

PLANNING ENFORCEMENT **PARISH GUIDANCE**

2025



Winchester
City Council

CONTENTS

Introduction	1
Important contact information	2
What the Enforcement Team can investigate	3
What the Enforcement Team cannot investigate	3
Reporting a breach	5
Local Enforcement Plan	6
Enforcement Notices	7
Useful Website Guidance	8
FAQs	9

If you would like to receive this document in another format please contact Winchester City Council's Customer Service Centre on 01962 840 222 to discuss your requirements. Alternatively, you can request this information online.



1. INTRODUCTION

Our Planning Enforcement Team at Winchester City Council is dedicated to upholding regulations and fostering community development to ensure the creation of vibrant, sustainable, and inclusive neighborhoods that enhance the quality of life for all residents.

The Enforcement Team has prepared the following information pack to support you and your parishioners in reporting potential breaches of planning control.

In this document you will find guidance on what the Enforcement Team can and cannot assist with, along with sample text that you may wish to include on your parish website.



2. IMPORTANT CONTACT INFORMATION

ENFORCEMENT CONTACT INFORMATION:

Link to report form: www.winchester.gov.uk/planning/planning-enforcement/report-a-suspected-breach-of-planning-control

Email: enf@winchester.gov.uk

PLANNING CONTACT INFORMATION (WCC):

Website: winchester.gov.uk/planning

Email: planning@winchester.gov.uk

PLANNING CONTACT INFORMATION (SDNP):

Website: www.southdowns.gov.uk/planning-applications/find-an-application/#

Email: sdplanning@winchester.gov.uk

ENVIRONMENTAL PROTECTION CONTACT INFORMATION:

Website: winchester.gov.uk/environment

Email: EH@winchester.gov.uk

BUILDING CONTROL:

Website: winchester.gov.uk/building-control

Email: buildingcontrol@winchester.gov.uk

TREE TEAM CONTACT INFORMATION:

Website: winchester.gov.uk/planning/trees

Email: naturalenvironment@winchester.gov.uk

CITIZENS ADVICE:

Email: advice@cawinchesterdistrict.org.uk

SOLENT RESTORATIVE PARTNERSHIP:

Website: solentrestorativepartnership.org.uk

HAMPSHIRE COUNTY COUNCIL – HIGHWAYS DEPARTMENT:

Website: www.hants.gov.uk/transport/roadmaintenance/roadproblems

HAMPSHIRE COUNTY COUNCIL – PUBLIC RIGHTS OF WAY:

Website: www.hants.gov.uk/landplanningandenvironment/rightsofway/reportaproblem

3. WHAT THE ENFORCEMENT TEAM CAN INVESTIGATE

Under legislative authority, the Enforcement Team can investigate alleged breaches of planning control, such as:

- Not building in accordance with approved plans (following the grant of planning);
- Failure to comply to conditions attached to a planning permission.
- Unauthorised works to listed buildings.
- Unauthorised demolition within a conservation area
- Unauthorised works to trees subject of a Tree Preservation Order or in a conservation area.
- Unauthorised advertisements
- Unauthorised changes of use
- Using a mobile home as a residence
- Untidy land
- The formation of a new vehicular access or the alteration of an existing vehicular access onto a trunk road or a classified road (an A, B or C class road).

4. WHAT THE ENFORCEMENT TEAM CANNOT INVESTIGATE

The Enforcement Team are unable to assist with the following matters, we would therefore encourage you to report any concerns to the relative department:

BREACH	WHO TO CONTACT INSTEAD
Noise, bonfire or light nuisances	Environmental Protection Team winchester.gov.uk/environment/nuisance
Fly tipping	Waste and Recycling Team Waste, recycling, grounds maintenance & street cleaning - Winchester City Council
Works undertaken to Public Rights of Way	Hampshire County Council – Rights of Way Team Problems on rights of way Hampshire County Council (hants.gov.uk)

Obstruction and/or bins left on a highway, pavements or public right of way;	Hampshire County Council – Highways Team Report a problem Hampshire County Council (hants.gov.uk)
Any development that is deemed to be 'permitted development' under the Town and Country Planning (General Permitted Development)(England) Order 2015 or in any statutory instrument revoking and re-enacting that Order, i.e. where it does not need the permission of the Council.;	Details and information regarding Permitted Development can be viewed via the Planning Portal's interactive house - Planning Portal Interactive House
Internal works to a building that is not a listed building;	Building Control Team winchester.gov.uk/building-control
Clearing land of overgrowth, bushes or trees (provided the trees are not subject to a Tree Preservation Order or within a conservation area);	Natural Environment Team winchester.gov.uk/planning/trees

The following works are not a breach of planning control and may be explored through civil channels:

- Parking caravans within the curtilage of domestic properties as long as they are incidental to the enjoyment or used ancillary to the property
- Operating a business from home, where the residential use remains the primary use of the property and there is no significant impact on residential amenity or the character of the area
- Boundary or land ownership disputes – these are a civil matter and cannot be controlled by planning legislation
- Covenants imposed on property Deeds.

5. REPORTING A BREACH

The way to report a suspected breach is by using the “Report a suspected breach of planning control” button on the Planning Enforcement page of the council’s website:

winchester.gov.uk/planning/planning-enforcement/report-a-suspected-breach-of-planning-control

This will ensure that the necessary information is provided to allow the enforcement officers to investigate the matter efficiently.

The Planning Enforcement Team will not accept anonymous allegations or reports, as the Planning Enforcement Officers need the complainant’s contact details to understand more about the complaint being made, to provide updates on the investigation and/ or actions that have been taken, or to request further information. The Planning Enforcement Officers will ensure that the complainant’s identity is safeguarded within and outside the council, though in some circumstances it may be necessary for the complainant to give evidence at an appeal or at legal proceedings.

If a parishioner does not wish to provide these details because they have reason to be concerned about this, please log their report via the online form yourselves.



6. LOCAL ENFORCEMENT PLAN

As of 1 July 2025, Winchester City Council has published an updated Local Enforcement Plan. This revision follows a series of workshops held with Local Parish Representatives, led by our Cabinet Member for Place and the Local Plan, Councillor Jackie Porter.

The updated plan incorporates feedback from both the parish workshops and a public consultation. The Plan has been redrafted to better address the concerns raised and reflect the preferred approaches identified by local communities.

Building on the foundations of the 2020 plan, it outlines how Winchester City Council will monitor the implementation of planning permissions, investigate unauthorised developments, and take appropriate action where necessary.

The Council is firmly committed to protecting and enhancing both the natural and built environments throughout every stage of the planning process.

While enforcement action must always be proportionate, the Council has a range of tools at its disposal, including legal measures, to address non-compliance. Wherever possible, we aim to resolve minor or unintentional breaches through dialogue and retrospective applications. However, more serious violations — particularly those that harm local amenity or the environment — are likely to result in formal enforcement action.

Details of the Local Enforcement Plan can be found via the link below:

winchester.gov.uk/planning/planning-enforcement/local-enforcement-plan



7. ENFORCEMENT NOTICES

Under Section 188 of the Town and County Planning Act (1990) Local Planning Authorities are required to maintain an up to date register of Planning Enforcement Notices which have been issued. The Planning Enforcement Register lists sites within the Council's District which have been subject to a Planning Enforcement Notice.

A Planning Enforcement Notice is a legal document made by the Council requiring a land owner to take action in order to resolve a breach of planning control.

You can view enforcement notices that have been served by searching our online Planning Enforcement Register. Please select "Enforcement" on the simple or advanced search facility within Public Access.

<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>

Details of the Notice Register can be found via the link below:

winchester.gov.uk/planning/planning-enforcement/enforcement-notices



8. USEFUL WEBSITE GUIDANCE

The Enforcement Team have compiled a sample piece of text below which you may wish to include on your website to aid parishioners on reporting a matter to the Enforcement Team:

To report a suspected breach of planning to the Planning Enforcement Team at Winchester City Council, please use the link below to the online report form.

winchester.gov.uk/planning/planning-enforcement/report-a-suspected-breach-of-planning-control

Anyone who reports a suspected breach of planning control will need to provide their name, address and contact details and a description of the breach. As well as the following information:

- Address of the site of the alleged breach of planning control. The Winchester City Council form includes a location map which allows you to plot the site.
- State when it began
- State who is thought to be responsible, including their name and contact details
- Provide clear photos of the alleged breach
- Describe the harm which has been caused and indicate how you are affected

If not enough information is provided, the enforcement case may not be able to progress or may take a longer time period to investigate.

The Planning Enforcement Officers will ensure that the complainant's identity is safeguarded within and outside the Council, though in some circumstances it may be necessary for the complainant to give evidence at an appeal or at legal proceedings.

If you does not wish to provide these details, a Ward Councillor or a Parish Councillor may assist with lodging the complaint.



9. FAQs

WHY DO WE RECEIVE TWO SETS OF PARISH REPORTS?

Winchester City Council is responsible for planning enforcement across the district, including the area within the South Downs National Park (excluding minerals and waste development), acting on behalf of the South Downs National Park Authority (SDNPA).

If your parish spans both Winchester District and the South Downs National Park, you will receive two separate reports each month—one for each area—covering enforcement cases that are open, closed, or newly received.

If no cases appear in a report, it may simply mean that no enforcement activity occurred in that area during the reporting period. Parishes located entirely within one area will receive only one report.

If you believe you should be receiving more than one report but are not, please contact the Enforcement Team so we can update our distribution lists accordingly.

HOW CAN WE GET UPDATES ON OUR CASES?

If you wish to receive an update on an enforcement case, please contact the Enforcement Officer directly.

If you do not have the officers contact details, please contact the Enforcement Team for this information.

If there are a few cases which are deemed a priority to your parish, please ensure that these are highlighted to the Enforcement Team. We will ensure that you are updated at the key stages of the investigation.

A CASE HAS BEEN CLOSED AS IMMUNE. WHAT DOES THIS MEAN?

If the development investigated by the Enforcement team requires planning permission but has been substantially complete or continuously in use for 10 years, it will be immune from enforcement action and deemed lawful.

Please note that if the development was substantially complete, or if a change of use of an existing building to a dwellinghouse took place before 25th April 2024, then the relevant period of immunity would be 4 years.

For further information, please use the link below:

www.gov.uk/guidance/ensuring-effective-enforcement#planning-enforcement--overview

A PARISHIONER IS CONCERNED ABOUT A LIVE ENFORCEMENT CASE, WHAT CAN THEY DO?

Please direct the parishioner to contact the Enforcement Team directly regarding the case so that we can provide them with an update on the investigation.

If the parishioner doesn't want to contact the Enforcement Team, you can contact the team on their behalf.

A CASE HAS BEEN CLOSED AS NON-EXPEDIENT. WHAT DOES THIS MEAN?

Enforcement cases will be judged on expediency based on local and national policies. As a test, 'expedient' suggests the balancing of the advantages and disadvantages of a course of action, the basis for which should be the assessment of planning considerations. When a case has been declared non-expedient, it has been deemed that the harm would not warrant enforcement action as directed under the Local Enforcement Plan.

THE PLANNING APPLICATION FOR OUR ENFORCEMENT CASE IS NOT VISIBLE ON THE PLANNING WEBSITE.

Please contact the Planning Department for this matter directly.

CAN I SEE THE ENFORCEMENT FILE?

Under a Freedom of Information / Environmental Information Regulation request, it may be possible for you to see the enforcement file, although the complainant's details or anything that might lead to the complainant's identity being revealed will be removed. For further information, please see the link below:

winchester.gov.uk/about/access-to-information/freedom-of-information-act-foi

I MADE A COMPLAINT BUT HAVE NOT HEARD FROM THE ENFORCEMENT TEAM FOR A WHILE?

Anyone who makes a complaint that is logged onto the Council's enforcement record system will receive an acknowledgement letter or email detailing the case number and the name of the officer investigating the complaint. It can take several weeks before the case officer is able to visit the site, contact the landowner, and come to a view as to whether the development requires planning

permission (is a breach) and whether permission might be granted. Please contact the investigating officer directly if you require an update or have any queries about the case.

On average, the City Council receives between 300 – 400 new enforcement complaints a year, which vary in complexity. In March 2008, the Council brought in a system of prioritisation for investigating alleged breaches of planning control. This is set out in the Council's Enforcement Policy. The Council's resources are directed to the most serious breaches and those causing the most harm. Breaches of lesser importance will still be investigated although will not be a high priority. The enforcement process can be long and convoluted, although the Council will endeavour to progress the matter as quickly as its resources allows.

THE ENFORCEMENT TEAM HAS MENTIONED LAWFUL USE. WHAT DOES THIS MEAN?

If the development investigated by the Enforcement team requires planning permission but has been substantially complete or continuously in use for 10 years, it will be immune from enforcement action and deemed lawful. In order to establish whether the development is lawful, the landowner will normally be invited to submit an application for a Certificate of Lawfulness for an Existing Use or Development (CLEUD). The applicant is required to provide evidence to support the claimed lawful use or development. The application will be dealt with by our Legal Services team who will make the decision based on whether it is more likely than not that the available evidence shows that the development is immune from enforcement action (the balance of probability test). Neighbours and Parish Councils are usually notified of such applications and are able to comment on the evidence submitted or provide their own evidence on the historical use of the land or building. Such applications are based on fact. Normal planning considerations do not apply. If a lawful use is proven and a certificate granted, then the Council will usually be prevented from taking any enforcement action and the case will be closed.

HOW CAN I CHECK IF AN ENFORCEMENT NOTICE IS STILL ACTIVE?

Enforcement Notices remain on the land or property indefinitely unless they are withdrawn by the Local Authority. Enforcement Notices are available to view on our online public register via the link below:

<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>





Winchester
City Council