Planning Enforcement Charter
A guide to planning enforcement in Fife
Foreword
by Jim Birrell
Senior Manager
Planning

The enforcement of planning conditions, development construction and the investigation of complaints about the unauthorised use of land or buildings in Fife is taken very seriously by Fife Council. Although it is a complex legal area and can sometimes appear to be a slow process a specialist team of experienced officers monitor and regulate development activities on behalf of the public.

Enforcement of development and planning conditions is given a high priority and we want the public to have confidence in our enforcement processes. The Council will investigate each case thoroughly and in the first instance try to resolve the matter as the role of planning enforcement is not to punish individuals or stop businesses operating rather it considers what is proportionate to the level of harm that can be evidenced. However formal enforcement action will be taken if the Council considers that there is a high level of harm being caused or a public safety issue.

This fourth updated edition of Fife’s Enforcement Charter incorporates a new, separate appendix on minerals, and both are based on the national Planning Enforcement Charter issued previously by the Scottish Government. It will provide all customers and interested parties with an informative introduction to how we enforce planning controls across Fife.

If you need further information on enforcement matters or you wish to check on a particular site or building then please contact one of our enforcement officers or planning staff, details of which can be found on page 17. If you have any comments on the charter or its contents or want to suggest improvements to our enforcement process then please contact me at the address below so that these can be considered for the next revision, planned for 2017.

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Updated March 2015
The Planning Enforcement Charter contains the following information:

- Overview
- A guide to planning enforcement
- Key points on planning enforcement
- Identifying possible breaches of planning control
- Investigating possible breaches of planning control
- Acting on breaches of planning control
- Making a customer suggestion or customer complaint
- Enforcement powers
- Types of Notices
- Other enforcement powers
- Enforcement and advertising
- Useful contacts

This Charter sets out the current powers available to Fife Council as planning authority. These powers are set out in the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006.
Overview

Planning permission is required for most development that takes place in Fife, with the exception of some minor works. Sometimes, however, developers, householders, or landowners undertake work without planning permission or fail to keep to the permission they have been given or do not implement the conditions imposed by Fife Council.

Fife Council has powers to enforce planning controls in such cases, if it considers it is in the public interest to do so. The Council monitors developments to ensure planning conditions are being followed but there is also a crucial role for the public in alerting the Council to any problems they become aware of.

This Charter explains how the enforcement process works, the role of the Council and the service standards it sets itself. It also explains what happens at each stage of what can, in some cases, be a lengthy and complicated process.

Enforcement is one of the most complex parts of the planning system. 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.

Enforcement is an issue that concerns many members of the public. We hope you will find this Charter useful and will let us know if you think we could improve the enforcement service in Fife further.

A guide to planning enforcement

The Enforcement Service will investigate all alleged breaches of planning control which can include:

- work being carried out without planning permission
- an unauthorised change of use to a piece of land or to a building
- non-compliance with conditions imposed by a planning approval
- non-compliance with plans approved by the council.

Service Standard

The Enforcement Service aims to carry out its duties in accordance with the following key values:

Independence - Making our decisions based on a fair, impartial and objective assessment of what is in the public interest and what level of harm has been able to be established.

Integrity - Being open in our dealings with the public and other interested parties while preserving the confidentiality of complainants.

Sensitivity - Recognising that the needs of the public, councillors, community councils etc can be different.

Professionalism - Investigating, recording and presenting cases thoroughly, critically and accurately.

The public can, and do, play a vital role in reporting such incidents to us. When you contact us you will need to include:

- the address of the property concerned
- details of the suspected breach of planning control, (with times and dates if relevant)
- your contact details

Full details can be found on page 7. The primary purpose of planning enforcement is to resolve the problem rather than to punish the mistake. Fife Council will always take effective and proportionate action against owners and developers where it is considered necessary. Appropriate action can involve negotiating a solution, asking for a retrospective planning application to be made (see page 10), or taking more formal action such as the issuing of an Enforcement Notice, a Breach of Condition Notice or a Stop Notice.

Enforcement officers have delegated powers to take enforcement action in most circumstances. (See Fife Council Scheme of Delegation). On
occasion one of the three planning committees may direct the enforcement team to take enforcement action. This may include serving an Enforcement Notice on the relevant people spelling out clearly the action they are required to take.

This Notice can be challenged through an appeal to the 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 may be 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. We will always try to keep interested parties informed of progress. Fife Council has set down the procedures, its service standards, and contact details in this Planning Enforcement Charter. Additional copies are available online at www.fifedirect.org.uk/planning

Key points on planning enforcement

A breach of planning control is not a criminal offence (the courts decide this though, not the Council) except in cases where there are unauthorised alterations to or demolition of a listed building. The purpose of planning enforcement is to resolve the problem rather than to punish the mistake. In addition, any action taken has to be appropriate and proportionate to the scale of the breach.

Fife Council has statutory powers to investigate breaches of planning control and the conditions attached to planning consents, and to take formal action where a satisfactory outcome cannot be achieved by negotiation. However, enforcement is a discretionary power and this means that, even where there is a breach of planning control, the Council has to consider if it is in the public interest to take enforcement action. 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.

Fuller information on the use of the enforcement powers can be found in the Scottish Government’s Planning Circular 10/2009: Planning Enforcement

www.scotland.gov.uk/publications

Planning enforcement also covers the physical display of advertisements such as signs and advertisement hoardings, although slightly different procedures apply. These are set out in a separate section at the end of the document. (Page 16) The actual content of an advertisement is not covered by planning control. Any complaints about the content of a particular sign should be made to the Advertising Standards Authority.
Identifying possible breaches of planning control

Possible breaches of planning control can include:

- work being carried out without planning permission or consent
- an unauthorised change of use
- failure to comply with conditions attached to a permission or consent
- departures from approved plans or a decision notice.

Members of the public and local organisations such as community councils and local councillors have a vital role to play in reporting breaches of control and any concerns should be raised with the Council for investigation. You can make preliminary enquiries by telephone or in person at the Kingdom House Council offices but these must be followed up in writing or by e-mail.

When you report a suspected breach of planning control the following information is essential:

- the address of the property concerned
- details of the suspected breach of planning control, with times and dates if relevant
- your name, telephone number and address
- an e-mail address if available or if the complaint is submitted electronically
- information on how the breach affects you
- whether the enquiry is to be treated confidentially
- Any photographic or statistical evidence you have with dates and times, including the names and addresses of any additional witnesses.

While the Council will do its best to honour requests for confidentiality, it is subject to the requirements of the Freedom of Information (Scotland) Act 2002). A degree of confidentiality will be given to the complainant until such time as formal proceedings reach an appeal process. Requests for total confidentiality may limit the ability of the Authority to take formal action and cannot be guaranteed if the case leads to court proceedings.

Fife Council reserves the right to remove any inappropriate or defamatory statements contained in any report prior to its publication.

Members of the public and local groups also have an important role in monitoring the conditions placed on certain planning consents. Details of the conditions are included within the decision notice attached to the permission. Monitoring is undertaken by the Council’s enforcement and planning officers supported by colleagues where appropriate, for example in public protection. However, there are a large number of permissions granted each year and it is not practical, nor is it expected, that the Council monitor all conditions at all times. The responsibility for complying with conditions and carrying out the development in accordance with the approved plans lies with the owner/developer.

Your involvement is therefore invaluable in providing information where it is believed that conditions attached to the consent are not being complied with or have not been implemented in a satisfactory way. Breaches of conditions are investigated in the same way as breaches of planning control.
Information received by the Council’s Enforcement Officers about alleged breaches 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 matter will be registered. Once registered, a written or e-mail acknowledgement will be sent to the person who made the enquiry.

Some enquiries, such as neighbour disputes over boundaries, relate to matters over which Fife Council has no control and cannot be investigated. Some letters may refer to legislation administered by another Service and these will be forwarded for a response, eg noise, nuisance and vandalism.

**SERVICE STANDARD**

If preliminary checking of an enquiry suggests a breach of planning control, it will be registered. Once registered, a written or e-mail acknowledgement will be sent to the person who made the enquiry within 5 working days. The acknowledgement will include a reference number and contact details for the investigating officer.

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**Investigating possible breaches of planning control**

A priority system is used for investigating possible breaches based on matters such as the effect of the breach and the significance of the site.

**SERVICE STANDARD**

Priority will be given to significant breaches of planning control including:

- breaches of condition for major development
- irreversible damage to listed buildings
- unauthorised felling of trees and matters affecting trees protected by Tree Protection Orders
- significant detrimental impact on amenity
- in the interests of public safety.
If the enforcement case is not considered a high priority as set out below, the Council will assess whether the case falls into one of the other two categories (medium or low) as set out below. On occasion though a case may fall within either the medium or low priority category given the type of case it is but the level of harm that is being caused might be considered high. In these cases the Council will always consider these cases as being a high priority and will take appropriate and proportionate action accordingly.

**High priority cases** – unauthorised works to a listed building/scheduled ancient monument, unauthorised felling/lopping to a tree covered by a TPO, large scale engineering operations.

**Medium priority cases** – includes minor building works in conservation areas, buildings outside conservation areas, changes of use and non compliance with approved plans/conditions.

**Low priority cases** – includes estate agents boards, minor works (trellis/fencing), satellite dishes and advertisements.

Table 1 below summarises types of cases and the priority given to them. This list will not cover all types of case but seeks to give an indication as to how the Council categorise these.

The Council will in consider the level of harm when assessing a case based on the following definitions:

**High harm**- Full or partial demolition or significant alteration of a building, which it is essential to retain (e.g. listed building), unauthorised works to a Scheduled Ancient Monument, unauthorised works in statutory designations (SSSI’s), unauthorised large scale engineering operations, unauthorised felling/works to trees subject to a TPO to or any other development that causes irreversible demonstrable harm based on the best available sound evidence.

**Medium harm** – Any unauthorised development/activity which causes clear, immediate and continuous harm to the locality including the living conditions of adjoining residents and including a serious breach of conditions, new buildings of medium scale, significant number of complaints suggesting importance which results in serious demonstrable harm to amenity in the neighbourhood based on the best available sound evidence.

**Low harm** - Any unauthorised development/activity which causes non immediate harm to the locality including the living conditions of adjoining residents. This also includes minor or small scale developments and breaches of condition that result in a non serious harm to the amenity of a neighbourhood or property.

<table>
<thead>
<tr>
<th>Type of Case</th>
<th>High Priority</th>
<th>Medium Priority</th>
<th>Low Priority</th>
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<tr>
<td>Estate agents boards/advertisements</td>
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<td>Satellite Dishes</td>
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<td>Fences/trellis fencing</td>
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<tr>
<td>Unauthorised works to listed buildings/scheduled ancient monuments or statutory designation (SSSI for example)</td>
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<tr>
<td>Non compliance with approved plans/conditions</td>
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<tr>
<td>Minor unauthorised works in conservation areas</td>
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<td>Minor works out with conservation areas</td>
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<tr>
<td>Unauthorised felling/lopping to a tree covered by a TPO</td>
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<tr>
<td>Unauthorised change of use of building</td>
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<td>Large scale engineering operations</td>
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An investigation begins with an Enforcement Officer visiting the site. Following this visit, the individual who has made the enforcement enquiry will be informed of what action, if any, is proposed. In some cases, additional investigations may be needed.

**SERVICE STANDARD**

Members of the public who provide information will receive a formal response within 20 working days of receipt of their letter or e-mail. You will also be advised of the proposed action to be taken. This may include the need for additional investigation prior to deciding on a course of action. You will be advised if the matter does not involve a breach of planning control.

The length of time required to resolve a case or take action can be affected by a number of factors. Progress can be delayed due to the need to gather further evidence, to allow negotiations to take place or for formal procedures to be concluded. Similarly, an application to regularise the breach of control or an appeal against a decision of the planning authority can also delay resolution of the case.

The Council recognises that delays can be a source of considerable frustration to those submitting information, particularly if they consider their amenity is affected. Consequently, we will try to keep interested parties informed of significant stages in the progress of a case but you may wish to contact the case officer for a more regular update. If there has been no progress for a period of 6 weeks, we will write to complainants to explain the delay.

**Acting on breaches of planning control**

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

Only a relatively small number of cases require formal enforcement action. This may be either a Notice requiring a retrospective planning application to be made, an Enforcement Notice or a Breach of Condition Notice (see definitions on page 13) being served on those involved in the development. Enforcement and Breaches of Conditions Notices include the following information:

- a description of the breach of control which 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
- 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 Directorate for Planning and Environmental Appeals (DPEA).

Anyone who has 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.
Where a planning breach cannot be resolved and action is justified, a formal Notice will be served. This will be either, a Notice requiring a retrospective planning application, an Enforcement Notice or a Breach of Condition Notice. The Council will write to the recipient of the Notice to explain what is required, the timescales involved and the available options to resolve the issue.

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 any work required by an Enforcement Notice and charging the person for the costs involved;
- seeking a Court interdict to stop or prevent a breach of planning controls.

For more detail, see the Enforcement Powers section in this Charter.

Details of Notices requiring retrospective planning permission, Enforcement Notices, Breach of Condition Notices, Temporary Stop Notices and Stop Notices are entered into an Enforcement Register. You can inspect these documents online at www.fifedirect.org.uk/planning.

The Council has powers to enter land to:

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

This power applies to any land and may involve officials entering land adjacent to the site of the breach or alleged breach.

Enforcement action has to be taken within strict time limits.

- A 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 dwellinghouse. After four years following the breach of planning control, the development becomes lawful and no enforcement action can be taken.

- A ten year limit - this applies to all other development including change of use (other than to a single dwellinghouse) and breaches of condition. After ten years, the development becomes lawful if no enforcement action has begun. There is no limit with regard to enforcement action being taken against unauthorised works on a listed building.

Where the terms of any formal Notice are not complied with, every effort will be made to resolve the case to the satisfaction of the Council. Options include:

- In the case of an Enforcement Notice, direct action by the Council.
- For either an Enforcement Notice or a Breach of Condition Notice, 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).
Making a customer suggestion or customer complaint

Fife Council hopes the public will be satisfied with the planning enforcement service provided across Fife. However, if you have any suggestions, concerns or difficulties, we want to hear from you. We are committed to improving our service and dealing promptly with any failures.

We will consider all complaints made about the way an enforcement enquiry was dealt with. Some people may disagree with the outcome of an investigation but, that is not a ground for complaint. As noted above there is a separate appeals procedure for a recipient of an Enforcement Notice.

In the first instance, complaints should be discussed with the member of staff involved in the investigation. If you are still dissatisfied you can talk to the Service Manager or Lead Officer.

Written complaints will be acknowledged within 10 working days and then fully and promptly investigated within 4 weeks. The complainant will be given a written response explaining the outcome of the investigation and any action that the Council proposes to take. If no action is proposed, the reasons will be explained.

If you are not happy with the initial response, you can take the complaint further. Fife Council’s complaints procedure is available online at www.fifedirect.org.uk/complaints or from any Council office. The Council’s complaint procedure now has two stages. The first stage is frontline resolution, which tries to resolve complaints within 5 working days. The second stage is a full and detailed investigation. Lastly, if you remain dissatisfied with the Council’s complaints process and the responses you have received, you have the right to take your complaint to the:

Scottish Public Services Ombudsman

SPSO
FREEPOST EH641
Edinburgh EH3 0BR

telephone: 0800 377 7330
e-mail: ask@spsos.org.uk

Generally, you must contact the Ombudsman within 12 months of your complaint being raised.
Enforcement Powers

The Planning Enforcement powers available to the Council are set out in the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006, and for Listed Buildings, the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The Planning Acts can be viewed online at the Public Sector Information (OPSI) website www.opsi.gov.uk

Government policy on planning enforcement is set out in Planning Circular 10/2009, “Planning Enforcement” and can be viewed electronically at www.scotland.gov.uk/Topics/Built-Environment/planning/publications/circulars

Types of Notices

Breach of Condition Notice - 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, 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.

Enforcement Notice - this is generally used to deal with unauthorised development, but can also apply to a breach of planning conditions. There are similar Notices and powers to deal with listed buildings, and advertisements. An Enforcement Notice will specify:

- a notification period before it comes into effect (a minimum of 28 days)
- the steps that must be taken to remedy the breach, and
- a further period (known as the compliance period) which is set by Fife Council and gives the recipient time to carry out any work required to comply with the notice. There is no minimum or maximum period, so long as the amount of time allowed is reasonable and reflects the amount of work that may need to be undertaken

There are limited rights of appeal against an Enforcement Notice and, if an appeal is made 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 on page 14).
**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 a 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 Council 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 Notices (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 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 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; the planning authority may, on consideration of the application, decide instead to refuse permission, or to grant permission subject to conditions or alterations to make the development acceptable.
Notification of Initiation and Completion of Development (NID/NCD) and Display of Notices While Development is Carried Out – While not in themselves planning enforcement powers, these notices are intended to improve the 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. Planning authorities will be made aware of active development in their areas, enabling them to prioritise resources with a view to monitoring development.

For any development for which planning permission has been granted, a NID has to be submitted to inform the planning authority of the date on which development will commence. It is to be submitted after planning permission has been granted and before development has commenced. 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 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. Failing to display such a notice when required to do so is a breach of planning control.

Other Notices

These are other legal powers available if a historic building is under threat of unauthorised alteration or demolition. These include:

- A Dangerous Buildings Notice under Building Standards legislation
- Serving a Repairs Notice for urgent works for the preservation of Listed Buildings. (Scottish Ministers can issue a Direction to Fife Council for unauthorised building in a Conservation Area).
- Serving of a Building Preservation Notice (BPN) to temporarily list a building where Historic Scotland considers it should be Listed.

Other enforcement 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 the 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 will look to recover any costs it incurs from the landowner.
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’ which means they do not require planning permission if they meet the criteria and conditions set out in the regulations. One of these conditions is that the landowner has given permission for the advertisement to be displayed on their land.

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. This specifies a time period (normally 28 days) for compliance with the Notice. However, this period can be reduced to 7 days if the Council believes 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.

An Enforcement Notice can also require that a particular piece of land should not be used to display advertisements. This remains in force even if the original advertisement is removed. Any subsequent advertising on this site would amount to a breach of the Notice.

The Council also has powers to remove or destroy placards and posters that do not have planning permission or deemed consent. If the person who put up the poster can be identified, they have to be given at least two days’ notice that the Council intends to take the poster down. If they 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.
Council contacts

Should you have an enforcement, planning or building standards enquiry, please contact:

Enterprise, Planning and Protective Services

web www.fifedirect.org.uk/planning
email development.central@fife.gov.uk

Telephone 03451 55 11 22

Fife Council
Kingdom House
Kingdom Avenue
Glenrothes
Fife
KY7 5LY

Other enforcement controls and related topics

This Charter focuses on the enforcement of planning legislation, development and planning conditions. There are other Fife Council Services that deal with other aspects of enforcement and monitoring. The main ones are listed below:

Dangerous and Dilapidated Buildings
Building Standards and Safety. Please contact 03451 55 11 22

Abandoned Vehicles
Report it on 03541 550022
www.fifedirect.org.uk/doitonline

Graffiti and Vandalism
To report graffiti or vandalism, please contact 03451 550022

Trees Protection
Enterprise, Planning and Protective Services
For information on tree protection issues, please contact the Tree Protection Officer, Lorraine Evans
03451 55 55 55 ext 47 37 46
trees.devserv@fife.gov.uk

Rights of Way
To check a route is a right of way, please contact 03451 55 55 55 ext 440594

Fly Tipping
03451 550022
www.fifedirect.org.uk/doitonline

Neighbour Problems
03451 550022
www.fifedirect.org.uk/communitysafety

Illegal Dumping
03451 550022
www.fifedirect.org.uk/doitonline
Other useful contacts

**Directorate of the Built Environment**
Victoria Quay Edinburgh EH6 6QQ
tel 08457 741741
modernisingplanning@scotland.gsi.gov.uk

**Planning Aid for Scotland**
11a South Charlotte Street Edinburgh EH2 4AS
tel 0131 220 9730
office@planningaidscotland.org.uk

**Public Services Ombudsman**
SPSO Freeepost EH641 Edinburgh EH3 0BR
tel 0800 377 7330
ask@spso.org.uk

**Directorate for Planning and Environmental Appeals**
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**Health and Safety Executive**
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Edinburgh EH4 3UE
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fax 0131 247 2121
www.hse.gov.uk/scotland

**Advertising Standards Authority**
Mid City Place, 71 High Holborn, London
WC1V 6QT
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www.asa.org.uk

Alternative Formats

Information about Fife Council can be made available in large print, braille, audio CD and tape on request by calling 03451 55 55 00

British Sign Language
please text (SMS) 07781 480 185

BT Text Direct:
18001 01592 55 11 91

Language lines

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