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Working in Partnership

# **North East Lincolnshire Borough Council**

## **Heritage Enforcement Plan**

**Reviewed and Updated October 2020**

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## **Introduction**

1. Heritage forms an important element of our environment, whether buildings, landscapes or archaeological in nature. These heritage assets are an irreplaceable and finite resource and should be enjoyed for their contribution to the quality of life and of existing future generations. The council fully supports heritage led regeneration and recognises heritage gives places their character and individuality and that creates a focus for community pride, a sense of shared history and a sense of belonging.
2. The Enforcement section receives numerous complaints regarding heritage enforcement of unauthorised works to Listed Buildings and/ or within Conservation Areas covered by Article 4 Directions or involving archaeological assets. These can be of a more complex nature requiring working with the Heritage Officer and it is considered prudent to have a defined strategy.

## **Heritage Enforcement Options**

3. Any decision on whether formal enforcement action is necessary is determined with reference to the Enforcement Section's Planning (Heritage) Prosecution Policy requiring the usual evidential and public interest tests to be met prior to a decision to issue an Enforcement Notice or commence prosecution proceedings.
4. The majority of offences appear to be committed by well meaning, but ill-advised individuals who have carried out works without realising the issues surrounding heritage buildings and assets.
5. In many cases offenders are initially co-operative entering into negotiations with the intention of resolving the matter to the satisfaction of the Local Planning Authority. However, there is often a substantial cost involved in making good the unauthorised works that have been undertaken. At this stage offenders often try to find more economical solutions which are frequently unacceptable in design, appearance and materials.
6. The service of Enforcement Notices at an earlier stage provides the offender with a clear outline of the required works as described within the notice together with a time period for compliance. This policy supports an established fair and consistent approach to Heritage enforcement matters.
7. The Local Planning Authority retains the ability to put formal enforcement action on hold. This allows the necessary works to be carried out after the expiry of the compliance period of the notice and leaves flexibility in the system to be used in exceptional cases.
8. Where unauthorised works affect archaeology the Local Planning Authority should consider the use of Stop Notices to halt the works immediately until an appropriate mitigation strategy for the site can be approved and implemented.

9. The early service of notices would show the Local Planning Authority is taking the offences seriously and prompt the offender to take the required action at an earlier stage. This is particularly important in terms of archaeology where continued unauthorised work on sites can lead to significant destruction of archaeology, which cannot be reinstated. Whilst the principle of negotiation remains a good one, it can delay the implementation of the necessary remedial works.
10. A key benefit of commencing formal enforcement action at an early stage is that the Land Charges register would show ongoing enforcement action as soon as the Notice is served. This stays with the property until compliance with the notice has been achieved, affecting any attempts to sell the property until the matter has been resolved. This means potential buyers are fully aware of the outstanding requirements of the Enforcement Notice and can negotiate with the vendor accordingly.

#### The approach to Heritage Enforcement

- **Interview Under Caution as soon as an offence has been established.**
- **Consider the use of Stop Notices where serious breaches have occurred.**
- **Advise the offender it is policy to take formal enforcement action, including the service of relevant notices to ensure compliance as soon as practical.**
- **Serve the relevant Enforcement Notice(s) within 21 days of the initial site visit/ Interview Under Caution.**
- **Consider immediate prosecution proceedings in the most serious offences or where the offence has been committed primarily for financial gain**

#### **Conclusion**

11. This policy is designed to ensure there is clarity, proportionality, consistency, and fairness in the principles applied to the investigation of unauthorised works to Heritage assets some of which may ultimately require prosecution. It is intended to ensure that the necessary remedial works to the heritage assets are undertaken expediently and that defendants who commit such offences are treated fairly but prosecuted or dealt with in other ways effectively should compliance not be forthcoming.

#### **Further Information**

12. Further government information about the enforcement of Listed Building offences can be found here:  
<http://planningguidance.communities.gov.uk/>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7705/321530.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7705/321530.pdf)

National Planning Policy Framework 2019:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

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