Yorkshire Dales National Park Authority **Item 6**

16 December 2025

Planning Enforcement Plan

Purpose of the Report

1. To seek Members' agreement to adopt a revised Planning Enforcement Plan.

Recommendation

2. That Members adopt the revised Planning Enforcement Plan set out in the Annex to this report.

Strategic Framework

3. The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and support the strategic planning framework:

    - Corporate Plan Objective 23:
    "Provide an efficient development management service that supports appropriate opportunities for economic and community development whilst helping to conserve and enhance the special qualities of the National Park...".

Background

4. The existing Planning Enforcement Policy was adopted by Members in December 2022. The Policy acts as a framework for planning enforcement practice and an effective planning enforcement service that maintains public trust.

5. There have been a few changes in planning enforcement since 2022 that need to be reflected in the Plan. However, guidance in the National Planning Policy Framework (2024) on the overall operation of planning enforcement remains that:

> "Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate." [para.60]

6. As part of the fundamental review of the Authority's priorities in September 2024, Members determined that enforcement should in future be resourced as a 'limited' programme meaning that only the most serious breaches will be investigated. This change in priority needs to be reflected in the Plan.

Planning Enforcement Plan

7. An updated Plan has been produced to reflect the Authority's revised priorities and legislative changes (see **Annex**). The main changes to the Plan are:
    - revised time limits for taking enforcement action
    - introduction of Enforcement Warning Notices and Planning Enforcement Orders
    - priorities for investigation
    - introduction of monitoring habitat creation arising from Biodiversity Net Gain

8. The Plan focuses on how the Authority will investigate planning enforcement complaints and make decisions within the established framework of planning legislation and Government guidance. As in the current policy, the Plan concentrates on the following elements:
    - The legislative background to enforcement.
    - What constitutes a breach of planning control.
    - How the Authority will investigate an alleged breach of planning control.
    - The Authority's approach to taking enforcement action.
    - The approach to monitoring and compliance.

9. The updated Plan will be published on the Authority's website and will be sent to all parties involved in enforcement investigations. It will be used in guiding both delegated and Committee decision-making.

Financial Implications

10. No direct financial implications but the introduction of Biodiversity Net Gain places a requirement on the Authority to enforce the implementation and management of habitat creation/improvement secured through a BNG condition or S106 agreement. Some Enforcement Officer time will now be taken up monitoring and seeking compliance with BNG and landscape planting conditions.

Legal Implications

11. None.

Equality, Diversity and Inclusion Implications

12. None.

Climate Change Implications

13. The introduction of an effective system of proactive monitoring of habitat creation arising from Biodiversity Net Gain should increase carbon sequestration and support better adaptation to the unavoidable impacts of climate change.

Conclusion

14. The proposals in the paper reflect the Authority's commitment to nature recovery and climate resilience aligning with national policy and the new Management Plan. Since the current Enforcement Policy was introduced, there have been external changes in planning law and internal changes to the priority of the service. The proposed new Planning Enforcement Plan is intended to make the most efficient and effective use of Authority resources within the constraints of a 'limited' programme.

Richard Graham
Head of Development Management

Annex

YORKSHIRE DALES
National Park Authority

DRAFT Planning Enforcement Plan
November 2025

Contents

1. Introduction

2. What constitutes a breach of planning control?

3. How the Authority will investigate a complaint

4. The Authority's approach to enforcement decisions

5. Monitoring and compliance

6. Contact the Authority

1. Introduction

The National Park Authority is responsible for planning including planning enforcement in the National Park. Planning is *"a vital tool for managing the impact of development on landscape and biodiversity and a key part of conserving and enhancing cultural heritage, including the built heritage in Park settlements." (English National Parks and the Broads Circular 2010 para.136).* This Planning Enforcement Plan sets out how the Authority will manage planning enforcement in a way that achieves these aims.

For the planning system to work the public must have confidence in it. Planning permission is required for all but the most minor forms of development. The National Park Authority must be prepared to take enforcement action in cases where development is unauthorised and there is a good reason to take action. The public expects that harmful activities being undertaken in breach of the planning regulations will be dealt with quickly, effectively and consistently.

2. What constitutes a breach of planning control

The main background legislation is the Town and Country Planning Act 1990. Section 55 sets out what constitutes 'development' which the planning system has control over:

> *"Subject to the following provisions of this section ……. "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land."*

Section 171(A) specifies a breach of planning control as:

> *"(a) carrying out development without the required planning permission; or*
>
> *(b) failing to comply with any condition or limitation subject to which planning permission has been granted."*

Breaches of planning control can relate to a wide range of different unauthorised activities, including new buildings and structures and changes of use of land or buildings. Other activities are also subject to planning enforcement powers including unauthorised works to listed buildings and protected trees, and the display of advertisements. These breaches can attract criminal liability.

Breaches of planning control become lawful (can no longer be enforced against) after a period of time has elapsed without action being taken against them. Broadly speaking, these periods are 10 years in relation to operational development (physical building works) and changes of use, including to use as a dwelling. If the works were substantially completed or the change of use to a dwelling took place before 25 April 2024 the period is 4 years. There is, however, no time limit in relation to unauthorised works to listed buildings. Furthermore, in cases where there has been a deliberate concealment of a breach of planning control, the time period in which action could be taken may not commence until the breach has been positively identified by the Authority.

Government policy and guidance set out in the National Planning Policy Framework (NPPF) [2024] and Planning Practice Guidance (PPG) sets outs some broad principles for planning enforcement. Paragraph 60 of the NPPF states:

> "Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control….and take action where it is appropriate to do so."

Even if it is technically possible to take enforcement action, a planning authority must first decide whether it is expedient to do so. This is a test of proportionality as to whether the unauthorised development is causing planning harm. In considering harm, the planning authority must consider the provisions of its Local Plan and any other material planning considerations.

Use this link to view the Local Plan:
https://www.yorkshiredales.org.uk/park-authority/living-and-working/planning-policy/

It is important to note that planning enforcement powers are discretionary. It does not automatically follow that action will be taken against a breach. Enforcement powers must be exercised fairly and in the public interest.

3. How the Authority will investigate a complaint

If you report a suspected breach of planning control you can expect:

- your details to remain confidential*;
- to receive an acknowledgement within 5 working days of the date of receipt;
- to be notified whether the Authority intends to investigate further;
- to be informed of the outcome of the investigation.

*There may be rare circumstances, for example during prosecution proceedings, where the Authority must divulge the name of a complainant if directed by the Court to do so.

Appendix A sets out a simplified flowchart of how the Authority will investigate and seek to resolve an enforcement complaint.

If it appears you have carried out unauthorised development you can expect:

- officers to formally identify themselves when they visit your property**
- the complaint to be investigated thoroughly before making any decision on what action to take
- an explanation of what you need to do to put matters right, how long you have to do this and what the consequences might be if this does not happen
- to be informed if the Authority decides to issue an Enforcement Notice or start legal action.

**As Officers are required to investigate and gather evidence a pre-arranged appointment to visit a site cannot usually be accommodated.

All complaints are prioritised according to the level of harm that the alleged breach of control appears to be causing. The Authority aims to investigate and resolve cases within the shortest possible timescale however some cases can take a protracted period to resolve.

The following categories will be used as a guide to prioritise cases:

Priority A – A breach which has caused immediate and irreparable harm. For example:

- unauthorised works to a listed building;
- unauthorised works to a protected tree.

Priority B – A breach which has caused significant harm. For example:

- alterations which cause significant harm to the character or appearance of a conservation area, or to the scenic beauty of the landscape;
- building work which would affect the privacy or amenity enjoyed by residents.

Priority C – A breach where there is risk of harm. For example:

- siting of caravans;
- small-scale tipping of waste/untidy land.

Priority D – A breach where there is limited harm. For example:

- where planning permission is likely to be granted following the receipt of a retrospective application;
- neighbour disputes that have limited public impact.

This prioritisation reflects the Authority's decision to focus enforcement resources on cases with the greatest potential for harm.

4. The Authority's approach to enforcement decisions

The Authority aims to address enforcement investigations positively. This means that if it appears reasonably possible that the unauthorised development can either be regularised (through the grant of planning permission) or its impact lessened to an acceptable level, then Officers will work positively towards that goal. However, if that is not reasonably possible Officers will seek to ensure that the most serious cases of unauthorised development are stopped or removed as soon as possible.

Following an investigation, the Authority will make a reasoned decision whether it is expedient to take action. In making this decision the case will primarily be assessed in terms of the level of **harm** that is being caused, or could potentially be caused, to the **natural or built environment**, and to **public amenity**. The following criteria will be considered:

- The impact on the 'special qualities' of the Yorkshire Dales National Park;
- Whether the unauthorised development conflicts with the policies of the Local Plan;
- Government advice and guidance;

- Whether there are any public safety implications;
- Whether it is in the public interest to pursue enforcement action; and
- Whether it is fair and reasonable to take action.

In considering ‘’expediency’’ the decisive issue is whether the breach would unacceptably affect public amenity or land and structures that should be protected in the public interest.

Enforcement action should be proportionate to the breach. So, for example, it would be inappropriate to take formal action against a trivial or technical breach. In practice, the duty to act proportionately means that the Authority would not be acting reasonably if it enforced against every reported minor breach of planning control in the National Park. There will be cases where there is a breach of planning legislation but the breach or harm is so minor that action cannot be justified i.e. it is not expedient to pursue the case.

Where it is expedient to do so, and in accordance with Government advice, the Authority will seek to resolve a breach of planning control through negotiation with those responsible for the unauthorised development. Some breaches of planning control are the result of a genuine mistake by a landowner, and a negotiated resolution will often be the fairest way to remedy the situation.

Officers will provide those responsible for unauthorised development with advice on their options for resolving the breach. Options may include stopping work on site or applying for planning permission retrospectively. Any advice that is given will relate solely to resolving the planning breach and will not take into account the financial consequences of doing so or make a pre-judgement over the outcome of a planning application.

Developers have the option of submitting a retrospective planning application for the unauthorised development. However, the Authority will only invite the submission of an application if there is a good prospect of the development being permitted. Retrospective applications may not always be successful; however, they are a means by which the Authority can make a more informed decision about a particular development in conjunction with the views of consultees and other interested parties, including neighbours.

If it is not possible to resolve an enforcement matter through negotiation or regularisation, the Authority will consider taking enforcement action which may involve serving a formal notice on those responsible for the unauthorised works. For example, an Enforcement Notice may be served, which specifies how a breach should be rectified within a prescribed timescale. Should an Enforcement Notice not be complied with, the Authority will consider other enforcement powers available, e.g. it can instigate prosecution proceedings, or undertake direct action against those responsible, or it can seek an injunction. **Appendix B** sets out the enforcement options available to the Authority.

It should be noted that resolving breaches of planning control through formal enforcement action can take many months or even years, for example, when the issue of an enforcement notice leads to an appeal and/or a prosecution or injunction. Cases like these have considerable resource implications. Therefore, it is important that decisions are made on what course of action to take as soon as possible.

Officers will aim to resolve cases as quickly as possible. Investigations that are unresolved after 6 months of being opened will be reviewed by a senior officer. If there has not been any significant progress in resolving the case, and no reasonable prospect of doing so, a decision will be made to either close the case or recommend formal action.

5. Monitoring and compliance

The Authority grants around 600 planning permissions a year and it is not practical to try to monitor compliance with the requirements of each one. Therefore, the Authority will prioritise monitoring developments with the potential to have the greatest impact on the special qualities of the National Park and the ambitions and objectives of the National Park Management Plan. Planning conditions and legal agreements securing the following matters will be proactively monitored and compliance sought:

- Landscape planting schemes that mitigate the visual and landscape impact of significant developments, and which contribute to nature recovery or help to address climate change.
- On-site and off-site habitat creation arising from Biodiversity Net Gain requirements.

6. Contacting the Authority

Email: planning@yorkshiredales.org.uk Phone: 01969 652346

Enforcement Officer covering Craven, Lancaster and South Lakeland parishes excluding Dent, Garsdale and Sedbergh

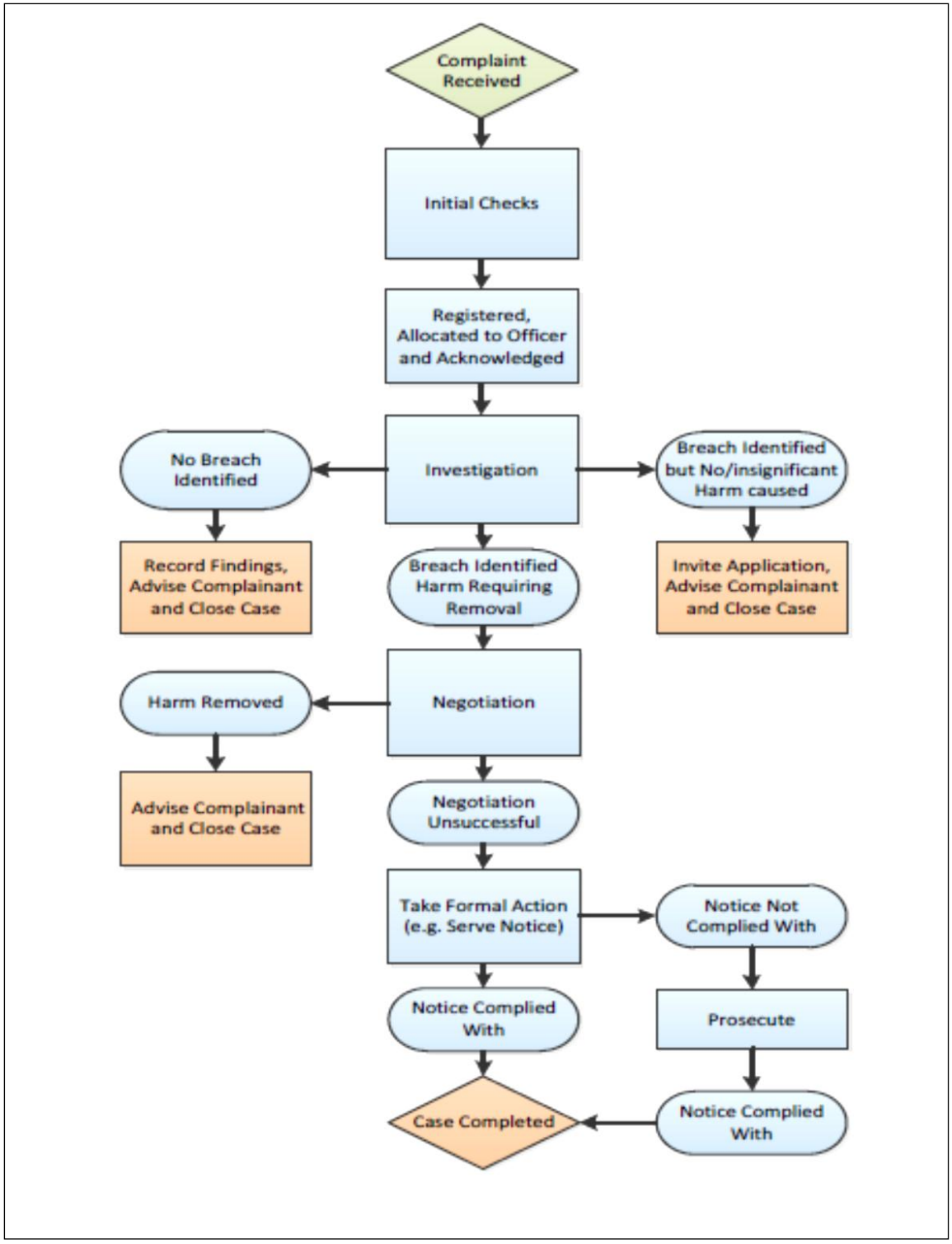
Direct line: 01969 652375

Enforcement Officer covering Eden, Richmondshire and South Lakeland parishes of Dent, Garsdale and Sedbergh

Direct line: 01969 652336

Appendix A

How the Authority will investigate and seek to resolve an enforcement complaint.



Appendix B

ENFORCEMENT TOOLS

The following tools are available to the Authority under planning legislation. Their use will be guided by the principles of proportionality, expediency and public interest.

Planning Contravention Notice

This seeks to establish what is happening on a site and who is responsible. It is intended to act as an information gathering tool. The notice requires details and information on an alleged breach of planning control to be submitted to the Authority to clarify whether a breach has occurred. Failure to respond within 21 days or submission of false or misleading information may result in prosecution in the Magistrates Court and a potential fine.

Breach of Condition Notice

This requires the owner or occupier to comply with any outstanding requirements of a condition imposed on the grant of planning permission. A notice cannot be used in respect of listed buildings, conservation area control and protected trees. The compliance period is a minimum of 28 days from date of service of the notice and there is no right of appeal. Failure to comply is an offence liable to prosecution.

Enforcement Warning Notice

An enforcement warning notice formalises the process for a local planning authority to invite a retrospective planning application. Under section 172ZA of the Town and Country Planning Act 1990, where a local planning authority considers that unauthorised development has a reasonable prospect of being acceptable in planning terms, it can issue an enforcement warning notice. The notice will set out the matters that appear to be a breach of planning control and state that, unless an application is made by a specified date, further enforcement action may be taken.

Enforcement Notice

The Authority may issue a notice where it considers there has been a breach of planning control and it is expedient to do so; for example, the development is likely to be unacceptable in policy terms. The enforcement notice specifies the steps required to remedy the breach and a period for compliance. Failure to comply with an enforcement notice within the time specified is an offence liable to prosecution. However, there is a right of appeal to the Secretary of State against the notice.

Planning Enforcement Order

Where a person deliberately conceals unauthorised development, the deception may not come to light until after the time limits for taking enforcement action (section 171B of the Town and Country Planning Act 1990) have expired. A planning enforcement order enables an authority to take action in relation to an apparent breach of planning control notwithstanding that the time limits may have expired.

Stop Notice

A stop notice may be issued to support an enforcement notice and is only used where the breach of planning control is causing severe, serious and irreversible harm. The notice usually takes effect after a period of 3 days and prohibits continuation of any, or all of the activities specified in the enforcement notice. Compensation may be payable by the Authority if the enforcement notice to which the stop notice relates is quashed on appeal. Failure to comply with a Stop Notice is an offence liable to prosecution.

Temporary Stop Notice

This notice does not require the issue of an enforcement notice and can require the immediate cessation of a breach of planning control for a period of up to 28 days. There is no right of appeal and failure to comply is an offence liable to prosecution.

Injunction

Where the Authority considers that a serious actual or intended breach of planning control is likely to take place it may seek an injunction in the County or High Court. It is not necessary to have considered or exercised any other enforcement power prior to seeking an injunction. The Injunction is generally sought where a developer continues to ignore an enforcement or stop notice, and/or where there are irreversible consequences; for example, the threatened demolition of a Listed Building. Failure to comply with an Injunction constitutes a contempt of court and can lead to imprisonment.

Direct Action

If any steps which are required by an enforcement notice to be taken (other than the discontinuance of a use of land), have not taken place within the compliance period, the Authority may enter the land and take those steps; and recover from the person who is the owner of the land any expenses reasonably incurred by them in doing so.

Section 215 Notice

This notice requires land to be cleared and tidied up when its condition adversely affects the amenity of the area. The notice must specify clearly and precisely what needs to be done to remedy the condition of the land and state a period of time within which the works shall be completed. Failure to comply is an offence liable to prosecution.

Section 225 Notice

This notice enables the Authority to remove an unauthorised advertisement. The display of an unauthorised advertisement also constitutes an offence liable for prosecution.

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