



LOCAL ENFORCEMENT PLAN

First Published – March 2014
Revised and Updated – July 2024

Contents

1. Introduction

Our priorities for 2024/25
What is the local enforcement plan?
What is a breach of planning control?

2. How Do I Report A Possible Breach Of Planning Control?

Use our online form
What if I cannot use the online form?
What happens to my personal information?

3. How Do We Investigate A Possible Breach of Planning Control?

The investigation process
What is a Planning Contravention Notice?

4. What Happens When We Find A Breach of Planning Control?

No action
Voluntary compliance
Retrospective planning applications
Formal enforcement action

5. In What Circumstances Can We Take Action?

Matters that can be taken into account
Matters that cannot be taken into account
Equality duty

6. What Formal Enforcement Action Can Be Taken?

Enforcement Notice
Stop Notice and Temporary Stop Notice
Section 215 (Untidy Land) Notice
Breach of Condition Notice
Planning Enforcement Order
Direct Action
Injunction
Prosecution

7. What Are Our Priorities?

Urgent matters
Other matters

8. When Is It Too Late To Take Enforcement Action?

What is immunity?
What is a Lawful Development Certificate?

9. Monitoring Approved Developments

Proactive monitoring

10. Breaches of other types of consent

Listed buildings
Advertisements
Protected trees

11. What If I Am Not Satisfied With The Service?

1. INTRODUCTION

The Peak District National Park is an asset of national, regional, and local importance and plays a special role at the centre of England. It was the first of 15 national parks in the UK to be designated for their natural beauty, cultural heritage and wildlife, and for people to enjoy them.

It is made up of a diverse variety of landscapes, and these form the basis for its designation as a National Park in 1951. It is home to some 38,000 residents and provides over 3,000 jobs, many of which are based on the special qualities of the landscape and the Park's cultural heritage. As a tourist destination it attracts many millions of visitors each year.

The effective enforcement of planning controls is therefore essential to protect the landscape and other valued characteristics and to safeguard the interests of residents, businesses and visitors from the harmful effects of unauthorised development. The Authority recognises the importance of an effective planning enforcement service within the National Park and has officers who are responsible for investigating reported breaches of planning control and, where breaches are found, seeking a resolution.

Our priorities for 2024/25

Over the last year we have been working hard to reduce a significant backlog of casework with some good progress made. We will **continue to reduce the backlog** over the next year (until July 2025) with the aim of achieving more sustainable caseloads for our officers.

We will also be **reviewing and updating our internal processes and procedures and putting a more robust case management system in place** to ensure that we are working as efficiently and effectively as possible and able to ensure that key case deadlines are identified and met. For example, where formal notices are in effect but have not been complied with by the specified date.

Alongside this we will be **formulating additional performance measures/targets** with the aim of making more relevant and focussed performance information available to the Authority members and the public. We will continue to report on progress through our quarterly reports to Planning Committee.

What is the local enforcement plan?

The Local Enforcement Plan explains what breaches of planning control are, how potential breaches can be reported to the Authority, sets out what may or may not be investigated and our priorities for investigation and action. It also outlines the tools that are available to the Authority to resolve any breaches.

Local Planning Authorities are not required to produce a local enforcement plan. However, the National Planning Policy Framework, which sets out the Government's planning policies for England and how these should be applied, states that they should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area.

Our Plan was originally published in 2014 and was revised and updated in 2018 and 2024.

What is a breach of planning control?

A breach of planning control is where a person carries out development (as defined by section 55 (1) of the Town and Country Planning Act 1990) to land or buildings without the required planning permission. This includes:

- building work or engineering operations (e.g. excavations or re-grading works)
- extraction/mining of minerals and the operation of ancillary and associated plant, buildings and machinery for processing minerals.
- changes of use of land or buildings
- non-compliance with conditions attached to an existing planning permission
- development which has not been carried out in accordance with an existing planning permission

It is important to realise that it is not a criminal offence to carry out development of land or buildings without first obtaining the necessary planning permission. Also, not all building works or changes of use are a breach of planning control as they may not amount to 'development' (as defined in the legislation) or may be carried out under permitted development rights. Permitted development rights are a national grant of planning permission which allow certain works and changes of use to take place without having to submit a planning application. They are set out in the [General Permitted Development Order](#). Whether a particular matter is not development or is permitted development will become apparent when we carry out an investigation.

We can only enforce planning legislation, so cannot get involved in private disputes, for example breaches of restrictive deeds or covenants, boundary disputes or rights of access. Such concerns should be raised with a solicitor who may be able to pursue civil action. You must tell your neighbours if you want to carry out any building work near or on your shared property boundary, or 'party wall'. Information about this is available at:

<https://www.gov.uk/party-walls-building-works>

Although not strictly a breach of planning control, as described above, other matters which we deal with include:

- Works carried out to a listed building, which affect its historic character or setting, without listed building consent
- Felling, lopping or topping of protected trees and hedgerows without consent
- Display of advertisements without advertisement consent
- Untidy land or buildings that adversely affect the amenity of the area

2. HOW DO I REPORT A POSSIBLE BREACH OF PLANNING CONTROL?

Use our online form

If you wish to report a possible breach of planning control please use our online enquiry form, which is available at:

<https://www.peakdistrict.gov.uk/planning/planning-enforcement/online-enquiry-form>

Completion and submission of the form enables you to easily provide all of the relevant information, including an accurate address or location, a description of the possible breach, any relevant times and dates, the identity of the owner or any contractors (if known) and an explanation of the harm being caused. The online form includes an interactive map which you

can use to show us the precise location of your enquiry. You can also upload photographs when you submit the form. Providing this information on the form makes it easier for us to prioritise and carry out an effective investigation.

In cases of extreme urgency (e.g. demolition of a listed building or the felling of trees covered by a Tree Preservation Order) you may also wish to inform us immediately by telephone so that we can act more promptly. In such cases please use the number below. An online form will still need to be completed and submitted.

What if I cannot use the online form?

If there is a genuine reason why you cannot submit your enquiry online, perhaps because you do not have access to the internet or you have a disability which prevents you from using the online form, please contact our Customer and Democratic Support Team Advisors who will assist you with your enquiry. They will be able to take you through the form over the phone or make an appointment to visit our office, for example.

E-mail: customer.service@peakdistrict.gov.uk

Telephone: (01629) 816200

In person: Aldern House
 Baslow Road
 Bakewell
 DE45 1AE

Our office hours are 8.45am to 5.00pm Monday to Friday. On bank holidays the offices are closed. Out of hours there is a facility to leave a telephone message.

What happens to my personal information?

We encourage you to provide your name and contact details so that we get in touch if we require further information or clarification and can report back to you once we have carried out our investigation.

Whilst the subject of the enquiry is public information, your name, address or other personal details will not be published or otherwise made available as they are protected by data protection legislation. Naturally we cannot stop the person who is the subject of the enquiry drawing their own conclusions about the source of the enquiry.

Occasionally, we may not be able to pursue enforcement action without valuable information that only you can provide. In rare cases, it may be beneficial for the information you have provided to be presented in an appeal or in court. However, we will always ask your permission before making such information available.

3. HOW DO WE INVESTIGATE A POSSIBLE BREACH OF PLANNING CONTROL?

The investigation process

Once an enquiry is received it will be allocated to one of our officers who will make a desktop assessment and then usually visit the site to assess any activity, take photographs, ask questions of anyone present and gather any other relevant information. Site visits are usually unannounced.

As we receive a high number of enquiries we prioritise our visits according to the apparent seriousness of the problem. We aim to visit within six weeks of the enquiry but if the issue appears to be particularly urgent (e.g. significant works to a listed building) we will usually visit within a few days.

Where there are reasonable grounds for doing so, officers nominated by the Authority are authorised under the relevant legislation to enter land or, if necessary, neighbouring land specifically to obtain information about possible breaches of planning control (and for other enforcement purposes).

We would also need to do other work such as researching the planning history of a site, checking relevant planning legislation and policies or contacting other colleagues. We may also seek information from other organisations, such as the District or Borough Council, the County Council (usually as Highways Authority) or the Land Registry.

Mineral working and waste developments sometimes pose particular issues because of the occasionally irreversible nature of the working and the speed at which damage can be caused. They can also raise unique issues that require specialised technical knowledge and experience. To reflect this the investigation of minerals and waste development is carried out by our Minerals and Waste Team.

What is a Planning Contravention Notice?

Where it appears that a breach of planning control may have occurred but we need more information before confirming this we may serve a Planning Contravention Notice (PCN). This requires the owner, occupier, etc. to complete and submit a questionnaire to provide information about ownership and the activities taking place.

Once we have finished our investigation we will inform the enquirer of the outcome. This will be either:

- No breach of planning control has been found, in which case we will close the enquiry and take no further action; or
- A breach of planning control has been found and an enforcement case file has been opened.

If we conclude that the subject of the enquiry is not a planning matter or there is deemed to be no breach of planning control, the enquirer will be notified. If it relates to a function or activity dealt with by another local authority (for example, Environmental Health or Building Control) or other organisation, the enquiry will be forwarded to the relevant organisation and/or the enquirer will be advised to contact that organisation.

4. WHAT HAPPENS WHEN WE FIND A BREACH OF PLANNING CONTROL?

Once the initial investigations have been carried out and it appears to the Authority that a breach of planning control has occurred, there are a number of options available:

No action

When we find a breach of planning control it does not necessarily result in formal enforcement action being taken. The Authority, in deciding whether or not to take formal action, must consider if it is expedient to do so. This means that a judgment has to be made in each case as to the seriousness of the breach and the level of any harm caused taking into account our own planning policies and the policy guidance published by the Government. If the breach is relatively minor,

the level of harm caused is low and there is no significant conflict with planning policies, the Authority will not normally take action.

Where there is a breach, however, owners need to be aware that property may be difficult to sell or mortgage and that its value may be reduced even if the Authority takes no formal action.

Voluntary compliance

We will normally encourage those responsible for a breach to resolve it voluntarily rather than through formal enforcement action.

The person responsible for the breach will normally be written to with an explanation of the breach and will, as appropriate, be asked to either remedy the breach by a specified date or provide us with a written proposal and/or timetable by which the breach will be remedied.

If no reasonable attempt is made to remedy the breach by the specified date and a retrospective application (see below) is not submitted we will take prompt and effective formal enforcement action where we consider it is expedient to do so. This may also be necessary where there is a possibility that a development may become immune from enforcement action through the passage of time (see section 8).

Retrospective planning applications

In cases where we consider the unauthorised development to be acceptable or that it could be amended to be made acceptable we will normally ask for a retrospective planning application to be submitted within a specified period to regularise the breach of planning control. We may also invite a retrospective application by issuing an [Enforcement Warning Notice](#). We will normally allow up to 2 months to submit a retrospective application although a longer period may be agreed for more complex developments and/or where specialist supporting information is needed to validate an application.

Although the submission of retrospective planning applications will be discouraged where we consider a development to be clearly unacceptable, the person responsible will still have the right to submit a retrospective application if they wish, unless an Enforcement Notice has already been issued in relation to the same development in which case we have the power to decline to determine a retrospective application.

Further information is available via the following link:

<https://www.gov.uk/guidance/ensuring-effective-enforcement#Retrospective-planning-application>

[If a retrospective application is not submitted within the specified or agreed period we will take prompt and effective formal enforcement action where we consider it is expedient to do so.](#)

Formal enforcement action

Where it has been established that a breach of planning control has occurred and it does not appear the harm can be mitigated through negotiations with the landowner and/or a retrospective planning application, the Authority will consider using its statutory powers to take action to remedy the breach. The use of these powers (see section 6) is discretionary and will be used when it is considered expedient to do so, having regard to the development plan and any other material considerations.

5. IN WHAT CIRCUMSTANCES CAN WE TAKE ENFORCEMENT ACTION?

The Authority has a duty to investigate alleged breaches of planning control, but must only take enforcement action where it is 'expedient' to do so and any action taken must be proportionate with the breach of planning control to which it relates. As already mentioned, this means that a judgment has to be made in each case as to the seriousness of the breach and the level of any harm caused.

Matters that can be taken into account

It will usually be 'expedient' to take action if the breach of planning control causes unacceptable harm to the following:

- the character and appearance of the landscape
- conservation interests
- public amenity, including impact on the living conditions of neighbouring residents
- public safety
- highway safety

It also has to be clear that resolving the breach would be in the 'public interest'.

Matters that cannot be taken into account

There are some issues that cannot be taken into account when making decisions on expediency, these include (but are not limited to):

- change in the value of a neighbouring property
- competition between businesses
- the loss of a private view, unless it also impacts on residential amenity
- trespass onto someone else's land, including boundary disputes
- rights or obligations contained in property 'title deeds'
- any matter covered by other legislation, such as noise and smell which causes a statutory nuisance under environmental health legislation

Although it may be possible to address some of these by way of civil action, these are matters for the enquirer to pursue and are not matters that the Authority can get involved in. Further advice can be obtained from a solicitor or the Citizens Advice Bureau via the following link:

<https://www.citizensadvice.org.uk/about-us/contact-us/contact-us/contact-us/>

In deciding whether to take enforcement action we are also required to have regard to the relevant planning policies in our Development Plan and to any other material considerations including national policies in the National Planning Policy Framework (NPPF).

The Development Plan for the National Park comprises The Core Strategy and Development Management Policies. The Authority has also adopted a number of Supplementary Planning Documents on particular subjects.

All of these documents are available via the following link:

<https://www.peakdistrict.gov.uk/planning/policies-and-guides>

The NPPF is available via the following link:

<https://www.gov.uk/guidance/national-planning-policy-framework>

Equality duty

The Equality Act 2010 requires public authorities, in exercising their functions, to give due regard to the need to eliminate unlawful discrimination and harassment and other conduct prohibited by the Act; and to advance equality of opportunity and foster good relations between people who share a relevant protected characteristic (as defined in the Act) and those who do not share it.

The Authority, in carrying out its functions in relation to planning enforcement, will pay appropriate regard to its duty under the Equality Act 2010.

Further guidance on the Act can be found at <https://www.gov.uk/equality-act-2010-guidance>

6. WHAT FORMAL ENFORCEMENT ACTION CAN BE TAKEN?

Where informal negotiations have been unsuccessful and the Authority is satisfied that it is expedient to take action, formal enforcement action will usually commence. The various types of formal action are as follows:

Enforcement Notice

An Enforcement Notice is the most common form of notice used to deal with breaches of planning control, such as building works or changes of use of buildings or land. A Listed Building Enforcement Notice can be issued when unauthorised works are carried out to listed buildings. If an appeal is lodged, the notice is held in abeyance until the appeal is determined.

Further information on enforcement notices, including what they can do, the right of appeal and what it means when an enforcement notice is not complied with, is available via the following link:

<https://www.gov.uk/guidance/ensuring-effective-enforcement#Enforcement-Notice>

Copies of all enforcement notices (and other formal notices) are kept on the Enforcement Register which is available for inspection at the Authority's offices.

Stop Notice and Temporary Stop Notice

If we consider it is expedient that any relevant activity (for example, building works or a use of land) should cease before the expiry of the period for compliance specified in an enforcement notice we can issue a Stop Notice. A Stop Notice must be issued at the same time as an Enforcement Notice or before an Enforcement Notice comes into effect.

Alternatively a Temporary Stop Notice may be issued. This is similar to a Stop Notice but can be issued without an accompanying Enforcement Notice. Temporary Stop Notices are effective immediately after they are served but are only effective for up to 56 days. Within that period the Authority must consider whether to take any further enforcement action.

Stop Notices and Temporary Stop Notices are most commonly used to deal with breaches of planning control that are seriously affecting the amenity of nearby residents or to prevent serious or irreversible harm to the environment.

Further information can be found via the following links:

<https://www.gov.uk/guidance/ensuring-effective-enforcement#Stop-Notice>

Section 215 (Untidy Land) Notice

Where the condition of land and/or buildings causes serious harm to the amenity of an area, the Authority can require steps to be taken to remedy the condition of the land or buildings and specify the time for doing so. We cannot use this power where the condition of the land is attributable to, and such as results in the ordinary course of events from, the carrying on of lawful operations or a lawful use.

Further information can be found via the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11491/319798.pdf

Breach of Condition Notice

This type of notice can be used where planning permission has been granted subject to conditions and one or more of the conditions has been breached. It can require full or part compliance with the planning conditions.

Further information is available via the following link:

<https://www.gov.uk/guidance/ensuring-effective-enforcement#Breach-of-Condition-Notice>

Planning Enforcement Order

These can be issued where a person deliberately conceals unauthorised development. It enables the Authority to take action in relation to an apparent breach of planning control notwithstanding that the normal time limits for doing so (see section 8) may have expired.

Further information is available via the following link:

<https://www.gov.uk/guidance/ensuring-effective-enforcement#Planning-Enforcement-Order>

Direct Action

Failure to comply with the requirements of an enforcement notice, breach of condition notice or a Section 215 notice may result in the Authority engaging contractors to carry out the remedial works required by the notice. Any costs and expenditure incurred in doing so can be recovered from the landowner or, if that is not possible, registered as a charge on the land.

Injunctions

Legal powers (contained in s. 187B of The 1990 Act) are available for the Authority to apply to the courts for an injunction to stop an actual or alleged breach of planning control. Injunctions are a discretionary order and are used to require someone to stop doing something or to require them to carry out something. They are usually only used where there is urgency, where the breach is particularly serious or where other legal processes have not led, or are unlikely to lead, to the breach being resolved. Failure to comply with an injunction can lead to an unlimited fine and/or imprisonment.

Further information on injunctions is available via the following link:

<https://www.gov.uk/guidance/ensuring-effective-enforcement#Injunction-on-planning-control>

Prosecution

A breach of planning control is not a criminal offence. However, non-compliance with the requirements of a formal notice may be a criminal offence and on conviction the person served with the notice may be subject to a fine.

Where someone has failed to comply with a formal notice the Authority can instigate prosecution proceedings if there is a realistic prospect of conviction and it is considered to be in the public interest to do so.

At the time the Authority secures a conviction it may seek a confiscation order against the defendant under powers set out in the Proceeds of Crime Act 2002. In summary, these powers allow for financial benefit in excess of £5000 arising from criminal offences to be recovered.

7. WHAT ARE OUR PRIORITIES?

The Authority receives between 350 and 400 enquiries about possible breaches of planning control each year and although many of these do not result in enforcement action, others do and require lengthy investigations or formal action over months and sometimes years. As our resources are limited, it is essential that they are used efficiently and to best effect. For this reason, our priorities are directed by the significance and impact of the breach, the level of harm caused and the need to prevent further harm.

Urgent matters

Unauthorised works to listed buildings which are ongoing and causing serious and significant harm to their historic and/or architectural character, particularly if the works appear to be non-reversible, will be given the utmost priority. When we receive a report of such works we will normally make an initial site visit within two days and seek an immediate cessation. If works continue we will usually take formal action without undue delay. Formal action will normally also be pursued to address works which have already taken place unless an agreed plan of action is put in place to achieve this.

Similar priority will be given to ongoing works which are causing serious and significant harm in statutorily protected areas, such as Sites of Special Scientific Interest, Special Areas of Conservation and Special Protection Areas.

Other matters

For all other matters, the Authority will give priority to those cases where the most significant harm is caused. This may be harm to the character and appearance of the landscape or harm to residential amenity caused by noisy industrial activities, for example. The more serious the harm the more likely it is that we will take formal enforcement action if the breach of planning control has not been resolved informally within a reasonable period of time.

Where there is little or no harm caused by a breach of planning control we will usually not give it the same priority and may decide it would not be expedient to take formal enforcement action. In these cases we will make a formal decision to take no further action under delegated powers and this will be recorded on the case file. We will also inform the enquirer of the decision.

Individual cases may be re-prioritised as the investigation progresses and new evidence comes to light or if there are attempts to put any breach right.

When deciding what priority we should give we will also take into account the statutory immunity periods, as set out in the following section.

8. WHEN IS IT TOO LATE TO TAKE ENFORCEMENT ACTION?

What is immunity?

In general, development carried out without the necessary planning permission becomes lawful, and immune from enforcement action if no action is taken within a period of 10 years. In the case of building works (and other physical works) this period commences from 'substantial completion' of the development whereas for changes of use it commences when the change of use starts.

In the case of physical works and change of use of a building to a dwellinghouse, if the development was 'substantially completed' before 25 April 2024 (when the relevant legislation was amended) then the relevant immunity period would be 4 years.

If someone wishes to obtain a formal determination that a particular development is lawful they can apply for a Lawful Development Certificate.

What is a Lawful Development Certificate?

If owners of land or property consider that a breach of planning control has become immune from enforcement action they may apply for a Lawful Development Certificate (LDC). If granted, such a certificate provides documentation to establish the lawfulness of the existing development.

This option is well worth considering because should a landowner later want to sell a property the LDC can be used to answer queries raised by potential buyers or their legal representatives regarding the legality of building works or uses.

Further information is available via the following link:

<https://www.gov.uk/guidance/lawful-development-certificates>

9. MONITORING APPROVED DEVELOPMENTS

When planning permission, or another type of consent such as listed building consent, is granted the person carrying out the development is responsible for ensuring that the approved plans and any conditions are adhered to. A formal application process is in place for discharging conditions (where more detailed information is requested, for example) and for agreeing any changes to the approved plans or conditions.

If unauthorised changes are made then there is a risk that we will take enforcement action and/or the work will have to be reversed, possibly resulting in significant cost and disruption. Even where we decide that it is not expedient to take formal action there can be far reaching consequences for the owner as the property may be difficult or impossible to sell or mortgage, and its value may be adversely affected.

Proactive monitoring

As many hundreds of approvals are granted each year we do not have sufficient resources to monitor each and every development. We will, therefore, focus on the more significant developments, such as new housing schemes. Monitoring will be carried out as necessary by officers in the Area Teams, including planning officers working alongside monitoring and enforcement officers.

When we find that the development is not in accordance with the approved scheme we will follow the same process and assess the priority to be given in the same way as for other breaches of planning control.

10. BREACHES OF OTHER TYPES OF CONSENT

The Authority also deals with breaches of other consent regimes. These relate to listed buildings, advertisements and protected trees and are outlined below:

Listed buildings

The listed building enforcement provisions are set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 which is available via the following link:

<http://www.legislation.gov.uk/ukpga/1990/9/part/II/chapter/IV>

The main difference between general planning enforcement and listed building enforcement is that there is no period of time after which a breach becomes immune from enforcement action so listed building enforcement notices can be issued many years after the works first took place. Furthermore, the carrying out of works, including demolition in full or part of a listed building, without the necessary listed building consent or failing to comply with a condition attached to that consent may be a criminal offence, whether or not an enforcement notice has first been issued.

To find out if a building is listed or seek advice on other issues relating to listed buildings you should contact our Cultural Heritage Team. Alternatively you can check whether a building is listed using Historic England's 'national list' which is available via the following link:

<https://historicengland.org.uk/listing/the-list/>

Further general information on listed buildings is available on the Authority's website via the following link:

<https://www.peakdistrict.gov.uk/looking-after/living-and-working/your-community/historic-buildings/listed>

Advertisements

The legislation concerned with advertisements is separate from that dealing with general planning matters and is contained within The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 which are available via the following link:

<https://www.legislation.gov.uk/uksi/2007/783/contents/made>

The Advertisement Regulations are complex although a simplified guide can be found in the document entitled 'Outdoor Advertisements and Signs: A Guide for Advertisers,' which is available via the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11499/326679.pdf

The Peak District National Park (like other protected areas) is designated as an Area of Special Control where specific restrictions apply to advertisements, over and above those that apply generally. Advice should therefore be sought before any advertisements are displayed on a building or land.

Many advertisements do not require the Authority's consent but the display of an advertisement without express consent may be an offence, subject to a fine, and the Authority may prosecute the person displaying it. There is no need for an enforcement notice to be served. The Authority has other powers for dealing with unauthorised advertisements including issuing a Removal Notice an Action Notice or a Discontinuance Notice.

Further information can be accessed via the following link:

<http://planningguidance.planningportal.gov.uk/blog/guidance/advertisements/>

Protected trees

The primary legislation relating to tree enforcement is set out in sections 197 to 214 of the 1990 Act whereas the tree preservation order system is governed by the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Tree enforcement issues fall into the following two principal categories:

- (a) unauthorised works to, damage to or removal of trees that are protected by Tree Preservation Orders or those which are situated within Conservation Areas; and
- (a) breach of planning conditions relating to tree retention and protection.

The relevant legislation is available via the links below:

Primary Legislation - <http://www.legislation.gov.uk/ukpga/1990/8/part/VIII/chapter/I>

Regulations - <http://www.legislation.gov.uk/uksi/2012/605/contents/made>

Anyone who cuts down, uproots or wilfully destroys a protected tree, or who lops, tops or wilfully damages it in a way that is at risk of being prosecuted. This also applies where someone causes or permits such works to occur.

Whenever a protected tree has been removed in contravention of the legislation, or because it is dead, dying or dangerous, there is a duty on the landowner to plant a replacement tree of a suitable size and species at the same place as soon as is reasonably possible. The replacement tree is then subject to the same protection as the tree that was lost. If the landowner fails to comply with this requirement, the Authority may serve a Tree Replacement Notice within a period of four years to ensure compliance.

If you would like to establish if a tree is protected, either because of a Tree Preservation Order or because it is located in a conservation area, please contact us.

11. WHAT IF I AM NOT SATISFIED WITH THE SERVICE?

We make every effort to provide good customer service and to follow correct procedures. If, however, you have a concern about our service you should initially contact the Development and Enforcement Manager, who will try to resolve your concern. Please telephone 01629 816200 or e-mail us at customer.services@peakdistrict.gov.uk.

If your concern remains unresolved you may wish to follow our formal complaints procedure, details of which can be accessed via the following link:

<https://www.peakdistrict.gov.uk/looking-after/about-us/have-your-say/complaints>

If, having gone through the Authority's complaints procedure, you remain dissatisfied, you may refer your complaint to the Local Government and Social Care Ombudsman. You can find more information via the following link:

<https://www.lgo.org.uk/make-a-complaint/fact-sheets/planning-and-building-control/planning-enforcement>

You can also call 0300 061 0614 to talk to a complaints advisor about registering a new complaint.