



Broxtowe
Borough
COUNCIL

Enforcing Planning Control



Reporting a breach of planning control

Officers will examine any possible breaches of planning control that you may bring to the Council's attention. However, please note that the Council will not be able to take any action over development for which planning permission is not needed - such as house extensions or fences which are within the permitted limits.

Development becomes immune from enforcement if no action is taken:

- within 4 years of substantial completion for a breach of planning control consisting of operational development;
- within 4 years for an unauthorised change of use to a single dwellinghouse;
- within 10 years for any other breach of planning control (essentially other changes of use).

Private disputes

The Council is unable to become involved in legal questions between two private owners, such as disputes over land ownership, boundaries or covenants.

Broxtowe Borough Mediation Service

Mediation is a way of solving problems between neighbours. For free, impartial advice from trained mediators, sponsored by Broxtowe Borough Council:

0115 917 3736

Is my complaint kept confidential?

Anonymous complaints may make further enforcement difficult. We treat all complaints as confidential within the Council as far as possible; however, the Council's files may become accessible to the public by law when cases come before a Committee, Public Inquiry or a Magistrates Court.

Some common concerns:

“...My neighbour has had a conservatory built at the back of their house. The builder told them they didn’t need planning permission if it has a glass or Perspex roof. Is this right...?”

A conservatory is like any other extension to a property and planning permission may be required whether it has a plastic/glass roof or not. This will be dependant on where the conservatory will be positioned, and its size.

“...My neighbour’s garden is overgrown with brambles and weeds. Their hedges are never cut and they never do any work to keep it tidy...”

If a garden is excessively untidy, for example if it is littered with household rubbish, abandoned vehicles or seriously overgrown, the Council can consider formal action to get the land and property tidied. However, this will depend on the degree to which it is untidy. The Council is able to use these powers only in very limited circumstances.

“...My neighbour is always repairing cars on his driveway. His friends bring their cars for repair. I’m sick of it. Can anyone help...?”

Anyone can conduct repairs to or maintain their own vehicle on their own property but the regular repair of vehicles not belonging to a member of the household or vehicles being repaired on a commercial basis may require planning permission.

If you suspect or have evidence of such activity the Council can investigate. If the complaint is substantiated the Council will take the appropriate action to cease the use.

“...My neighbour has put up some fencing. How high can they construct it...?”

Normally, you can build a fence or wall up to 1 metre in height adjacent to a highway without the need for planning permission. The highway includes the foot way. The Council considers that anything within a distance of 2 metres is “adjacent to a highway”; therefore anything higher than 1 metre within 2 metres of the highway will usually require planning permission.

Any fence or wall between properties or on a boundary not adjoining the highway can be up to 2 metres in height without the need for planning permission. All height measurements should be taken from the original ground level on which the structure is positioned.

Resolving Issues

Before any enforcement action is taken all negotiations and means of resolving the issue should have been exhausted. This may involve submission of a ‘retrospective’ planning application to try to regularise the development.

In some cases further action will not be taken, where the Council concludes this is not ‘expedient’. In a small number of cases the offending development or activity will need to become the subject of an Enforcement Notice, specifying what needs to be done to overcome the problem.

An Enforcement Notice cannot, by law, require immediate action to be taken; it normally specifies a 14-day or 28-day period after which it takes effect. Any enforcement notice carries with it a right of appeal as if a planning application had been made.

Where permission has been granted but one or more conditions of the permission have not been met then a Breach of Condition Notice can be issued. This Notice must be complied with, otherwise prosecution may result.

Further Advice

This guidance leaflet can only serve as general advice and the Council considers each proposal on its own merits. For further information and advice please contact Planning and speak to the Enforcement Team on 0115 917 3486 or 0115 917 3453.

This document is available in large print upon request.



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Neighbourhoods and Prosperity

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