



Enforcement Notices: Request to withdraw/confirm compliance

Frequently Asked Questions

What information do I need to provide?

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. 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.

Why is an Enforcement Notice not automatically withdrawn if it is complied with?

It is not Council policy to formally withdraw an Enforcement Notice once it has been complied with although in most cases a note will be made on the land charges register on the date the Notice was complied with. The absence of a note does not necessarily mean that the Notice has not been complied with. There is no requirement for the Local Planning Authority to withdraw an Enforcement notice once complied with. If there is the possibility that the breach alleged in the Enforcement Notice could reoccur, the Local Planning Authority may not consider expedient to do so.

Why should I request that a Notice is withdrawn and/or written confirmation of compliance?

Unless an Enforcement Notice is withdrawn it will be revealed during a Local Authority Land Charges Search.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.

It is likely an extant Enforcement Notice will be withdrawn if there is no possibility of the alleged breach re-occurring. Where planning permission has been granted for the development the subject of the Enforcement Notice or the works alleged in the Notice may now be "permitted development" such that the notice now has no effect, 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of the Town and Country Planning Act provides for such circumstances such that it is not necessary for the Notice to be withdrawn, it is likely the Council will agree to do so.

What happens to my request?

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 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, and provide



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you with a written response, or a meeting and a written response, as appropriate. You will be formally advised that the Notice has been withdrawn or of the reasons why the Council have resolved 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.

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

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 or that the works alleged in the Notice are now "permitted development" 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.

What information do I need to provide as part of my request?

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. 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.

What can I do if the Council refuses my request to withdraw an extant Enforcement Notice?

This will of course depend on the reasons why the Council refuse to withdraw the Enforcement Notice. However there is no right of appeal on the substantive planning decision. It would be open to you to seek further advice and if appropriate to seek judicial review of the Council's decision in the High Court.

What happens if the Enforcement Notice is extant and has not been complied with?

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

How and what should I pay?

You must pay the required fee at the time of submitting your enquiry. You can pay by



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cheque (payable to Buckinghamshire Council) when submitting the information by post.

How long will it take to get a response?

The aim is to provide the written response within 65 working days of receipt of your valid enquiry (a completed application form, and appropriate documents and fee) or in the case of a request to withdraw an Enforcement Notice, the Council's formal decision either confirming that the Notice has been withdrawn or explaining the reasons why the Council does not consider it appropriate to do so.

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

Each case will be treated on its own merit depending on the breach alleged in the Notice and if 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