

Updated June 2020

# Planning Enforcement Charter



**Falkirk Council**



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## 1 Introduction

Under Scottish legislation primary responsibility for planning issues rests with the planning authority (generally your local council). The planning authority's principal roles are to produce local development plans, to grant or refuse applications for permission for development, and, where necessary, to take enforcement action where planning legislation has not been followed.

The planning system does not exist to protect the interests of one person or business against the activities of another, although in some cases private interests may coincide with the public interest. In distinguishing between public and private interests, the basic question is whether a proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

Enforcement is a vital part of the overall planning process and exists to protect the environment and to ensure correct implementation of planning proposals which have been granted permission by the Council.

Most development requires planning permission, although some minor developments can be carried out without the need for an application, and the planning authority can provide advice on whether a particular development requires permission or not. Sometimes, however, developers or householders either undertake work without planning permission or fail to keep to the permission they have been given. Where appropriate, the Council has the power to take action in cases like this and enforce the planning controls.

While the Council monitors development as is considered appropriate, the number and size of new developments means there is also a role for the public in alerting the Council if they become aware of breaches.

This Charter explains what enforcement means, what the Council can and can't do, the service standards the Council sets itself and what happens at each stage of what can sometimes be a lengthy process.

Falkirk Council's scheme of delegation allows officials to issue enforcement notices. However, enforcement is a discretionary power; if there is a breach of planning control the officials have to consider whether it is in the public interest to take enforcement action.

Enforcement is an issue that concerns many members of the public and this Charter is intended for use by members of the public, developers and the Council. Please let us know if you think there are areas where we could improve the service provided.

This Charter summarises most of the current powers available to planning authorities but it is not an exhaustive list. Such powers are set out in the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006), the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 as amended and the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984.

## 2 Planning Enforcement

This Charter outlines some of the procedures of the planning enforcement system, and the standards of service that can be expected when enquiries are made about unauthorised development. Enforcement is one of the most complex parts of the planning system, and often has long and unpredictable timescales. The aim of this Charter is to ensure that adopted procedures are fair and reasonable, and that interested parties are kept informed and are made aware of what is required.

The Council has statutory powers to investigate breaches of planning control, breaches of conditions attached to planning consents, and to take formal action where a satisfactory outcome cannot be achieved by negotiation. The Council is not required to take any particular action on a specific breach of planning control, and indeed can decide that no action is necessary, but any action taken must be reasonable and proportionate to the breach.

Councils should not take enforcement action just to correct a breach of planning procedures if the development is otherwise acceptable in planning terms and should be sensitive to the impact of enforcement action on small businesses.

It is important to remember that a breach of planning control is not a criminal offence. The purpose of planning enforcement is to resolve the problem rather than to punish the mistake and any action taken has to be appropriate to the scale of the breach.

Planning enforcement also covers the physical display of advertisements (for example: billboards and advertisement hoardings), although slightly different procedures apply. These are set out in section 9 of this document. The actual content of an advertisement is not covered by planning control and any complaints about this should be made to the Advertising Standards Authority.

### SERVICE TARGET

**By publishing our standards and targets, we aim to improve our enforcement service and make it responsive to the needs of our customers. We will monitor the contents of this charter to ensure that standards and targets are being met.**

Further copies of this Charter are available on the Council's website [www.falkirk.gov.uk](http://www.falkirk.gov.uk) or at Abbotsford House, David's Loan, Falkirk, FK2 7YZ

### 3 Enforcement Enquiries

Planning enforcement involves three issues – establishing whether a breach of planning control has taken place, whether it is in the public interest to take action and what action is appropriate. These decisions are within the planning authority's sole discretion although the Council, to a large extent, relies on members of the public bringing breaches of planning control to its attention.

Breaches can take a number of forms:

- Work being carried out without the benefit of planning permission;
- an unauthorised change of use of land or buildings;
- non-compliance with conditions imposed by a planning permission; or
- departures from the approved plans of a planning permission.

Where someone considers that a possible breach of planning control has taken place they should contact the Development Management Section of Development Services.

Enquiries can initially be made by telephone or in person, but should also be confirmed in writing. Falkirk Council can provide a planning enforcement enquiry form which has attached guidance on the information you should provide (an online link to this form is provided below).

Whilst the recommended means of submitting an enquiry would be this official form, if you wish, you can submit a letter or e-mail detailing the breach and including your name and address.

Where a breach of planning control is established a written complaint can be a valuable source of evidence if the matter is pursued via enforcement action.

Often the person making the enquiry will wish to have it treated as confidential. This should be made clear at the outset and we will respect this as far as is possible but the effects of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 must be taken into consideration.

It should be noted however that the success of any subsequent enforcement action may be limited if the source of the original enquiry cannot be identified. Such information may not be admissible as evidence where an appeal against any enforcement notice is made to the Scottish Ministers or a prosecution is sought through the Courts.

For this reason anonymous enquiries or complaints may not be acted upon.

When making an enquiry the following information is essential:-

- The address or location of the property concerned
- Full details of the suspected breach (with dates and times if relevant)
- A contact name and address for the enquirer
- How the breach affects the enquirer
- Whether the enquiry is to be treated confidentially

Information received by the Council's Planning Enforcement Officers is checked to ensure that it involves a possible breach of control and includes all the detail required for a possible investigation. After preliminary checking and compliance with the requirements for investigation, the complaint will be registered. Once registered, a written acknowledgement will be sent to the person who made the complaint.

Some complaints, such as neighbour disputes over boundaries, relate to matters over which the Planning Service has no control and in those instances the enquirer will be advised accordingly. If another Council Service can more appropriately deal with a specific issue the matter will be referred to that Service and again the enquirer will be advised accordingly.

Please note that a 'Planning Enforcement Complaint' is not a complaint against the council. If you have a complaint against the council and its Services to you please see Section 10 (Complaints Procedure) of this Charter.

Copies of the Planning Enforcement Enquiry Form can be found on Falkirk Council's website at the following link –

[Link to Planning Enforcement Complaints Form](#)

#### **SERVICE TARGET**

**All written enforcement enquiries, which include contact details, will be investigated to establish whether a breach of planning control is evident. If requested, enquiries or complaints will be treated in confidence.**

**If preliminary checking of a complaint suggests a breach of planning control has occurred, the complaint will be registered. Once registered, a written acknowledgement will be sent to the person who made the complaint within 5 working days. The acknowledgement will include a reference number and contact details.**

**Where enquiries relate to an area of Council function other than planning, the matter will be referred to the relevant Council Service, and the enquirer notified.**

**Where enquiries do not relate to the Council's functions, the enquirer will be notified accordingly.**

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## 4 Investigations

Upon receipt of an enquiry, an enforcement officer will investigate the alleged breach.

If a site visit is required it will normally be carried out within 10 working days however, where the alleged breach appears to represent significant public safety issues or criminal damage to a listed building, the site will be visited as a matter of urgency.

Priorities:

To best utilise the limited resources available to the Council, breaches of planning control will be assessed with regard to:

- any associated risks or dangers to the public;
- effect upon individuals;
- effect upon amenity; or
- any other relevant factors.

The enforcement officer will determine, in relation to planning legislation, whether a breach of planning control has taken place and the priority attributable to such a breach.

Type of Action:

Once an enquiry has been investigated the officer will identify the relevant action to be pursued.

Where No Further Action is Proposed:

When it is considered inappropriate to take further action, either because no breach has been established, where a minor or insignificant breach has occurred, or if there is insufficient evidence to pursue the matter, the enquirer will be advised of that decision and the reasons for it.

Where a Breach is Established:

Where a planning breach is identified and some form of regularisation is considered necessary there are three principal courses of action available to the Council:

a) Negotiate a Solution:

In many cases breaches of control can be rectified through negotiation rather than by more formal action and such an approach will be taken when this is seen to be the most reasonable way of dealing with a breach.

b) Submission of a Retrospective Planning Application:

In some cases it may be expedient to seek the submission of a retrospective planning application. The planning authority will consider this as they would any application made under planning legislation and may grant or refuse permission, depending on the planning merits of the application. Permission may be granted subject to conditions or limitations which the planning authority considers are required to make the development acceptable. Pending determination of such an application, more formal action would not be pursued.

c) Formal Action:

Where it appears justified, any relevant evidence will be gathered and a decision will be taken on whether or not to take formal action. The pursuance of formal enforcement action is entirely at the discretion of the Council and the type of action taken must be commensurate with the nature of the breach (see Section 5). If the Council decides not to pursue formal action, the enquirer will be advised of the reasons why this decision was taken.

Following the initial investigations the enquirer will be advised of the findings, any proposed action and any timescales which are relevant to that action.

It is not always possible to anticipate how a particular case will develop and the timescale for resolving a complaint can be difficult to predict.

Those factors, which can substantially delay resolution of enforcement cases, include:

- the collection of relevant and satisfactory evidence;
- ongoing negotiation to try and resolve a case without resorting to formal action;
- the submission of a retrospective application; or
- an appeal against a formal notice.

It can be a source of concern to complainants that unauthorised development can persist for some time, however, the Council must follow due legislative processes which often allow statutory minimum time periods for compliance.

**SERVICE TARGET**

**If necessary a site inspection will be undertaken within 10 working days, to establish if there is any breach of control.**

**The enquirer will be notified of the intended course of action within 20 working days of the enquiry being received and if no further action is to be taken, the reason for this will be explained.**

**The Council will endeavour to keep all complainants informed of progress until the resolution of a particular case.**



## 5 Formal Action

As stated previously, the purpose of planning enforcement is to resolve problems, not punish mistakes. The planning authority has to consider each case on its merits and decide on the most appropriate course of action.

Only a relatively small number of cases require formal enforcement action which involves the issue of a notice to the landowner or developer. This may be a notice requiring a retrospective planning application to be made, an enforcement notice, or a breach of condition notice.

In some cases formal action may not be appropriate, even though planning controls have been breached. The Council is unlikely to take formal action over developments which, in planning terms, are seen as acceptable. However in such cases, it may be appropriate to formally seek the submission of a retrospective planning application.

A notice requiring a retrospective planning permission alerts the landowner or developer to the fact that the development described in the notice does not have the requisite planning permission and requires them to address the situation by submitting a retrospective application. If a retrospective planning application is not submitted then the development will remain unauthorised but the issue of the notice is recorded in the Planning Register and could complicate any future sale of the property concerned.

Enforcement Notices and Breach of Condition Notices include the following information:

- a description of the breach of control that has taken place;
- the steps that should be taken to remedy the breach;
- the timescale for taking these steps;
- the consequences of failure to comply with the notice; and
- where appropriate, any rights of appeal the recipient has and how to lodge an appeal.

Appeals against enforcement notices are considered by Scottish Ministers and dealt

with, in most cases, by Reporters from the Scottish Government's Directorate for Planning and Environmental Appeals (DPEA). Anyone who has formally submitted information on a breach of planning control is advised of the appeal. There is no right of appeal against a breach of condition notice.

Failure to comply with a notice may result in the planning authority taking further action. This can include a range of possible options including:

- referring the case to the Procurator Fiscal for possible prosecution;
- carrying out work and charging the person for the costs involved; and
- seeking a Court interdict to stop or prevent a breach of planning control.

For more details on particular types of formal action, see section 6 'The Council's Powers'.

Planning Register - Details of enforcement notices, breach of condition notices, temporary stop and stop notices are entered into an Enforcement Register.

Notices under Section 179 (Amenity Notices) are also entered into the Register but, as this type of Notice does not constitute formal enforcement action, these are clearly identified.

The Register is available for inspection at Abbotsford House, Davids Loan, Falkirk FK2 7YZ during normal office hours.

### SERVICE TARGET

**Where a planning breach cannot be resolved and action is considered appropriate a formal notice will be served. This can be a notice requiring a retrospective planning application, an enforcement notice, a breach of condition notice, a temporary stop notice, a stop notice or any combination of these notices. Within a notice the council will advise the recipient what is required, the timescales involved and the available options to resolve the issue.**

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## 6 The Council's Powers

The planning enforcement powers available to your local planning authority are set out in the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006. Listed Building Enforcement notices are covered by the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The Planning Acts are available from the HMSO, 71 Lothian Road, Edinburgh and can be viewed online at -

<http://www.legislation.gov.uk/>

Government policy on planning enforcement is set out in Planning Circular 10/2009: Planning Enforcement. The circular is published on the Scottish Government website and can be viewed at -

<https://beta.gov.scot/publications/planning-circular-10-2009-planning-enforcement/>

### Types of Notice

**Breach of Condition Notice (BCN)**- this is used to enforce the conditions applied to any planning permission. It comes into effect 28 days after being served. It may be used as an alternative to an enforcement notice (see below), and is served on any person carrying out the development and/or any person having control of the land. There is no right of appeal. Contravening a breach of condition notice can result in the Council deciding to prosecute, with a fine of up to £1,000.00

**Enforcement Notice (EN)**- this is generally used to deal with unauthorised development, but can also apply to breach of planning conditions. There are similar notices and powers to deal with listed buildings (see below), and advertisements. An enforcement notice will specify a time period before it comes into force (must be a minimum of 28 days - but see the section below on advertisements); the steps that must be taken to remedy the breach and a compliance period for these steps to be completed.

There is a right of appeal and the terms of the notice are suspended until a decision is reached. Failure to comply with an enforcement notice within the time specified is an

offence, and may lead to a fine of up to £20,000 in the Sheriff Court. Failure to comply may also result in the Council taking Direct Action to correct the breach (see other powers below).

**Listed Building Enforcement Notice** - this must be served on the current owner, occupier and anyone else with an interest in the property. The procedures are similar to those outlined above. The notice must specify the steps to be taken to remedy the breach and a final date for compliance. Failure to meet the terms of the notice by the date specified is an offence. There is the right of appeal to Scottish Ministers against the notice. Breaches of listed building control are a serious matter. It is a criminal offence to undertake unauthorised works to demolish, significantly alter, or extend a listed building. In certain circumstances, this can lead either to an unlimited fine or imprisonment.

**Stop Notice** - this is used in urgent or serious cases where unauthorised activity must be stopped, usually on grounds of public safety. When a stop notice is served, the planning authority must also issue an enforcement notice. There is no right of appeal against a stop notice and failure to comply is an offence. An appeal can be made against the accompanying enforcement notice. If a stop notice is served without due cause, or an appeal against the enforcement notice is successful, the stop notice may be quashed and the Council may face claims for compensation. The use of stop notices therefore needs to be carefully assessed by the Council.

**Temporary Stop Notice (TSN)** - this is used to require the immediate halt of an activity which breaches planning control. The provisions make an exception in that a TSN cannot prohibit the use of a building or a caravan as a dwellinghouse. TSNs are enforceable for 28 days, after which time they expire. They may, however, be followed by further enforcement action such as an Enforcement Notice and Stop Notice. There is no provision to appeal against a TSN.

**Fixed Penalty Notice (FPN)** - this provides planning authorities with an alternative process, in addition to the option to seek prosecution, to address situations where a person has failed to comply with the requirements of an enforcement notice (EN) or a breach of condition notice (BCN). By paying the penalty imposed by the FPN, the person will discharge any liability for prosecution for the offence. They will not,

however, discharge the obligation to comply with the terms of the EN or BCN and the planning authority will retain the power to take direct action to remedy the breach and recover the costs of such work from that person. The planning authority is not required to offer the option of paying a fixed penalty. Any decision to do so would be dependent on considerations such as the scale of the breach and its impact on local amenity.

**Notice Requiring Application for Planning Permission for Development Already Carried Out** - where the planning authority considers that a development which does not have planning permission may be acceptable (i.e. they consider that it might be granted planning permission) they may issue a notice requiring the landowner or developer to submit a retrospective planning application. This application will be considered on its planning merits and handled in the same way as any other planning application. Issuing such a notice does not guarantee that permission will be granted. If an application is not submitted further enforcement action will be considered but may not be considered appropriate. Whether or not further action is taken the issue of this type of notice constitutes formal enforcement action which would be recorded and consequently could complicate any future sale of the property concerned and/or be of particular relevance should an application for a certificate of lawful use be submitted.

#### **Other Powers**

**Planning Contravention Notice** - this is used to obtain information about activities on land where a breach of planning control is suspected. It is served on the owner or occupier, or a person with any other interest in the land or who is carrying out operations on the land. They are required to provide information about operations being carried out on the land and any conditions or limitations applying to any planning permission already granted. Failure to comply with the notice within 21 days of it being served is an offence and can lead to a fine in the Courts.

**Notice under Section 272** (of the Town and Country Planning (Scotland) Act 1997) - this provides limited powers to obtain information on interests in land and the use of land. Failure to provide the information required is an offence.

**Notice under Section 179** (of the Town and Country Planning (Scotland) Act 1997) -

this allows planning authorities to serve a notice on the owner, lessee or occupier of land which is adversely affecting the amenity of the area. This is also known as an "Amenity Notice" and sets out the action that needs to be taken to resolve the problem within a specified period.

**Interdict and Interim Interdict** - an interdict is imposed by the courts and is used to stop or prevent a breach of planning control. Court proceedings can prove costly and Councils normally only seek interdicts in serious cases or where enforcement notices have been ignored in the past. However, a Council can seek an interdict in relation to any breach without having to use other powers first. Breaching an interdict is treated as a contempt of court and carries heavy penalties.

**Direct Action** - failure to comply with the terms of an enforcement notice within the time specified can result in the Council carrying out the specified work. The Council may recover any costs it incurs from the landowner.

**Notification of Initiation of Development (NID), Notification of Completion of Development (NCD) and Display of Notices While Development is Carried Out** - while not in themselves planning enforcement powers, these notices are intended to improve delivery of planning enforcement by requiring positive confirmation that development has commenced and been completed and, in the case of on-site notices, to raise community awareness of developments in the local area.

Initiating development without submitting a NID is a breach of planning control and the planning authority may consider enforcement action. The NCD requires a developer to submit a further notice as soon as is practicable after development has been completed.

Depending on the nature or scale of a development, the developer may also be required to display on-site notices while development is taking place. These notices contain basic information about the site and the development. They also provide contact details where members of the public may find out more information or report alleged breaches of planning control. It is a breach of planning control to fail to display such a notice when required to do so.

**Powers of Entry** - The Council has powers to enter land to:

- establish if there has been a breach of planning control,
- to check whether there has been compliance with a formal notice,
- to check whether a breach has been satisfactorily resolved.

This power applies to any land so, for example, officials could enter land adjacent to the site of the breach.

#### **SERVICE TARGET**

**Enquirers will be notified of any decision to pursue formal action. Subsequent courses of action and likely timescales will be explained.**

**Anyone served with a formal notice will be advised of his or her rights to challenge the notice, including how to appeal to the Scottish Ministers.**

**Where the terms of any enforcement notice are not complied with, every effort will be made to resolve the case to the satisfaction of the Council. Options include: direct action by the Council and/or the matter being referred to the Procurator Fiscal for possible prosecution or alternatively offering the opportunity to pay a fixed penalty (issue of a fixed penalty notice).**

**Enquirers will be notified of any further action.**

## 7 Timescales

Enforcement action has to be taken within strict time limits;

- Four year limit - this applies to “unauthorised operational development” (the carrying out of building, engineering, mining or other operations in, on, over or under land) and change of use to a single dwelling house. After four years following the breach of planning control the development becomes lawful and no enforcement action can be taken;
- Ten year limit - this applies to all other development including change of use (other than to a single dwelling house) and breaches of conditions. After ten years, the development becomes lawful if no enforcement action has begun; and
- IMPORTANT-There is no time limit for breaches of Listed Building or Advertisement Control.

## 8 Condition Monitoring

Planning permission granted for any development may have conditions attached which may be monitored to ensure that the implemented development is as authorised. However it is the developer's responsibility to ensure conditions are complied with. The monitoring of conditions is undertaken by the Council's development management service, however, the large number of permissions granted each year makes the involvement of the public invaluable in the monitoring process.

Where members of the public believe a planning condition has not been complied with satisfactorily they can advise the planning enforcement service of their concerns and the matter will be investigated in the same manner as enquiries related to suspected breaches of planning control.

### **SERVICE TARGET**

**The Council will endeavour to monitor implementation of planning conditions where appropriate. Any public report of non-compliance with planning conditions will be treated as an enforcement enquiry.**

## 9 Enforcement and Advertising

The display of advertisements is covered by the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. Many advertisements are displayed with what is called 'deemed consent': i.e. if they meet the criteria and conditions set out in the Regulations, they do not require advertisement consent. One of the conditions is that the landowner has given permission for the advertisement to be displayed on their land.

The powers the Council has to take enforcement action over advertisements are slightly different from the powers it has to deal with other breaches of planning legislation.

Displaying an advertisement in contravention of the Regulations is an offence and, if convicted in court, an offender can be fined. The Court can impose further fines for each day the breach of the Regulations continues.

The Council has the power to serve an enforcement notice. As with other enforcement notices this specifies a time period for the recipient to comply with the notice before it takes effect - which is normally 28 days. However, if the Council believe that there is an urgent need for the advertisement to be removed or altered in the interests of public safety, or if the advertisement can be removed without any other work being required, this period can be reduced to 7 days.

An enforcement notice can also require that the use of the land to display advertisements be discontinued. This remains in force even if the original advertisement is removed, i.e. putting up another advertisement is a breach of the notice.

The Council has powers to remove or obliterate placards and posters that do not have advertisement consent or deemed consent under the Regulations. Where the person who put up the poster can be identified they have to be given at least 2 days notice that the Council intends to take the poster down. If the advertiser cannot be readily identified then the advert can be removed immediately.

Council officials can enter unoccupied land if necessary to remove an advertisement, however they have no powers to remove advertisements displayed within a building to which there is no public access.

## 10 Complaints

The Council is committed to providing high-quality customer services and hope users will be satisfied with the service provided. If however something goes wrong or you are dissatisfied with the service, please tell us. This allows the Council to make improvements to the service. You can complain in person at any office, by phone, in writing, email or via our complaints form. If you have any suggestions, concerns or difficulties please contact us. We are committed to improving our services and dealing promptly with any issues raised.

The Council have a two stage complaints process:

**Stage One:** Frontline Resolution

**Stage Two:** Investigation

Further information can be found on the [Council Website](#) including a link to making an online complaint.

If, having followed the Council's Complaints Procedure you remain dissatisfied, you can ask the Scottish Public Services Ombudsman (SPSO) to look into your complaint. You can contact the SPSO:

**in person:**

SPSO  
4 Melville Street  
Edinburgh  
EH3 7NS

**by post:**

SPSO  
Freepost EH641  
Edinburgh  
EH3 0BR

Freephone **0800 377 7330**

[www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)

Mobile site: <http://m.spsso.org.uk>

### SERVICE TARGET

**We will acknowledge all written complaints within 5 working days of receipt.**

**All written complaints will be fully and promptly investigated and a written response will be given to the complainant.**

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## 11 Summary Guide to Enforcement

Planning permission is required for most development that takes place in Scotland. Sometimes, however, developers or householders undertake work without planning permission or fail to keep to the permission they have been given. Local Councils have powers to act in such cases.

The Council will investigate breaches of planning control. These can include:

- work being carried out without planning permission;
- an unauthorised change of use;
- not following conditions imposed by a planning consent; and
- not following plans approved by a planning permission.

The public can play a vital role in reporting such incidents to their Council. This will need to include:

- details of the suspected breach of planning control (with times and dates if relevant);
- contact details for the person providing the information; and
- whether that person wishes the matter to be treated confidentially. Councils will do their best to honour such requests but anonymity cannot be guaranteed where statutory enforcement action is undertaken.

The purpose of planning enforcement is to resolve the problem rather than to punish the mistake. Action can involve negotiating a solution, asking for a retrospective planning application to be made, or more formal action such as the issue of an enforcement notice or a breach of condition notice.

Formal action may require the agreement of the Council's Planning Committee. This can include serving an enforcement notice on the relevant people, spelling out the action they are required to take. They can challenge this notice, through an appeal to Scottish Ministers. If so, enforcement action is suspended until a decision is issued. Failure to comply with an enforcement notice can result in prosecution.

In some cases, the Council is time-barred from taking action. Generally, work carried out more than four years ago or a change of use that took place more than 10 years ago is considered lawful and immune from action.

It is not always possible to anticipate how a particular case will develop, nor how long it will take. The Council will try to keep people informed of progress. The Council has set down the procedures, its service standards, and contact details in its Charter for Planning Enforcement.

This Charter does not compromise an authoritative interpretation of the Planning Acts.

Planning legislation is complex and therefore if you are in receipt of any formal notice from the Council you are advised to seek legal or independent professional planning advice.

## 12 Useful Contacts

### Planning Service

#### In Person/By Post

Falkirk Council  
Abbotsofrd House  
David's Loan  
Falkirk  
FK2 7YZ

#### By Phone

01324 504748 (Office  
Hours, 9am to 5pm,  
Monday to Friday)

#### By Email

[dc@falkirk.gov.uk](mailto:dc@falkirk.gov.uk)

### Enforcement Team

#### Enforcement Officer

Ronnie McCall  
t:01324 504814  
e:[ronald.mccall@falkirk.gov.uk](mailto:ronald.mccall@falkirk.gov.uk)

### Other Council Contacts

#### Development & Building Standards Manager

Ian Dryden  
t:01324 504756  
e: [ian.dryden@falkirk.gov.uk](mailto:ian.dryden@falkirk.gov.uk)

#### Planning Help Desk

t:01324 504748  
e:[dc@falkirk.gov.uk](mailto:dc@falkirk.gov.uk)

#### Dangerous / Dilapidated and Derelict Buildings

t:01324 504985  
e:[bc@falkirk.gov.uk](mailto:bc@falkirk.gov.uk)

#### Tree Issues / Right of Way

t:01324 504950  
e:[planenv@falkirk.gov.uk](mailto:planenv@falkirk.gov.uk)

#### Noise/Fumes/Fly-Tipping

t:01324 504982  
e:[envhealth@falkirk.gov.uk](mailto:envhealth@falkirk.gov.uk)

## Other Useful Contacts

### SEPA Corporate Office

t: 01786 457700

Erskine Court  
Castle Business Park  
STIRLING  
FK9 4TR

### Directorate for the Built Environment

t:0300 244 4000  
e:[ceu@gov.scot](mailto:ceu@gov.scot)

### Planning Aid for Scotland

t:0131 220 9730 or 0845 603 7602 (helpline)

3rd Floor  
125 Princes Street  
Edinburgh  
EH2 4AD

### Directorate for Planning and Environmental Appeals (DPEA)

t:01324 696400  
e:[dpea@gov.scot](mailto:dpea@gov.scot)

4 The Courtyard  
Callendar Business Park  
Callendar Road  
Falkirk  
FK1 1XR

### Scottish Public Services Ombudsman

#### in person:

SPSO  
4 Melville Street  
Edinburgh  
EH3 7NS

#### by post:

SPSO  
Freepost EH641  
Edinburgh  
EH3 0BR

Freephone **0800 377 7330**

e:[ask@sps.gov.scot](mailto:ask@sps.gov.scot)

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**Health and Safety Executive**

Belford House  
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