

If you do not appeal, or if the appeal is dismissed, the notice will come into effect and you need to comply with it. At the end of the compliance period we will visit the site and inspect to check you have complied.

## What happens if you do not comply with the notice?

It is very important that you to comply with the enforcement notice by the compliance date set out in it. If you do not it is a criminal offence and we can start legal proceedings. If you are convicted for a breach of the notice there is a maximum fine of £20,000 if the case is tried in the Magistrate's Court or an unlimited fine if it is tried in the Crown Court.

## Immunity from enforcement action

If you think the development is authorised you can apply for a Certificate of Lawfulness of Existing Use or Development. You can do this if

you do not agree with the Council that the works require planning permission

you think that a residential use or built development started or was built over 4 years ago.

you think that the development has existed for more than 10 years in the

case of a change of use or breach of condition

We can provide advice if you want to apply for a Certificate.

## Other considerations

In all cases we will first of all try and resolve the problem.

It is worth bearing in mind that if you carry out work without the necessary permissions, it may cause difficulties in the future if you want to sell the property. All work carried out in breach of planning control will be revealed on any local authority search carried out on the property.

## How to contact us

If you have already been contacted by us about an investigation please contact the case officer, whose details you will already have. Otherwise please contact us using one of the options below.

Email:

[planning.enforcement@ashford.gov.uk](mailto:planning.enforcement@ashford.gov.uk)

[planningenforcement@ashford.gov.uk](mailto:planningenforcement@ashford.gov.uk)

It is quicker and saves paper too.

Telephone: 01233 331111

Letter: Planning Enforcement

Ashford Borough Council  
Civic Centre, Tannery Lane  
Ashford, Kent, TN23 1PL.



Ashford Borough Council

Planning  
Enforcement

What happens if you  
carry out work  
without permission?

## What happens if you have done something without planning permission?

If building works or a change of use have taken place without permission we will visit the site and explain to you what is under investigation.

## Planning Contravention Notices

Sometimes we may need more information to help us decide whether there has been a breach of planning control and to be able to advise you properly.

Occasionally we use a Planning Contravention Notice to ensure we have accurate information about the breach of planning control and ownership of the land. If we do serve a Planning Contravention Notice, it is a criminal offence not to complete it within the set timescale.

## What happens if planning permission is required?

Any works that you have carried out which are unauthorised are at risk of enforcement action. We will advise you what we think you should do and when it would be best to do it. Options we may suggest include:

remove the development or cease the use within a reasonable period

submit a retrospective planning application within 28 days (or other such timescale agreed). An application will need to be accompanied with a fee and scale drawings. Officers can advise you what is required.

We will also tell you if we think an application is likely to be approved. Please remember that an officer's opinion is only an informal one and cannot guarantee permission will be granted.

If we tell you we think the development is unacceptable, we will explain why. It also means that an application is unlikely to be granted. If a planning application is submitted and refused you can then appeal.

## What happens if planning permission is required and you do not submit an application?

If the breach is unacceptable we will probably take enforcement action. If the breach is something we think would have been granted planning permission, we will let you know and possibly take no further action. Clearly if the breach worsens over time we may reconsider the need to take action and our approach may change.

## What happens once an application is decided?

If approved, no further action will be taken, but you will need to comply with any conditions attached to the permission. If you do not comply with them, a further breach of planning control will have taken place and we will follow that up.

If it is refused we will probably take enforcement action.

## What happens if action is authorised?

We will confirm who has an interest in the land and then serve an enforcement notice. This will set out

the reasons for issuing the notice,

what steps are required to be taken

the time period for complying with the notice.

There is a right of appeal but this must be made before the notice comes into effect. This date will be specified in the notice.

Information on the appeal procedures will be included with the enforcement notice. If you appeal the enforcement notice is suspended until the appeal is determined.