



Planning Policy Statement 9

The Enforcement of Planning Control



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This Planning Policy Statement sets out the general policy approach that the Department will follow in taking enforcement action against unauthorised development in Northern Ireland. It also provides advice on the Department's approach to the enforcement of additional aspects of planning control over listed buildings, conservation areas, hazardous substances, trees and advertisements. Nothing in the Statement should be taken as condoning any breach of planning law.

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March 2000



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Preamble

The Department of the Environment is responsible for planning control in Northern Ireland. The Planning Service, an Agency within the Department, administers its planning functions.

The Department has a statutory duty, laid down in Article 3 of the Planning Order (NI) 1991, to formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development. The Department's planning policies are normally issued through Planning Policy Statements and PPS 1 "General Principles" advises that:

'Planning Policy Statements set out the policies of the Department on particular aspects of land-use planning and apply to the whole of Northern Ireland. Their contents will be taken into account in preparing development plans and are also material to decisions on individual planning applications and appeals.'

This Planning Policy Statement, PPS 9 "The Enforcement of Planning Control", sets out the general policy approach that the department will follow in taking enforcement action against unauthorised development in Northern Ireland. It also provides advice on the Department's approach to the enforcement of additional aspects of planning control over listed buildings, conservation areas, hazardous substances, trees and advertisements. Nothing in the Statement should be taken as condoning any breach of planning law.

This PPS is therefore of direct relevance to the public and those whose actions have a direct physical impact upon the natural or man-made environment, including landowners, developers, government departments and agencies, district councils, other statutory undertakers and conservation and voluntary organisations.

Unauthorised development and enforcement

1.0 Introduction

1.1 The policy context for the planning system in Northern Ireland is set out in PPS 1 'General Principles'. This states that the town and country planning system exists to regulate the development and use of land in the public interest. The Department has the primary responsibility for determining whether proposed development should be granted planning permission and for taking whatever action may be necessary for the enforcement of planning controls.

1.2 Planning procedures and decisions need to command respect, accordingly the Department's key objectives for planning enforcement are:

- to bring unauthorised activity under control;
- to remedy the undesirable effects of unauthorised development, including where necessary the removal or cessation of unacceptable development; and
- to take legal action, where necessary, against those who ignore or flout planning legislation.

1.3 It is essential that the Department strives to secure these objectives, otherwise the credibility and integrity of the planning system will be undermined.

1.4 The main enforcement powers available to the Department are contained within the Planning (Northern Ireland) Order 1991 (hereinafter referred to as the '1991 Planning Order'). These powers include the authority to:

- issue a notice requiring the submission of a planning application (Article 23). Where such a notice is served it is an offence not to make a planning application within the period specified.
- issue an enforcement notice stating the required steps to remedy a breach of planning control within a time period (Article 68). It is an offence not to comply with the requirements of an enforcement notice within the period specified.

- serve a stop notice, which can prohibit, almost immediately, any activity to which the accompanying enforcement notice relates (Article 73). This can only be served with, or on foot of, an enforcement notice. It is an offence to contravene a stop notice after it has been served.
 - enter any land for enforcement purposes (Articles 121 & 122). It is an offence to wilfully obstruct a person acting in exercise of these powers.
 - enter onto land, following the landowner's non-compliance with an enforcement notice to carry out any remedial work required by the notice. The Department may also recover from the landowner any expenses reasonably incurred by it in that behalf (Article 74).
 - serve a notice requiring the submission of certain information regarding the ownership or use of premises (Article 125). It is an offence not to provide the information detailed in such a notice within the period specified.
- 1.5 The 1991 Planning Order also includes a range of enforcement powers for additional aspects of planning control such as listed buildings, conservation areas, hazardous substances, trees and advertisements and makes provision for appeals against certain notices issued by the Department in taking enforcement action. These matters are dealt with later in this Statement.
- 1.6 Where enforcement action is initiated by the Department this can be a lengthy and complex process as many cases will require detailed investigation. In addition a number of site visits may be necessary before statutory notices can be served. If such notices are then appealed to the Planning Appeals Commission the process may become protracted. Ultimately a successful remedy in certain cases may only be achieved following court action.
- 1.7 It is important to note that following a commitment given to the Northern Ireland Affairs committee in its investigation into planning in Northern Ireland, the Department published a consultation paper which outlined proposals for strengthening existing planning legislation¹. If put in place this will bring Northern Ireland planning enforcement powers broadly in line with the rest of the United Kingdom.

¹ *Proposals for Amendments to Planning Legislation in Northern Ireland: A Consultation Paper, DOE, March 1999.*

2.0 *A breach of planning control*

- 2.1 The Planning (General Development) Order (Northern Ireland) 1993 (hereinafter referred to as the 'the General Development Order') grants planning permission for specified classes of development, thereby avoiding the need for a planning application in those cases. Any other development is likely to require an application for planning permission. It is for would-be developers or applicants to take steps to ascertain whether such an application is required. Where a developer or applicant is unclear as to whether planning permission is required for any particular proposal an application can be made under Article 41 of the 1991 Planning Order to determine this issue.
- 2.2 A breach of planning control occurs if:
- development is carried out without the required grant of planning permission; or,
 - there is a failure to comply with any condition or limitation subject to which planning permission has been granted.
- 2.3 While a breach of planning control in itself is not an offence, those responsible for unauthorised development, including owners and occupiers and all those having an estate in the land in question, leave themselves open to possible enforcement action by the Department as outlined in this Statement. This may entail the removal of unauthorised building works, the restoration of land to its condition prior to the unauthorised development taking place or the cessation of unauthorised uses.
- 2.4 Failure to remedy a breach of planning control when required to do so by a notice served by the Department in exercise of its enforcement duties is an offence and may, where pursued, involve fines up to the statutory maximum. The Department does not undertake summons action lightly but it should be noted that where such action is initiated it will only be withdrawn in exceptional circumstances.
- 2.5 Owners or occupiers of land should also note that if they wish to dispose of their interest in the land and have no evidence of any planning permission having been granted for its development, this may be reflected in the valuation and give rise to uncertainty about the rights they have over the land. The Department therefore advises owners, occupiers and others that it is in their own interests to obtain the necessary planning permission before commencing any development.

3.0 *The general approach of the Department to enforcement*

- 3.1 The Department has a general discretion to take enforcement action against a breach of planning control when it regards it as expedient to do so, having regard to the provisions of the development plan and any other material considerations. Private citizens cannot initiate planning enforcement action but may advise the Department of a breach of planning control that they believe has occurred. The Department will pursue cases involving alleged unauthorised development, and any resulting enforcement action, without undue delay.
- 3.2 In considering whether formal enforcement action is an expedient remedy for unauthorised development, the Department will be guided by the following:
- whether the breach of control would:
 - (a) be clearly contrary to planning policy; or
 - (b) unacceptably affect public amenity (including road safety) or the existing use of land and buildings meriting protection in the public interest.
 - the extent of the breach. The Department will only pursue enforcement action commensurate with the breach of planning control to which it relates. For example, it will usually be inappropriate to issue an enforcement notice for an insignificant or technical breach of planning control which has no material, adverse planning implications. However in those cases where harm to public amenity has occurred, or is likely to occur, then formal enforcement action will normally be promptly initiated.
 - the willingness of the offender(s) to remedy the breach of control voluntarily. Where initial attempts by the Department fail to persuade the offender(s) to remedy the harmful effects of unauthorised development voluntarily, protracted negotiations will not be allowed to hamper or delay whatever formal enforcement action may be required to make the development acceptable on planning grounds, or to compel it to stop.
 - the statutory time limits for taking enforcement action (see Annex 1).

- 3.3 The integrity of the development control process depends upon the readiness of the Department to take effective enforcement action when it is appropriate. Public respect for the development control system is quickly undermined if unauthorised development, which is unacceptable on planning grounds, is allowed to proceed without any apparent attempt to intervene before serious harm to public amenity results. The Department will therefore assess in each case which power (or mix of powers) is best suited to dealing with any particular apparent or actual breach of control, to achieve a satisfactory and lasting remedy. Prompt initiation of enforcement action will normally be necessary to prevent an unacceptable breach of control becoming well established and more difficult to remedy.
- 3.4 The Government remains committed to fostering business enterprise and the Department will bear this in mind when considering how best to deal with unauthorised development by small businesses. However, in order to maintain a fair and safe trading environment, business activity must take place within the context of current planning policies and without unacceptable harm to public amenity. Accordingly in certain cases effective enforcement action may be the only appropriate remedy for unauthorised businesses where there is no willingness on the behalf of operators to negotiate a satisfactory solution.

4.0 Where acceptable but unauthorised development has been carried out

- 4.1 Where an initial assessment by the Department indicates that it is likely that unconditional planning permission would be granted for development which has already taken place, the Department will advise the person responsible for the development that a retrospective application for planning permission (together with the appropriate fee) should be submitted without delay. Such planning applications will be processed in the normal manner taking into account any views expressed by members of the public together with the comments of any consultees and the views of the relevant District Council. Where a retrospective application contains unacceptable elements the Department may reject it, seek appropriate amendments or grant it subject to conditions.

- 4.2 It is clearly unsatisfactory that anyone should carry out development requiring planning permission, without first submitting an application and paying the appropriate fee. Nevertheless, an enforcement notice will not be issued solely to 'regularise' development which is acceptable on planning grounds, but for which permission has not been sought. Therefore in circumstances where a retrospective application is requested but such advice is not followed, the Department will normally use its powers under Article 23 of the 1991 Planning Order and issue a notice requiring the submission of an application for planning permission. **Where any person fails to comply with such a notice they are guilty of an offence and the Department will normally pursue court action. On summary conviction that person is liable to a fine with the potential for continuing daily fines.**

5.0 Where unauthorised development can be made acceptable through the imposition of conditions

- 5.1 The Department may consider that an unauthorised development could be made acceptable by the imposition of planning conditions (for example, to control the hours, or mode, of operation; or to carry out a landscaping scheme, etc). If so, the approach of the Department will be similar to that set out in the previous section which will be to advise the owners or occupiers of the land to submit a retrospective application for planning permission without delay, together with the appropriate fee.
- 5.2 The Department will advise those concerned that it does not wish the development to cease. However it will also be made clear that the Department has a duty to safeguard public amenity by ensuring that development is carried out, or continued, within acceptable limits, having regard to local circumstances and the Departments' relevant planning policies.
- 5.3 If, after a formal invitation to submit a planning application, the owners or occupiers of the land refuse to do so, the Department will normally use its powers, as indicated in paragraph 4.2 above, to require the submission of a retrospective planning application.

- 5.4 Despite the issue of a notice under Article 23 of the 1991 Planning Order certain owners or occupiers of land may still refuse to submit a planning application which would enable a grant of conditional planning permission. In these circumstances the Department, in addition to pursuing court action as outlined above, would be justified in issuing an enforcement notice if, in its opinion, the unauthorised development has resulted in any injury to public amenity or damage to a statutorily designated site, which can only be satisfactorily removed or alleviated by imposing conditions on a grant of planning permission for the development.
- 5.5 Where the Department issues an enforcement notice in such cases this will set out clearly the steps necessary to render the development acceptable. The owners or occupiers should then have no doubt about the purpose of the enforcement action, or what they are required to do in order to remove or alleviate the perceived injury to public amenity.

6.0 *Where unauthorised development is unacceptable*

- 6.1 Where unauthorised development has been carried out which, in the view of the Department, is unacceptable and for which planning permission is unlikely to be granted, a formal warning letter will be issued. This will advise the owners or occupiers of the land that the Department is not prepared to allow the development, operation or activity to remain, or where appropriate, continue at its present level of activity. The warning letter will also indicate the measures considered necessary to remedy the breach of planning control and will normally include a timescale for their implementation.
- 6.2 Where owners or occupiers ignore formal warning letters and the unacceptable unauthorised development continues or is retained the Department will normally initiate formal action through the service of an enforcement notice¹. **Where any person fails to comply with an enforcement notice they are guilty of an offence and the Department will normally pursue court action. On summary conviction that person is liable to a fine with the potential for continuing daily fines.**

¹ *Where the Department intends to issue an enforcement notice and has made a determination that the matters constituting the breach of planning control comprise or include EIA development as defined in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999, special provisions exist for the service of the notice (Regulation 22).*

- 6.3 On certain occasions, for example where an unauthorised development provides local employment, the Department may be prepared to negotiate with owners or occupiers regarding the length of time it is prepared to wait before the cessation and/or removal of the development, operation or activity, provided such negotiations do not introduce undue delay into the process. This may facilitate the possible relocation of a small business or enterprise to a suitable alternative site or premises. What is reasonable will depend upon the particular circumstances, including: the nature and extent of the unauthorised development; the time needed to negotiate for and secure an interest in an alternative site; and the need to avoid unacceptable disruption during relocation. If written agreement can be reached between the Department and the operator on a time-scale, formal enforcement action may be avoided. The Department will however also bear in mind the statutory time limits for enforcement action. If no written agreement can be reached or where an agreed timescale is subsequently ignored, the Department will normally proceed with the issue of an enforcement notice, allowing a realistic period for the unauthorised operation or activity to cease. Any subsequent difficulty with relocation will not normally be a sufficient reason for delaying formal enforcement action to remedy unacceptable unauthorised development.

7.0 Where unauthorised development is unacceptable and urgent remedial action is required

- 7.1 Where, in the view of the Department, unauthorised development is causing serious harm to public amenity and there is little likelihood of the matter being resolved voluntarily or through negotiations, the Department will normally take vigorous enforcement action. This may include the service of a stop notice with, or on the foot of, an enforcement notice, or, where circumstances permit, an injunction to remedy the breach urgently in order to prevent further serious harm to public amenity. **Where any person fails to comply with a stop notice they are guilty of an offence and the Department will normally pursue court action. On summary conviction that person is liable to a fine with the potential for continuing daily fines.**

8.0 Unauthorised development by private householders

- 8.1 Householders may exercise their permitted development rights under the General Development Order to undertake certain minor works to a dwellinghouse but should satisfy themselves that these rights have been exercised correctly. As indicated in paragraph 2.1 an application can be made to the Department under Article 41 of the 1991 Planning Order to determine whether a proposal requires planning permission.
- 8.2 On occasions however, the specified limitations for permitted development may be exceeded. In these cases the Department, in considering whether it is expedient to take enforcement action, will have full regard to what would have been permitted if the development had been carried out in strict accordance with the relevant provisions of the General Development Order.
- 8.3 The Department will not normally take enforcement action in order to remedy only a slight variation in excess of what would have been permitted by virtue of the provisions of the General Development Order. In such cases the advice set out in sections 4.0 and 5.0 above will apply.

9.0 Enforcement of planning control over mineral working

- 9.1 Unauthorised mineral workings can pose particular enforcement problems in terms of the occasionally irremediable nature of the working, the speed at which significant damage to the environment can be caused, as well as the fact that there will be no agreed arrangements for the restoration or after-use of the land. Consequently in cases where formal enforcement proceedings are necessary the Department will take prompt action and will be guided by the advice set out in section 7.0 of this Statement to ensure that the possibility of irreparable environmental damage is minimised.

- 9.2 While there are no special enforcement powers in relation to planning control over mineral workings it should be noted that the failure to comply with any condition or limitation on a planning permission which relates to the carrying out of mining operations only becomes immune from enforcement action 4 years after the date on which the breach first came to the knowledge of the Department.
- 9.3 The Department would therefore advise minerals operators that it is in their own interests to discuss, at an early stage, any proposals they may have for new or extended mineral workings. Effective liaison with the Department can enable potential problems to be resolved through discussion and co-operation and help avoid contraventions of planning control.

10.0 Enforcement of planning control over waste disposal

- 10.1 The position set out in section 9.0 above, with the exception of paragraph 9.2, applies equally to the unauthorised development of waste disposal and landfill sites.

Additional planning controls and enforcement

11.0 Listed buildings and conservation areas

- 11.1 Where a building is listed, the 1991 Planning Order provides that the consent of the Department is required for its demolition and for any works of alteration or extension in any manner which would affect its character as a building of special architectural or historic interest. This is referred to as 'listed building consent'¹ and it is an offence to carry out such works without consent or to fail to comply with the terms of any condition attached to such a consent.
- 11.2 The Department attaches great importance to the protection of listed buildings and in assessing proposals affecting such buildings is required to have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (Article 45(1) of the 1991 Planning Order). In this respect it is recognised that the special interest and unique character of listed buildings can be lost just as surely by their unsuitable alteration as by their outright demolition.
- 11.3 Conservation area designation introduces control over the demolition of unlisted buildings within conservation areas (Article 51 of the 1991 Planning Order). Anyone wishing to demolish a building must first apply to the Department for "conservation area consent" and it is an offence to carry out such work without consent.
- 11.4 The prime consideration for the Department in the exercise of its planning functions within a conservation area is that "special attention shall be paid to the desirability of preserving or enhancing its character or appearance." (Article 50 (5) of the 1991 Planning Order). In this respect it is recognised that the demolition of even a single building and the construction of a new building or buildings in its place could result in the character or appearance of a conservation area, or part of it, being severely prejudiced. In such circumstances the whole purpose of designating the conservation area could be undermined.

¹ In addition to listed building consent, planning permission is also required where the works proposed to a listed building involve 'development'. Advice on this matter may be obtained from Divisional Planning Offices.

11.5 Accordingly where either of the following actions are undertaken:

- (a) the unauthorised demolition of a listed building; or**
- (b) the unauthorised demolition of an unlisted building within a conservation area;**

the Department will normally pursue direct court action. A person guilty of such an offence is liable on summary conviction to a fine not exceeding the statutory maximum, or alternatively on conviction on indictment to an unlimited fine. In determining the amount of the fine on conviction on indictment the court shall have particular regard to any financial benefit which has accrued or is likely to accrue to the offender as a consequence of the offence.

11.6 Where other unauthorised works are undertaken which adversely affect the special interest or character of a listed building the Department may also pursue direct court action.

11.7 Where a listed building is demolished without consent or other unauthorised works take place which adversely affect the special interest or character of a listed building, the 1991 Planning Order makes provision for the Department to serve a listed building enforcement notice where it considers it expedient to do so having regard to the effect of the works on the character of the building and provided the unauthorised works occurred on or after 9th December 1978. Any such notice will specify the alleged contravention and one of the following:

- the steps required to restore the building to its former state; or**
- the steps to alleviate the effect of the unauthorised works where restoration is considered to be impractical or undesirable; or**
- the steps required to bring the building to the state in which it would have been if the terms and conditions of any listed building consent which has been granted had been fulfilled.**

Similar provisions exist for the service of an enforcement notice for the unauthorised demolition of a building within a conservation area.

11.8 Where any person fails to comply with the requirements of such enforcement notices they are guilty of an offence and the Department will normally pursue court action. On summary conviction that person is liable to a fine with the potential for continuing daily fines.

12.0 Hazardous substances

- 12.1 Some industrial developments, in addition to requiring planning permission, may require consent under the 1991 Planning Order for the storage or presence of 'hazardous substances' on, over or under land. Consent may also be required where a hazardous substance is introduced onto a site, or used differently within it, without there being any associated 'development' requiring planning permission. This is referred to as 'hazardous substances control' and the main provisions for the exercise of such control are set out in the Planning (Hazardous Substances) Regulations (NI) 1993.
- 12.2 **Where any person contravenes hazardous substances control they are guilty of an offence and the Department may pursue direct court action. On summary conviction that person is liable to a fine with the potential for continuing daily fines.**
- 12.3 Where it appears to the Department that there is or has been a contravention of hazardous substances control, the 1991 Planning Order also makes provision for the Department to serve a hazardous substances contravention notice where it considers it expedient to do so having regard to any material consideration.
- 12.4 **Where any person fails to comply with a hazardous substances contravention notice they are guilty of an offence and the Department will normally pursue court action. On summary conviction that person is liable to a fine with the potential for continuing daily fines.**

13.0 Trees

- 13.1 Under Article 65(1) of the 1991 Planning Order the Department, where it is considered expedient in the interests of amenity, has the power to protect trees or woodland by making a tree preservation order (TPO). The Planning (Tree Preservation Order) Regulations 1973 set out the form and procedure for making such orders and also indicate the limited circumstances when trees that are protected by a TPO may be cut down or pruned.
- 13.2 It is an offence, in contravention of a tree preservation order, to cut down or wilfully destroy a tree or to top or lop a tree in such a manner that is likely to result in its destruction or to otherwise contravene the provisions of a tree preservation order without the prior written consent of the Department. Consequently anyone considering carrying out works which may affect trees protected by a TPO is strongly advised that it is in their own interests to discuss their proposals with the Department at an early stage. **Where any person contravenes the provisions of a TPO, the Department will normally pursue court action. On summary conviction that person is liable to a fine with the potential for continuing daily fines.**
- 13.3 Where the written consent of the Department is obtained to undertake works affecting trees which are protected by a TPO this may contain conditions to secure the replanting of replacement trees. Where it appears that such conditions have not been met the Department may issue a notice, at any time within four years from the date of the alleged failure to comply with the said conditions, requiring the replanting, within a specified time period, of such trees as are considered appropriate. **Where any person fails to comply with such a notice they are guilty of an offence and the Department will normally pursue court action. On summary conviction that person is liable to a fine with the potential for continuing daily fines.**

14.0 Advertisements

- 14.1 The Department's main provisions for the control of advertisements are set out in the Planning (Control of Advertisements) Regulations (NI) 1992 (hereafter referred to as the 'the Advertisement Regulations'). The form of control established by the Advertisement Regulations make the display of an advertisement an offence unless the express consent of the Department has been granted or is deemed to be granted.
- 14.2 In assessing whether to initiate court action, the Department will be guided by the impact of the unauthorised advertisement on amenity and public safety. In the case of public amenity, the Department will take particular account of environmentally sensitive locations and the general character of the local landscape or townscape, including the presence of any feature of historic, archaeological, architectural or cultural interest, disregarding, if it thinks fit, any advertisements already being displayed. In the case of public safety the Department will take particular account of the safety of road users and whether the display of the advertisement is likely to obscure or hinder the ready interpretation of any road traffic sign, railway sign or aid to navigation by water or air.
- 14.3 **Where, after assessment, the Department concludes that the unauthorised advertisement is unacceptable it will normally pursue court action. On summary conviction the land owner, the advertising company and those whose advertisement is being displayed, are all liable to fines with the potential for continuing daily fines.**
- 14.4 Where it is considered that an unauthorised advertisement would be acceptable, subject to conditions, the approach of the Department will be to advise the owners or occupiers of the land to submit, without undue delay, a retrospective application for consent to display an advertisement, together with the appropriate fee.
- 14.5 If, after a formal invitation to submit an application, the owners or occupiers of the land refuse to do so, the Department will normally use its powers set out in the Advertisement Regulations, to serve a notice requiring the submission of a retrospective application. **Where any person fails to comply with such a notice they are guilty of an offence and the Department will normally pursue court action. On summary conviction that person is liable to a fine with the potential for continuing daily fines.**

15.0 Appeals

- 15.1 Appeals may be made against certain notices which may be issued by the Department in the process of taking enforcement action. These include the following:
- an appeal against a notice requiring the submission of a planning application;
 - an appeal against a notice requiring the submission of an application for consent to display of an advertisement;
 - an appeal against an enforcement notice and associated deemed applications;
 - an appeal against a listed building enforcement notice;
 - an appeal against an enforcement notice served in respect of unauthorised demolition in a conservation area;
 - an appeal against a hazardous substances contravention notice;
 - an appeal against a notice for the non-compliance with conditions imposed on a tree preservation order consent for the replanting of a tree or trees;
- 15.2 Where an appeal is brought the relevant notice shall be of no effect pending the final determination or the withdrawal of the appeal. The grounds on which any of these appeals may be made are predominantly set out in the 1991 Planning Order.
- 15.3 All such appeals should be made to the Planning Appeals Commission, a statutory body independent of the Department. Further information on the requirements regarding the appeal process, including the Commission's guide, "Enforcement Notice Appeals" can be obtained from Divisional Planning Offices (see Annex 2) or from:

The Planning Appeals Commission,
Park House,
87/91 Great Victoria Street,
BELFAST BT2 7AG,
Tel: (028) 9024 4710,
Fax: (028) 9031 2536
E-mail: info@pacni.gov.uk

Annex 1

Statutory time limits on enforcement action for a breach of planning control

25th August 1974

A1 The Department can issue an enforcement notice only in respect of breaches of planning control which have occurred after 25th August 1974. This does not mean that any development which was carried out before that date is lawful, but rather that it is immune from enforcement action. Even where the breach of planning control has taken place after 25th August 1974, the Department may be prevented from taking enforcement action by the operation of the four year time limit.

Breaches with a four year time limit

A2 The “four year” time limit applies, in most cases, in the following circumstances:

- the carrying out of building, engineering, mining or other operations on land without planning permission becomes immune from enforcement action four years after the operations are substantially completed.
- the change of use of a building, or part of a building, to use as a single dwellinghouse, or the failure to comply with a condition of a planning permission prohibiting use of a building as a single dwelling house, becomes immune from enforcement action once the unauthorised use has continued for four years without enforcement action being taken.
- non-compliance with a condition or limitation which relates to the carrying out of building, engineering or other operations and subject to which planning permission was granted, becomes immune from enforcement action four years after the date on which the breach occurred.
- non-compliance with a condition or limitation which relates to the carrying out of mining operations and subject to which planning permission was granted, becomes immune from enforcement action four years after the breach first came to the knowledge of the Department.

Other breaches

A3 Where there is any other breach of planning control involving:

- any material change in the use of land or buildings, other than a change of use of a building to use as a single dwellinghouse; or
- a breach of a condition or limitation to which a planning permission is subject, other than a condition falling into the categories highlighted in the third and fourth bullet points in A2 above,

there is no time limit within which enforcement action may commence provided the development occurred after 25th August 1974.

Annex 2

Planning Service Offices

District Council Area

Divisional Planning Office

Antrim
Ballymena
Carrickfergus
Larne
Magherafelt

Ballymena Divisional Planning Office
County Hall
182 Galgorm Road
BALLYMENA, BT42 1QF
Tel No: (028) 2565 3333
Fax No: (028) 2566 2127
E-mail: divisional.planning.office.ballymena@nics.gov.uk

Armagh
Banbridge
Craigavon
Newry & Mourne

Craigavon Divisional Planning Office
Marlborough House
Central Way
CRAIGAVON, BT64 1AD
Tel No: (028) 3834 1144
Fax No: (028) 3834 1065
E-mail: divisional.planning.office.craigavon@nics.gov.uk

Derry
Limavady

Londonderry Divisional Planning Office
Orchard House
40 Foyle Street
LONDONDERRY, BT46 6AT
Tel No: (028) 7131 9900
Fax No: (028) 7131 9777
E-mail: divisional.planning.office.londonderry@nics.gov.uk

Belfast
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Belfast Divisional Planning Office
Bedford House
16 – 22 Bedford Street
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Tel No: (028) 9025 2800
Fax No: (028) 9025 2828
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Ards
Down
Lisburn
North Down

Downpatrick Divisional Planning Office
Rathkeltair House
Market Street
DOWNPATRICK, BT30 6EJ
Tel No: (028) 4461 2211
Fax No: (028) 4461 8196
E-mail: divisional.planning.office.downpatrick@nics.gov.uk

Cookstown
Dungannon
Omagh
Strabane

Omagh Divisional Planning Office
County Hall
Drumragh Avenue
OMAGH, BT79 7AE
Tel No: (028) 8225 4000
Fax No: (028) 8225 4010
E-mail: divisional.planning.office.omagh@nics.gov.uk

District Council Area

Sub-Divisional Planning Office

Ballymoney
Coleraine
Moyle

Coleraine Sub-Divisional Planning Office
County Hall
Castlerock Road
COLERAINE, BT51 3HS
Tel No: (028) 7034 1300
Fax No: (028) 7034 1434
E-mail: divisional.planning.office.coleraine@nics.gov.uk

Fermanagh

Enniskillen Sub-Divisional Planning Office
County Buildings
15 East Bridge Street
ENNISKILLEN, BT74 7BW
Tel No: (028) 6634 6555
Fax No: (028) 6634 6550
E-mail: divisional.planning.office.enniskillen@nics.gov.uk

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