



**GREATER CAMBRIDGE SHARED PLANNING  
SERVICE**

**ADDENDUM to JOINT PLANNING  
COMPLIANCE POLICY**

**CAMBRIDGE CITY COUNCIL AND  
SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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## **HOW THE COUNCIL WILL DEAL WITH A REQUEST TO INVESTIGATE**

### **1 Pre - Screening.**

1.1 Reports of breaches received will be logged, acknowledged and investigated unless:

- Anonymous
- Not a planning matter or related to planning harm
- Otherwise inappropriate

1.2 Once screened, the breach report will be logged and the requestor will be sent an acknowledgement letter which provides the case reference number, the officers name and their contact details.

### **2. Screening (Desk Top Assessment)**

2.1 An initial desk top assessment will be carried out in order to establish the facts of the enquiry and to determine whether or not it is a breach of planning control, whether a site inspection will be necessary or if it is expedient and proportionate to take further action. From this review the officer may contact the requestor for further information.

2.2 The desk top assessment will look at:

- Has any development taken place?
- Is the breach a duplicate of a case on the system closed within the last 3 months, or a current open case
- Is there a breach of planning control?
- The extent and nature of any breach of planning control
- Is a site visit required?
- if it is a breach is it a technical breach with no significant harm.

2.2 Should development have taken place and a breach of planning control is identified, if it represents only a technical breach or there is minimal harm arising from the breach, we may decide not to investigate further and / or invite a planning application to regularise the breach. If we decide not to progress an enforcement investigation, the requestor will be notified of the decision.

2.3 Inviting a planning application to be made retrospectively does not guarantee a positive outcome. Any application will be assessed on its merits following an assessment against site circumstances, relevant planning policy and any comments received.

### **3. Investigation and Action**

3.1 Once screened to establish the request requires further investigation, we will undertake a site visit to identify the harm the breach is causing.

3.2 In assessing any breach of Planning Control we will consider the following:

- Is there planning permission for the development?
- Is the work permitted development?
- The degree to which the development differs from the approved or lawful position
- The relationship to neighbouring properties taking account of size, siting, depth, separation to adjacent properties, projection beyond neighbouring properties, orientation, levels, other existing structures etc to identify any harm to neighbouring amenity,
- Its siting, design and appearance to identify any harm to the visual amenities of the surrounding area and the wider environment including trees
- The relationship to planning policy ( e.g. Green Belt)?
- The relationship to any applicable housing or design standards
- The effect on parking, serving and access
- Whether the breach be resolved through negotiation or an application?
- Whether it is expedient and proportionate to take formal enforcement action?

3.3 Site visits are normally undertaken without prior notice, unless access is required to be arranged. This is because of the need to obtain accurate, representative and timely evidence of how a site is being used, or in terms of building works, because difficulties in contacting site managers can sometimes significantly delay an investigation.

3.4 If no serious harm is identified, no enforcement action will be taken and the investigation will be closed. The requestor will be notified of this decision.

3.5 Where there is immediate or serious harm arising from the identified breach, the Council will consider what appropriate action is necessary.

3.6 Only a small proportion of complaints received result in formal action. Many of the rest are closed without the need to take formal action, or cannot be pursued within the resources available.

3.7 Planning enforcement can also be a lengthy process. After the initial investigation to establish whether a breach has occurred, compiling evidence and serving a notice can take weeks or sometimes longer. There are also rights of appeal which may be pursued before an enforcement notice can come into effect. More complicated cases can take several years to resolve, especially where it is necessary to take action in the courts

Enforcement investigations follow this process:

3.8 The Compliance Investigation Officer dealing with the case after discussion with the team leader if necessary, will update the individual who requested the investigation with their initial findings after the site visit has been completed. Requestors will also be updated at key stages of the enforcement process such as retrospective applications, formal action or closure of investigations.

3.9 No further action will be taken and the case closed if in the opinion of the authorising officer, the following applies:

- The matter is not a planning issue
- The works taking place have planning permission
- The works do not constitute development as defined by Section 55 of the Town and Country Planning Act 1990 (as amended)
- Deemed consent applies due to the passage of time
- The works fall within the Permitted Development criteria as set out in government guidelines
- It is not in the public interest to take action
- The development is likely to obtain planning permission if an application was submitted.