content of an advertisement is not covered by planning control. Any complaints about this should be made to the **Advertising Standards Authority**.

Alleged breaches of planning control can include:

- work being carried out without planning permission or Listed Building consent;
- an unauthorised change of use;
- failure to comply with conditions attached to a permission or consent;
- departures from approved plans.

Making a complaint

Members of the public have a vital role in reporting breaches of planning control. Any concerns should be raised with the Council. You can register a complaint by completing the on-line complaint form. **Click here** to open the form.

You can also make a complaint in writing providing the following information:

- the address of the property concerned;
- details of the suspected breach of planning control;
- your name, telephone number and address;
- information on how the breach affects you.

The contact address is given below.

Planning Enforcement
Development and Regeneration Services (DRS)
231 George Street
G1 1RX.