



Coventry City Council

ENFORCEMENT NOTICE COMPLIANCE/WITHDRAWAL

INTRODUCTION

You can apply to the City Council for confirmation that an Enforcement Notice has been complied with, or to request that it be withdrawn. Unless an Enforcement Notice is withdrawn, it will be revealed during a Local Authority Land Charges Search. Without written confirmation of compliance with an Enforcement Notice you may be at a disadvantage if you subsequently wish to dispose of an interest in land the subject of an Enforcement Notice and have no evidence of compliance, particularly if the development the subject of the Enforcement Notice comprises an important part of the valuation.

The application forms should be completed and sent to us, accompanied by the relevant fee and any plans/further information as necessary to process your request. Currently the fee for this service is £250 to provide a full written response within 14 working days of validation, or £500 to provide a full written response within 2 working days of validation. Please be aware that your request will not be processed until ALL sections of the application form have been completed and the relevant fee received.

Once all necessary information has been submitted to us, the request will be validated and allocated to a case officer. An

acknowledgement letter will be sent to you by post or email, with details of the case officer who will deal with your request. Officers will endeavour to deal with your request within 14 working days or 2 working days of validation depending on the service chosen. Please note that unless you provide details of a person who officers can contact in order to access the site the subject of an Enforcement Notice it may not be possible to provide a full response within the relevant timescales.

Please be aware that if the City Council declines to withdraw the Enforcement Notice or is unable to confirm that the Notice has been fully complied; or is unable to respond within the relevant timescale due to problems associated with accessing the site, the application fee paid will not be returned.

Q1: Why should I request that a Notice is withdrawn and/or written confirmation of compliance?

A: Unless an Enforcement Notice is withdrawn it will be revealed during a Local Authority Land Charges Search. Without written confirmation of compliance with an Enforcement Notice you may be at a disadvantage if you subsequently wish to dispose of an interest in land the subject of an Enforcement Notice and have no evidence of compliance, particularly if the development the subject of the Enforcement Notice comprises an important part of the valuation.

Q2: Why is an Enforcement Notice not automatically withdrawn if it is complied with?

A: It is not City Council policy to formally withdraw an Enforcement Notice once it has been complied with and there is no statutory requirement for the local planning authority to do so. If there is the possibility that the breach alleged in the Enforcement Notice could reoccur, the local planning authority may not consider it expedient to withdraw the Enforcement Notice.

Q3: What are the chances that the Enforcement Notice will be withdrawn?

A: Each case will be treated on its own merit depending on the breach alleged in the Notice and if the local planning authority considers that breach could re-occur. It is essential that you make the case as to why you believe the extant Enforcement Notice should be withdrawn and this will be assessed in terms of whether the breach alleged in the Notice could re-occur and

the implications in terms of the harm arising should that breach re-occur.

It is likely an extant Enforcement Notice will be withdrawn if there is no reasonable possibility of the alleged breach re-occurring for example where a building or structure has been demolished in accordance with an Enforcement Notice; or a site has subsequently been granted planning permission and redeveloped for an alternative use. Where planning permission has been granted for the development the subject of the Enforcement Notice, although Section 180 of the Town and Country Planning Act provides for such circumstances such that it is not necessary for the Notice to be withdrawn, it is likely the City Council will agree to do so.

Q4: What happens to my request?

A: Once the request has been received, there will be a checking process to ensure all requested information has been submitted. Once all information has been received, including the relevant fee, the request will be validated and allocated to a case officer. An acknowledgement letter will be sent to you by post or email, with details of the case officer who will deal with your request and the target date to respond in writing. The case officer will then process your request, including arranging and undertaking a site inspection as necessary to investigate compliance. Once the matter has been considered by officers you will be formally advised in writing that either the Notice has been withdrawn or of the reasons why the City Council have declined your request and that the Enforcement Notice has not been withdrawn.

Please note that unless you provide details of a person who officers can contact in order to access the site the subject of an Enforcement Notice it may not be possible to provide a full response. Please be aware that if the City Council declines with withdraw the Enforcement Notice or is unable to confirm that the Notice has been fully complied; or is unable to respond within the relevant timescale due to problems associated with accessing the site, the application fee paid will not be returned.

Q5: What information do I need to provide as part of my request to withdraw an Enforcement Notice?

A: You will need to demonstrate that the extant Enforcement Notice no longer serves any planning purpose for example because the steps required by the Notice have been complied with and it is impossible for the breach alleged in the Notice to re-occur. It may be that the land the subject of the Enforcement Notice has been redeveloped such that the Notice has no relevance. Alternatively it may be that planning permission has been granted for the breach alleged in the Notice such that the Notice now has no effect.

Where an extant Enforcement Notice has been complied with but it is possible that the breach alleged in the Notice could easily re-occur, for example the Notice relates to the use of the land and whilst the use the subject of the Notice may have ceased if it could re-commence easily resulting in the same harm as alleged in the Notice you would need to provide very special circumstances as to why the Notice should be withdrawn.

Q6: What information do I need to provide as part of my request for confirmation that an Enforcement Notice has been complied with?

A: As part of the information submitted with your request you should explain the steps you believe to have been taken to secure compliance with the Notice and if possible provide any evidence of when the steps were undertaken. If all the steps required by the Notice have not been complied with you may need to explain why and provide a timescale for such works. In such circumstances it will not be possible to confirm full compliance with the Enforcement Notice.

Q7: What can I do if the City Council refuses my request to withdraw an extant Enforcement Notice or confirmation that an Enforcement Notice has been complied with?

A: This will of course depend on the reasons why the City Council refuse to withdraw the Enforcement Notice or confirm compliance. Wherever possible officers will provide advice on how any outstanding issues could potentially be overcome, however in some circumstances this may not be possible given the nature of the breach alleged in the Notice and its potential likelihood for reoccurrence. Any subsequent resubmission to withdraw an Enforcement Notice or confirm compliance will require a new fee. Please note there is no right of appeal against the refusal of the local planning authority to withdrawn an Enforcement Notice or confirm that an Enforcement Notice has been complied with; and that there is no right of appeal on the substantive planning decision. It would be open to you to seek further legal

advice and if appropriate to seek judicial review of the City Council's decision in the High Court.

Q8: What happens if the Enforcement Notice is extant and has not been complied with.

A: It is an offence not to comply with the requirements of an extant Enforcement Notice and it would open be open to the City Council to consider prosecution proceedings and / or direct action to secure compliance.

Q9: How and what should I pay?

A: You must pay the required fee at the time of submitting your enquiry. You can pay by Cheque (made payable to Coventry City Council) or online at www.coventry.gov.uk

Q10: How long will it take to get a response?

A: The aim is to provide the written response within 14 working days or 2 working days (dependant on the level of service chosen) of receipt of your valid enquiry (a completed application form, and appropriate documents and relevant fee), informing you of the City Council's formal decision either confirming that the Notice has been withdrawn / complied with; or explaining the reasons why the City Council does not consider it appropriate to withdraw the Notice or cannot confirm that the Notice has been complied with.

FURTHER INFORMATION

If you need further advice or wish to discuss the withdrawal or compliance of a particular enforcement notice then please contact:

The enforcement team. (204) 7683 1975 or email your enquiry to planning@coventry.gov.uk or write to

Planning Enforcement
Development Management
Planning Transportation and Highways
Floor 3 Civic Centre 4
Much Park Street
Coventry CV1 2PY