

# Tunbridge Wells Borough Council

## **PLANNING SERVICES**

### **Planning Enforcement Plan (September 2023)**



## INTRODUCTION

1. This document sets out the Planning Enforcement and Compliance Strategy of the Borough Council's Planning Service.
2. Central Government's Planning Practice Guidance (PPG) under the heading 'Enforcement and post-permission matters' sets out the basic priorities of the enforcement of planning control. This can be found at [www.gov.uk](https://www.gov.uk/guidance/ensuring-effective-enforcement) or by using the following link:  
<https://www.gov.uk/guidance/ensuring-effective-enforcement>

## GOVERNMENT ADVICE AND LEGISLATION

3. The Council's objective in producing a Planning Enforcement Plan is consistent with the Government's National Planning Policy Framework 2023 (NPPF) states (at paragraph 59) 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.”*

4. Within the PPG under “When should enforcement action be taken?” states:-

*“There is a range of ways of tackling alleged breaches of planning control, and local planning authorities should act in a proportionate way.*

*Local planning authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations. This includes a local enforcement plan, where it is not part of the development plan.*

*In considering any enforcement action, the local planning authority should have regard to the National Planning Policy Framework, in particular paragraph 59.”*

## KEY PRINCIPLES OF OUR ENFORCEMENT SERVICE

### Objectives

5. The Planning Enforcement service is an integral component of the planning system which is this Council's key statutory service with regards to the 'place shaping agenda'. Enforcement can be used to ensure that the planning system delivers the developments that have been the subject of the development management system on the ground.
6. In terms of detailed objectives the Enforcement Service seeks: -
  - i. To investigate alleged breaches of planning control.
  - ii. For the type of enforcement action to be commensurate with the harm.

- iii. To be fair and be applied equitably.
- iv. For formal enforcement action to only be taken when significant planning harm is being caused and all other reasonable remedies have been exhausted.
- v. For enforcement complaints to be prioritised.
- vi. To operate efficiently and effectively.

## BACKGROUND

7. Enforcement action is a discretionary activity but it is regularly required to manage development. Tunbridge Wells Borough Council acknowledges the importance of effectively controlling unauthorised development in the protection of the quality of both the natural and built environment and the quality of people's living standards.
8. The integrity of the Town and Country Planning process depends on the Council's effectiveness in taking enforcement action against unauthorised development when it is expedient to do so. Expediency depends on the degree of harm being caused and whether or not a negotiated solution is likely to be achieved, whether it is a suitable course of action in comparison with other legislation and that it is advantageous for the Council to take such action rather than other statutory organisations (such as the Environment Agency).
9. Planning law is part of administrative law rather than criminal law and so it is not normally a criminal offence to breach planning control albeit there are some exceptions e.g. Listed Buildings, and Advertisement Control. The key objective in taking enforcement action is to remedy the negative impacts of the breach of planning control rather than to punish the person(s) carry out the breach.
10. This Enforcement Plan is consistent with Central Government Guidance in the following documents:
  - National Planning Policy Framework 2023  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
  - Planning Practice Guidance <https://www.gov.uk/government/collections/planning-practice-guidance>
  - Best Practice Guidance – Section 215 Notices. DCLG January 2005.  
<https://www.gov.uk/government/publications/town-and-country-planning-act-1990-section-215-best-practice-guidance>
11. All decisions on whether it is expedient to take enforcement action will have regard to the relevant policies of:
  - Tunbridge Wells Borough Site Allocations Local Plan 2016.
  - Tunbridge Wells Core Strategy 2010.
  - The Tunbridge Wells Borough Local Plan 2006 – Saved Policies only.

- Any 'made' Neighbourhood Plan for the area.
12. Consideration will also be given to relevant guidance contained within:-
- Supplementary Documents (SPD's) and other Development Plan Documents (DPD's).
  - Other Supplementary Planning Guidance as draft or adopted
  - Central Government guidance.
13. This document sets out how Tunbridge Wells Borough Council will deal with development that is unauthorised under Town and Country Planning legislation, Listed Building Control, Advertisement Control, Tree Protection, and High Hedges\* Legislation. Collectively known as "unauthorised development" or "breaches of Planning Control". \*High Hedges are legislated under the Anti-Social Behaviour Act 2003.
14. The Borough Council is firmly committed to effective and appropriate enforcement of planning control and monitoring of development. To achieve this there are a number of Officers committed to the Enforcement Function within the Planning Service.
15. These Officers work closely with Development Management case officers processing planning applications, Building Control officers and Specialist Teams dealing with conservation of the natural and built environment, landscape and tree matters.
16. There is also close coordination and assistance from other Council Services, such as the Legal Department, Environmental Protection and Street Scene, Housing and Finance, as well as from officers working for organisations such as the Environment Agency, Historic England, and Kent County Council etc.
17. The aims of the Council's Planning Enforcement Function are:
- a. To be effective and responsive in the prevention and control of unauthorised development in the Tunbridge Wells Borough Council area.
  - b. To correct the undesirable effects of unauthorised development
  - c. To ensure development is carried out in accordance with planning approvals
  - d. To maintain the credibility of the planning system
  - e. To promote a service which is fair, responsive, helpful and consistent, and
  - f. Subject to available resources, to pursue proactive initiatives to improve the environment and built heritage of the Borough

## WHAT IS A BREACH OF PLANNING CONTROL?

18. A breach of planning control is defined in the Town and Country Planning Act 1990 (as amended) as:-

*“the carrying out of development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted” (Section 171A of the Act).*

19. For the purposes of this Plan the Planning Enforcement function will investigate the following matters, which are typically breaches of planning control.
- a) Building work, engineering operations and material changes of use carried out without planning permission.
  - b) Development that has planning permission but is not carried out in accordance with the approved plans.
  - c) Development that is not complying with conditions attached to a Planning Permission or the terms of legal agreements (Section 106 obligations) attached to permissions.
  - d) Works carried out to a Listed Building, which may affect its special architectural or historic character, without listed building consent being granted.
  - e) Removal of, or works carried out to, protected trees and hedgerows without consent being granted or proper notification given.
  - f) Display of advertisements (including fly posters) which need express consent, under the Advertisements Regulations and are displayed without consent being granted.
  - g) Where the condition of land or a building is such that it adversely affects the amenity of the area (Section 215 of the Town and Country Planning Act)
  - h) High Hedge Complaints under Part 8 of the Anti-Social Behaviour Act 2003

## WHAT IS NOT A BREACH OF PLANNING CONTROL?

- Internal works to a non-listed building.
- Obstruction of a highway or public right of way.

- Parking of commercial vehicles on the highway or on grass verges (unless there are restrictive planning conditions).
- Building work being carried out outside of normal working hours (unless there are restrictive planning conditions)
- Parking caravans on residential driveways or within the curtilage of domestic properties as long as they are incidental to the enjoyment of the property.
- Running a business from home where the residential use remains the primary use and there is no adverse impact on residential amenity.
- Land ownership disputes or trespass issues which are civil matters.
- Any works, including advertisements, that are deemed to be permitted development under planning law, regulations, and orders.
- Dangerous structures or other health and safety issues.

## HOW TO REPORT ALLEGED BREACHES OF PLANNING CONTROL

20. Most investigations result from complaints from the public, Councillors or Parish and Town Councils. All these individuals and groups have a role to play in planning enforcement, as they are the local 'eyes and ears' of the Planning Authority in the community. Their contribution towards planning enforcement is greatly appreciated by the Borough Council. Complainants' details are never revealed to a third party during an investigation.
21. Investigation Officers can be contacted by letter, telephone, website, or e-mail. <https://tunbridgewells.gov.uk/planning/enforcement>
22. Written enquiries are preferred and in all cases we need the following information:
  - a) The precise location of the site or property to which the complaint relates.
  - b) The exact nature of concern, i.e. the potential breach of planning control
  - c) The date the unauthorised development or works began and a note of whether and when they continue
  - d) An indication of any harm caused.
  - e) Where it is known, details of the identity of the person / organisation responsible.

23. Anonymous complaints will not normally be fully investigated and a complainant is expected to supply a full name, address and telephone number or email address. The Council expects complainants to assist Officers in their investigations. In order to properly investigate a complaint it is almost always necessary for the Case Officer to contact a complainant for further information especially to target site visits.
24. Anonymous evidence usually carries no weight in planning appeals or in Court. Without robust, reliable evidence, most formal enforcement action is likely to fail.
25. All investigations are carried out on a strictly confidential basis and complainant details will not be revealed by the Planning Service. The identity of any complainant is "Exempt Information" under Freedom of Information legislation as well as the Environmental Information Regulations 2004, General Data Protection Regulation (GDPR) through the Data Protection Act 2018, and the Council is not required to disclose these details.
26. There may however be occasions where it is not possible to take legal proceedings without disclosing a complainant's identity. We will always seek a complainant's permission before making their details available to anyone else to give the complainant an opportunity to consider their position.
27. All complaints will be acknowledged within 5 working days upon receipt.
28. All allegations about possible breaches of planning controls including breaches of planning conditions will be entered on the Planning Service database upon receipt, and a unique reference number will be created so that the progress of each complaint received can be monitored. Anonymous complaints will be recorded but may not be fully pursued.

## HOW DO WE PRIORITISE YOUR COMPLAINT?

29. The Council's Planning Enforcement Function investigates many complaints from the public, and this number is increasing year on year. In addition, when resources are available, work of a proactive nature is undertaken. Clearly, in the light of such a substantial workload, there is a need to prioritise initial responses to complaints.
30. Site visits and action will be prioritised according to the harm likely to be caused and to the degree of departure from development plan policies represented by the alleged breach. Regard will be had for the fact that enforcement action is discretionary, and formal action will only be taken where the breach would warrant a refusal of planning permission or Listed Building Consent that could be justified on appeal.

| <b>Top Priority (1)</b>  | <b>High Priority (2)</b>   |
|--|--|
| <p data-bbox="371 775 794 1205">Unauthorised work causing damage to Listed Buildings, felling of protected trees/hedgerows, works to Ancient Monuments and is likely to cause irreversible harm to the natural or historic environment. Development affecting the Highway to the extent that it causes immediate danger to life.</p> <p data-bbox="371 1352 786 1505"><b>Target: Initial investigation and site visit to control the situation carried out within one working day.</b></p> | <p data-bbox="850 775 1289 1361">Unauthorised developments causing significant harm to the quality of life of a number of local residents, causing or potentially causing significant harm to the landscape function of AONB or the quality of Conservation Areas etc., or harm to Listed Buildings causing lesser harm than Top Priority Cases or Developments affecting the Highway to the extent that it causes significant hazards to traffic.</p> <p data-bbox="850 1453 1281 1644"><b>Target: Initial investigation and site visit will be carried out within five working days of the complaint being lodged.</b></p> |



| Other Matters (4)  | Medium Priority (3)   |
|--|---|
| <p>Minor householder developments, minor works (e.g. sheds, fences, extensions), satellite dishes which appear to cause no harm to interest of planning importance –</p> <p>and all anonymous complaints unless they appear to fall within the Top Priority.</p> | <p>Unauthorised developments which causes limited harm to individuals, <i>a single neighbour</i>, or other interests of planning importance (<i>e.g. works not in general public view, advertisements</i>).</p> <p><b>Target: Initial investigation and site visit will be carried out within ten working days of the complaint being lodged.</b></p> |

31. Planning Investigation Officers, in conjunction with Planning Officers, will exercise their professional judgement in assessing the levels of priority. This will include development carried out without planning permission and non-compliance with conditions of planning approvals.

## **MONITORING COMPLIANCE WITH PLANNING CONDITIONS AND LEGAL AGREEMENTS**

32. The Enforcement Function aims to ensure that development is carried out fully in compliance with planning approvals and conditions.
33. It is important to stress that this function is pro-active and therefore subject to resource constraints.
34. Any enforcement complaint from the public which raises the issue of non-compliance with a condition of a planning permission will be investigated in accordance with the priorities set out above.

35. The specific objectives of pro-active compliance work are:
- a) to ensure that development is carried out in accordance with approved plans.
  - b) to ensure that the terms of all planning conditions and legal agreements are complied with.
  - c) to identify instances of non-compliance at the earliest opportunity in order to facilitate speedy resolution by negotiation wherever possible.
36. As part of the Enforcement plan, and in view of the volume of pro-active condition monitoring work, the Planning Authority has agreed the following specific work tasks for planning and investigation officers:
- a) Monitoring sites identified by the Development Management Case Officers or Members as being especially sensitive sites.
  - b) Monitoring compliance with all Section 106 Agreements
  - c) Attending to enquiries from external sources e.g. Solicitors' letters.

#### **CARRYING OUT INVESTIGATIONS INTO ALLEGED BREACHES OF PLANNING CONTROL**

37. When Officers visit a site they will identify themselves to anyone present and explain the reason for their visit.
38. It should be noted that under the various Planning Acts, Officers have the right of entry onto all land and non-residential buildings. They have further powers to enter residential property on giving 24 hours notice.
39. Officers can apply for a Warrant from the Magistrates' Court to gain access if initial attempts to gain entry are unsuccessful or entry has been refused.
40. The owner/occupier or people working on site may be interviewed to obtain factual information, and photographs and measurements may be taken if required. A detailed note will be made on the investigation file, which is used to record all visits and discussions at meetings or over the phone.
41. In more complex or controversial cases or where it has not been possible to establish the facts through normal investigation, or where co-operation from the owner/occupier is not forthcoming, a formal Planning Contravention Notice (under Section 171C of the Act), can be served relating to any breach of planning control alleged by the Council. This requires the recipient to provide

specific information. Failure to respond satisfactorily to a Planning Contravention Notice within the required timescale is a criminal offence.

42. Once the initial site visit report is written by the Investigation Officer, a decision will be made about which of the following courses of action to pursue. In making such decisions consultations may take place with other specialist officers such as in listed building, landscape or tree matters. The following actions will be given consideration as part of the investigation.
  - a) Where unauthorised development is causing significant damage to interests of acknowledged planning importance which is unacceptable in principle the Council may initiate immediate formal Enforcement Action.
  - b) Where unauthorised development has taken place which may be acceptable in principle subject to proper control by planning conditions a planning application (or Listed Building or Advertisement Consent Application) may be invited. Planning legislation specifically provides that such retrospective applications can be made to regularise development already carried out. Alternatively, the owner may be invited to apply for a Certificate of Lawful Use or Lawful Development Certificate. If such applications are refused or not received within a reasonable timescale, the Council will consider whether it is in the public interest to pursue formal enforcement action.
  - c) Take no further action in cases where the breach is of a minor or technical nature, or where the works or use cause little or no harm to interests of planning importance.
  - d) Establish that the complaint is not a breach of planning control, and that no action can be taken.
43. Except in the most serious matters the Council will normally seek to resolve a breach of planning control by negotiation. If the person responsible for unauthorised development shows every sign of wishing to comply with planning legislation they will be given a reasonable period to achieve this. Experience has shown this is often the most effective mechanism in terms of both time and cost to bring matters to a satisfactory conclusion.
44. The Council will, however, take effective enforcement action when it is essential to protect the amenity of the area, public, or highway safety, and to maintain the integrity of the development control process within the Borough.
45. Decisions about the issue of any Enforcement or other Notice or the pursuit of other legal actions will generally be taken by the Head of Planning, in consultation with the Head of Legal Partnership and Monitoring Officer, in accordance with the Council's Constitution. Local Borough Councillors will be informed where such action is authorised. More complex or controversial cases may be referred to the Planning Committee.
46. If a Formal Notice is issued the Council must be able to justify such action in the event of an appeal to the Planning Inspectorate, or the Courts.
47. All decisions on whether it is in the public interest to take formal enforcement action will have regard to Central Government Guidance, the Development Plan and other supplementary Development Plan Documents.

## FORMAL ENFORCEMENT ACTION

48. When considering what enforcement action to take it is important to note that Planning Authorities have discretionary powers to pursue formal enforcement action, but, there is no statutory duty to take such action.
49. The Planning Enforcement system is not designed to seek retribution but is instead intended to mitigate any harm caused by unlawful developments. Thus, in all cases, regard must be paid to whether it is in the public interest to take action and to then reach a balanced view on what action is appropriate.
50. Once it is apparent that negotiations have or will fail to resolve the problem there are various tools that Council can use to correct the harm caused to interests of planning importance

## Enforcement Notices

51. **It is not an offence to carry out development without planning permission.** An offence in law only occurs if the Council has taken formal action (e.g., by serving an Enforcement Notice or similar) and the recipients have failed to comply.
52. In the case of a breach of planning control that has not been resolved it could be necessary for the Planning Authority to first issue a formal Enforcement Notice. The recipient of a Notice has a right of appeal to the Secretary of State against the issue of the Notice or its terms, and to make an application for costs against the Council in the course of doing so. If an appeal is made against an Enforcement Notice the requirements of the Notice are postponed pending the determination of the appeal, this inevitably leads to delays in bringing the matter to a conclusion

## Breach of Condition Notices

53. Breach of Condition Notices can be issued when a Condition of a Planning Permission has not, or is not, being complied with. There is no right of appeal against a Breach of Condition Notice. The Council must give a minimum of 28 days for the developer to comply with the Notice.

## Stop Notices

54. A Stop Notice can be served at the same time as an Enforcement Notice in appropriate cases. In such cases a cost/benefit assessment needs to be carried out to ensure that the requirements do not prohibit anything more than is essential to safeguard amenity or public safety in the neighbourhood, or prevent serious or irreversible harm to the environment in the surrounding area.

55. When it is in the public interest to do so, a temporary stop notice can be served which can prohibit any activity which is in breach of planning control for a period for up to 28 days only. The intention is that this then would provide an opportunity for the Planning Authority to serve a normal Enforcement Notice.

### **Prosecution following non-compliance with the requirements of Enforcement or other formal notice**

56. A criminal offence occurs where an owner/occupier fails to comply with the requirements of a valid Notice. The Council will seek to bring the matter to a successful conclusion as quickly as possible through the pursuit of action in the Courts.
57. If, however the landowner or developer is clearly making serious efforts to resolve matters, but has been delayed for unforeseen reasons (such as adverse weather) the Council may give a short additional Period of Grace before initiating prosecution proceedings
58. The investigation into non-compliance with the requirements of any Enforcement Notice will be carried out having regard to the Codes of Practice to the Police and Criminal Evidence Act 1984, the Criminal Procedure and Investigation Act 1996, the Human Rights Act 1998 and the Codes of Practice to the Regulation of Investigatory Powers Act 2000.
59. If someone is found guilty of failing to comply with the terms of an Enforcement Notice a maximum fine of £20,000 may be imposed by the Magistrates' Court and an unlimited fine can be imposed if the matter goes to the Crown Court.

### **Injunctions**

60. In certain exceptional cases, where significant irreversible harm can occur, the Planning Authority may seek a Court Order (an Injunction) using powers contained in Section 187B of the Town and Country Planning Act 1990.
61. Such applications are made to the County or High Court, and it is for the Court to decide what is appropriate to restrain any breach or potential breach of planning controls. The Courts generally consider it inappropriate to use these powers except in the most serious and harmful matters.
62. Failure to comply with such an Injunction can result in an unlimited fine or imprisonment for contempt of court. An Injunction can be issued against a person whose identity is unknown, as long as she/he/they can be identified by some other means.

## Other Powers

63. In exceptional circumstances the Council will also consider exercising its powers to remedy a breach of planning control by using its own agents and contractors to enter a site and physically remove or put right unauthorised building work.
64. These powers can only be used once an Enforcement Notice becomes valid and the period for compliance has expired.
65. In such cases the Council will seek to recover its costs, possibly in a form of a charge on the land which is recoverable at the time of sale of the land or property.
66. Under the Proceeds of Crime Act 2002 the Council can consider requesting a Confiscation Order against an offender where there has been a recognisable financial benefit from the unauthorised development.

## Listed Buildings

67. A person is guilty of an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 if unauthorised works to a Listed Building which would affect the character of the listed building as a building of special architectural or historic interest are carried out without the Local Planning Authority's consent, or if works are carried out without complying with a condition attached to a consent. There is no time limit on bringing such a prosecution.
68. Thus the current owner of a Listed Building (or those who have an interest in the property or who have carried out the works) may be prosecuted by the Council irrespective of whether listed building consent is later obtained or the unauthorised works are later made satisfactory. A person found guilty of an offence may be liable to a fine of up to £20,000 for each separate offence and/or a term of imprisonment of up to two years.
69. In addition, the Planning Authority may consider it expedient to issue a Listed Building Enforcement Notice, to require remedial works to be carried out. The decision whether to prosecute and or issue an enforcement notice will be based on the Government Planning Practice Guidance 2014.

## Advertisements

70. Anyone who displays an advertisement without the appropriate consent is open to a prosecution in the Magistrates' Court for an offence under Section 224(3) of the Town and Country Planning Act 1990. The maximum fine on conviction is currently £1,000 with an additional daily fine of one-tenth of the maximum penalty if the offence continues after conviction.

71. Any form of fly posting (that is, displaying an advertisement on land without the consent of the owner) is an offence. The Borough Council has powers to remove such advertisements, but if the advertisement identifies the advertiser, the Council must give 2 days' notice before removal.
72. In addition to those powers above, in certain circumstances, Advertisement Discontinuance Notices can be issued against Advertisements that are being displayed with the benefit of express or deemed consent and which are considered to now have a detrimental impact on the amenity of the area in which they are displayed. These notices can be the subject of appeal and compensation claims against the Council.

## Trees and Hedgerows

73. The Planning Investigation Team works closely with the Council's specialist Tree Officer on all arboriculture matters. The Tree Officer should be consulted for advice before any works are carried out to all protected trees, hedgerows and to all trees in a Conservation Area.
74. Unauthorised works to trees protected by a Tree Preservation Order can result in fines up to £20,000. Notices can also be served by the Local Planning Authority requiring the replacement of protected trees that have been felled.
75. Formal Notice must be given to the Local Planning Authority before works are carried out to trees above a certain size (stem diameter greater than 75mm at 1.5 metre height) in a Conservation Area, and before any works are carried out to important (as defined in the Hedgerow Regulations 1997) hedgerows in the countryside. In these cases the Planning Authority has powers to serve Notices requiring replacement trees or hedgerows.
76. As in the case of unauthorised advertisements, works to protected trees, hedgerows or listed buildings it is possible to proceed directly to the Courts with a prosecution case when it is in the public interest to do so.

## High Hedges

77. The Planning Service is also responsible for dealing with complaints under the Anti-Social Behaviour Act 2003 regarding high hedges. A complaint against a High Hedge will only be accepted and progressed if the Council is satisfied that the complainant has made reasonable attempts to resolve the problem informally beforehand, possibly by use of a mediation service
78. Because this is a service which is designed to resolve an issue between two landowners rather than the public interest the Council charges a fee for this service (see the Council's website for further information) <https://tunbridgewells.gov.uk/planning/trees>

79. Where appropriate, Remedial Notices can be issued, requiring a hedge to be reduced in height or to be managed in accordance with a long term maintenance plan. It is an offence to fail to comply with such a notice and the maximum fine is currently £1000.

## **Other Matters**

80. The Authority will work with the Police and other agencies such as Kent County Council, Historic England, the “Environment Agency” and “Natural England”, where for example there is damage to wildlife and habitats protected by the Wildlife and Countryside Act 1981, as amended; works to protected Ancient Monuments or offences under the Dealing in Cultural Objects (Offences) Act 2003.

## **KEEPING THE PUBLIC INFORMED.**

81. Following a complaint lodged by a member of the public the complainant will be informed of the progress of the matter as follows:
- a) The name and contact details of the Case Officer for the Investigation.
  - b) The results of the initial investigation and the means by which the Council intend to address the issue.
  - c) When an Enforcement or other Notice is issued.
  - d) When any appeal is lodged with the Planning Inspectorate or the Courts.
  - e) When the matter is to proceed to the Courts.
82. In longer drawn-out investigations Case Officers will normally keep complainants informed of the reason for any significant delays at agreed intervals.

## **REVIEW AND AUDIT**

83. It is anticipated that this Plan will be reviewed on a needs basis and especially if there is a significant change in legislation, national or local policy. At appropriate intervals during the year reports will also be made to the Planning Committee.



84. The status of this document is guidance and if there is a conflict between it and national legislation or policy, then the national legislation or policy will prevail.

## **EQUAL OPPORTUNITIES**

85. The Planning Service will ensure that all persons involved in enforcement and compliance matters, including both formal and informal action and advisory visits, whether as complainants, witnesses, developers or landowners, receive fair and equitable treatment irrespective of their race, ethnicity, gender, sexuality, religious beliefs or any disability.

## **COMPLAINTS AGAINST THE SERVICE**

86. If we fail to treat people fairly or fail to take the required justified actions we will be subject to the same high customer service standards the Council adheres to. Where any one has a complaint about the way an enforcement investigation has been carried out that complaint will be investigated in accordance with the Council's complaint policy, details of which can be found here: <https://tunbridgewells.gov.uk/feedback-and-complaints>

## **CONTACT DETAILS**

87. If you need this document in large print, Braille, audiotape or other format please contact us.
88. Copies of this document can be obtained from Tunbridge Wells Borough Council website or:

Tunbridge Wells Borough Council  
Planning Services  
Town Hall  
Royal Tunbridge Wells  
Kent TN1 1RS

Officers in the Borough Council Planning Compliance Team can be contacted as follows:

Telephone: 01892 526121 and ask for Planning Enforcement  
E-mail: [enforcement@tunbridgewells.gov.uk](mailto:enforcement@tunbridgewells.gov.uk)