

**PLANNING ENFORCEMENT**

**Cabinet Member** Cllr Richard Chesterton  
**Responsible Officer** Head of Planning and Regeneration

**Reason for Report:** To respond to Scrutiny Committee's request for a report on the enforcement of planning control.

**RECOMMENDATIONS:**

- i) That a benchmarking exercise on planning enforcement be undertaken with other nearby councils to include levels of enforcement activity and local performance indicators.**

**Relationship to Corporate Plan:** Priorities within the emerging 2016 – 2020 Corporate Plan are economy, homes, community and environment. The enforcement of planning controls through investigation and where appropriate the taking of action in the public interest by the Council as Local Planning will assist in upholding these priorities.

**Financial Implications:** Certain types of planning enforcement action such as the issue of an enforcement notice have a right of appeal whilst others have an opportunity for compensation to be claimed. Both may have financial implications for the Council. In terms of appeals, there is a risk of a cost award against the authority at appeal if it is found to have acted unreasonably. Financial implications may also arise if the LPA has to pay compensation for example for loss or damage attributable to a stop notice.

**Legal Implications:** Formal enforcement action may take a variety of forms with a wide range of legal tools available. Enforcement must be undertaken in accordance with Government guidance and must be in the public interest.

**Risk Assessment:** Most types of formal enforcement action require a resolution of Planning Committee. Enforcement reports to Committee set out the range of options available together with a recommendation on what action, if any, is appropriate in that instance. Such assessment of different enforcement options allows for an understanding of the implications of different types of enforcement action before the decision is made thereby reducing the risk to the authority.

**1.0 Planning enforcement – introduction.**

- 1.1 Planning enforcement is a statutory function of local government although the power to take formal action is discretionary. The Council as Local Planning Authority has responsibility for the investigation of reported breaches of planning control. Unauthorised development can be detrimental to the local environment and a source of community tension. Failure to investigate and enforce planning conditions or address unauthorised development can reduce the effectiveness of a Local Planning Authority and undermine public confidence in the planning system.

- 1.2 The basis for the planning system is to protect amenity, whether it is the quality of the environment in general, or the quality of life of people living close to development. Powers have been granted to the Local Planning Authority to ensure that action can be taken against unauthorised development or a breach of planning control which is causing harm to the amenity of the area.
- 1.3 A breach of planning control is:
- The carrying out of development without the required planning permission;
  - Failing to comply with any condition or limitation subject to which planning permission has been granted.
- 1.4 Planning enforcement also investigates other breaches such as unauthorised works to listed buildings, the illegal display of advertisements on land or buildings and the failure to properly maintain land.
- 1.5 Local Authorities are advised to take formal enforcement action only in cases of obvious harm or nuisance and/or where persuasion and negotiation have failed. It is a discretionary power based upon proportionality. Action should only be taken where it is expedient to do so.
- 1.6 In deciding whether it is expedient to take enforcement action, the Local Planning Authority must consider:
- Whether it is in the public interest to do so;
  - Whether the breach would unacceptably affect public amenity or the existing use of land or buildings (would planning permission be granted if applied for and considered against development plan policies).
  - Whether the proposed action is commensurate with the breach (proportionate).
- 1.7 The decision on whether action is proportionate and, if so, which action to take will need to take into account all the circumstances of each individual case. In practical terms consideration will need to be given to:
- the impact of the unauthorised development;
  - the potential for damage to the environment;
  - the benefit of taking action.

It will not always be proportionate to take formal enforcement action having considered the circumstances of the case. Enforcement powers are to be used in a reasonable manner, to remedy adverse impacts on the environment or on neighbours and should not be used solely to regularise a situation where no planning permission exists. Such situations should be dealt with by negotiation. Enforcement action should not be used as a punishment, but instead is a tool to rectify unacceptable breaches of planning control. The fact that development has gone ahead without planning permission should not prejudice the consideration of a subsequent, retrospective planning application if it is a reasonable use of land and in cases in which no criminal

offence has been committed, planning permission is likely to be granted. Retrospective applications must be considered in the same way as any other – they should not be penalised because they are retrospective.

- 1.8 Undertaking development without planning permission is not a criminal offence. In such instances it is only when an enforcement notice has not been complied with that a criminal offence has occurred. However unauthorised works to listed buildings, unauthorised works to protected trees or the display of advertisements without consent are criminal offences.
- 1.9 In many cases, the ability to take formal enforcement action is time limited as development may become immune from enforcement if no action is taken:
- Within 4 years of the substantial completion of a breach of planning control (operational development).
  - Within 4 years for an unauthorised change of use to a single dwelling house.
  - Within 10 years for any other breach of planning control such as other changes or use or other breaches of conditions.

Exceptions include the taking of further enforcement action within 4 years of earlier action over the same breach or where the breach was fully or partly concealed. No such immunity period exists for unauthorised works to a listed building.

## 2.0 **Relevant policies and guidance.**

- 2.1 The **National Planning Policy Framework** (2012) acts as guidance for Local Planning Authorities in drawing up plans and making decisions about planning applications. Within the introduction it makes it clear that it sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 207 relates to the enforcement of planning control and states:

*'Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.'*

- 2.2 Policy DM31 of the **Mid Devon Local Plan Part 3** (Development Management policies) adopted 2013 reflects this and states:

*'The Council will investigate unauthorised development, acting proportionately to the scale of the suspected breach of planning control. Enforcement action will be taken where it is appropriate to do so and in the public interest.'*

Text accompanying this policy also makes it clear that when undertaking investigations, the Council will act in proportion to the scale of the suspected

breach to which it relates. The Council will then take enforcement action where it deems such action to be appropriate, having regard to the scale of the breach and the impact upon public amenity.

- 2.3 The Council is committed to publishing a Local Enforcement Plan to ensure enforcement is managed proactively and in a way that is appropriate to Mid Devon. It will set out the Council's approach to enforcement, including timescales for action and stating in detail how the Council will respond to suspected breaches of planning control. The prioritisation of planning enforcement resources in terms of planning breaches will also form part of the document. This is important that this plan is produced as it will provide greater transparency and accountability about how the Local Planning Authority will decide if it is expedient to exercise its discretionary enforcement powers. Work on drafting this plan is advanced and it is expected that it will go before the Planning Policy Advisory Group and then to Cabinet within the next few months. It is intended that a period of consultation will then follow. This will enable the wider Membership, Town and Parish Councils as well as the public to engage on the contents of the plan before its adoption.
- 2.4 An Enforcement Policy Statement was produced in 2005, but has not been updated since. It is proposed to be updated and reviewed through the production of the proposed Local Enforcement Plan.
- 2.5 National **planning practice guidance** is also relevant. It provides guidance on range of enforcement related matters, much of which are covered within this report:

What is a breach of planning control?

When should enforcement action be taken?

What are the time limits for taking enforcement action?

Why is effective enforcement important?

What are local enforcement plans important?

What options are available to Local Planning Authorities to tackle possible breaches of planning control in a proportionate way?

Why is early engagement important?

Is there a public register of enforcement action?

Planning practice guidance on enforcement is available here <http://planningguidance.communities.gov.uk/blog/guidance/ensuring-effective-enforcement/>

### 3.0 **Enforcement powers and tools available.**

- 3.1 Summarised information on the range of enforcement powers and tools available is attached to this report at **Appendix 1**. This is intended to be for general guidance only as the circumstances of each case will dictate the action to be taken. They may broadly be divided into 5 different types:
- i) For information gathering.
  - ii) Where conditions imposed on a planning permission are not being complied with.
  - iii) Where there is a continuing breach of planning control.

- iv) Where a breach of control is causing serious harm or has the potential to cause serious or irrevocable harm to amenity.
- v) Other

#### 4.0 **No formal action.**

4.1 No further action will be taken by the Council where it is established that there has not been a breach of planning control.

4.2 National planning practice guidance advises that addressing breaches of planning control without formal enforcement action can often be the quickest and most cost effective way of achieving a satisfactory and lasting remedy. For example, a breach of control may be the result of a genuine mistake where, once the breach is identified, the owner or occupier takes immediate action to remedy it. Additionally in some instances formal enforcement action may not be appropriate.

4.3 On a case by case basis, Local Planning Authorities are advised that formal enforcement action should be avoided where:

- There is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;
- Development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development (That planning permission would be granted if applied for. A retrospective application to remedy the breach of planning will be sought);
- In their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.

#### 5.0 **Scheme of delegation on planning enforcement matters.**

5.1 The scheme of delegation to the Head of Planning and Regeneration by Planning Committee excludes the taking of formal enforcement action under delegated powers other than:

- i) The issue of a breach of condition notice
- ii) Where urgent action is required to commence enforcement proceedings consisting of the service of a temporary stop notice, enforcement notice, stop notice or to commence injunction proceedings. In this instance, these proceedings can be instigated in consultation with one or more of the following: Planning Chairman, Vice Chairman, Ward Member.
- iii) Prosecution proceedings regarding any unauthorised advertisement or fly posting (other than where in consultation with the Legal Services Manager).

(The scheme of delegation clarifies that formal enforcement action is not considered to include requests for information such as under a planning contravention notice.)

5.2 In accordance with this scheme of delegation, formal enforcement action is authorised by Planning Committee.

**6.0 The planning enforcement team at Mid Devon.**

6.1 The planning enforcement team at Mid Devon comprises 2.5 full time equivalent officers who each cover an area of the district. The 0.5 post is currently a temporary contract that is reviewed as budgets are set. The team is currently fully staffed, but due to vacancies operated with 1 post holder only for part of 2015. Once formal enforcement action is authorised by Planning Committee papers are forwarded to Legal Services for action.

6.2 Information on activity and performance within the enforcement service is reported quarterly to Planning Committee. That for the current financial year to date is as follows:

<b>Enforcement 2015/16</b>	<b>Quarter 1</b>	<b>Qu 2</b>	<b>Qu 3</b>
Number of new enforcement cases registered	14	71	54
Number of enforcement cases closed	47	53	39
Number of committee authorisations sought	3	2	1
Number of planning contravention notices served	Data available from Qu 2	9	5
Number of breach of condition notices served	0	1	0
Number of enforcement notices served	2	1	0
Enforcement site visits undertaken within 15 days of complaint receipt (target 87%)	100%	94%	89%

**7.0 Investigation of breaches and monitoring.**

7.1 The proposed Local Enforcement Plan will set out how the implementation of planning permission is monitored and how alleged cases of unauthorised development are investigated. The extent to which the implementation of planning permission is pro-actively monitored is tempered by the resources available. The main source of knowledge of alleged breaches of planning control arises from the receipt of complaints which may come from the public, Parish or Town Councils, elected members or other groups. Planning and other officers may also become aware of breaches through their work and while on site visits. Enforcement Officers also check on sites of known enforcement risk periodically as resources allow. Enforcement complaints are prioritised according to the seriousness of the alleged breach. Pro-active enforcement of all planning conditions would require significantly greater resources than currently available. Instead a primarily reactive service is targeted at reported breaches. Other Local Planning Authorities in the region act in a similar manner, although it should be noted that not all have a dedicated planning enforcement team, with the enforcement role undertaken by planning case officers.

- 7.2 Applicants are advised on grant of planning permission of the need to comply with the attached conditions. Applicants are also asked to advise the Council in advance via the return of a form of their intention to start work together with the date. This allows checking that pre-commencement conditions have been complied with. Planning conditions need to meet a series of tests. These include precision and that they are capable of being enforced. The drafting of conditions so that they are capable of being enforced and include the necessary triggers and safeguards is important.
- 8.0 **Benchmarking.**
- 7.3 Level of activity in opening and closing cases and the issue of various notices are reported to Planning Committee quarterly. However at present these are not robustly benchmarked against other Councils within the area, although historically this exercise was undertaken. However this has dropped off within the last several years as planning and enforcement teams in the area have experienced reduced resourcing and restructuring. The re-establishment of common reporting of enforcement activity between Councils would assist in the management and monitoring of the service and provide greater transparency over the level of service provision.
- 7.4 Establishing meaningful local performance indicators for planning enforcement that do not impose targets on the number of different notices to be issued is not straightforward. Such targets are inappropriate as assessment of whether formal enforcement action is warranted and the type of action to take, are undertaken on a case by case basis dependent upon the breach and its impact. Currently the percentage of enforcement site visits undertaken within 15 days of complaint receipt is monitored, but this does not report case outcome or speed. Again, investigation of performance indicators monitored and reported by other Councils in the area will assist in establishing appropriate local performance indicators.
- 8.0 **Confidentiality.**
- 8.1 Planning enforcement investigations are carried out on a confidential basis until the breach of planning control becomes the subject of formal legal action or authority for such action is sought. The details of those reporting a breach of planning control are also considered confidential. In cases of prosecution or appeal, the complainant may be invited to give a witness statement if their evidence is considered crucial.
- 9.0 **Enforcement cases.**
- 9.1 To assist in the preparation of this report, Members of Scrutiny Committee were asked to provide information on any particular cases and issues of concern to them so that they could be addressed. A total of 10 site specific enforcement cases were identified. These cases are in the main 'live' with ongoing investigation that may yet lead to formal action. Therefore their consideration in public may disclose information falling within the description of exempt information under the Local Government Act 1972. The cases are addressed within a separate accompanying Part 2 report.
- 10.0 **Summary and conclusions.**

- 10.1 The enforcement of breaches of planning control is often complex with opportunity for those contravening to submit planning applications to regularise the breach and to appeal at different stages. This often results in delay. Enforcement action is not appropriate in all cases, particularly where it is a technical breach of planning control with little impact or where planning permission would be approved if applied for. Furthermore, there is also clear Government advice that enforcement action should not be used as a punishment, but as a tool to address harm where it is the public interest to do so. This often leads to misunderstanding of the purpose of enforcement action and timescales within which it operates. Public expectation is often of enforcement action as a punishment for a breach and in cases where the breach causes little or no harm and planning permission would be granted if applied for.
- 10.2 Nevertheless there will be cases where it is clearly in the public interest to seek to swiftly resolve breaches that are causing harm to amenity. Councils have a range of enforcement tools available to them to do this. There is a duty to investigate breaches, although taking action itself is discretionary and based upon the merits of the case.
- 10.3 This report seeks to provide an overview of planning enforcement system and how it is resourced within Mid Devon. It is important that the Local Enforcement Plan is finalised. It is recommended that a benchmarking exercise with other local councils is re-established in order to more clearly monitor the operation and effectiveness of the service. The service operates within finite resources and seeks to deliver an effective service within a challenging environment where expectations are high.

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**Circulation of the Report:** Councillors Richard Chesterton

**List of Background Papers:**

National Planning Policy Framework

<http://planningguidance.communities.gov.uk/blog/policy/>

Planning Practice Guidance

<http://planningguidance.communities.gov.uk/blog/guidance/ensuring-effective-enforcement/>

Mid Devon Local Plan Part 3 (Development Management policies

<https://new.middevon.gov.uk/planning-policy/mid-devon-local-plan/part-3-development-management-policies/>



## **Appendix 1**

### **Enforcement powers and tools available.**

#### **1.0 Introduction.**

1.1 The following provides summarised information on the range of enforcement powers and tools available. This is intended to be for general guidance only as the circumstances of each case will dictate the action to be taken. They may broadly be divided into 5 different types:

- i) For information gathering.
- ii) Where conditions imposed on a planning permission are not being complied with.
- iii) Where there is a continuing breach of planning control.
- iv) Where a breach of control is causing serious harm or has the potential to cause serious or irrevocable harm to amenity.
- v) Other

#### **2.0 For information gathering.**

##### **2.1 Planning Contravention Notice (PCN)**

2.1.1 This is not formal enforcement action but may in some cases be required to establish what is happening on a site where there are genuine grounds for concern that a breach of planning control has occurred or is likely to occur. A PCN may also be necessary when a site operator or owner has not complied with requests for information, or where they have already been advised that planning permission is necessary for any or all of the activities on the site. In such cases, a PCN can be used to establish the facts of the case and let the operator know that the Council is seriously concerned about a site. It is intended to act both as an information gathering tool and statement of intent by the Council, but it is not a charge on land and therefore is still relatively informal. Failure to respond carries the risk of a fine.

##### **2.2 S.16 of the Local Government (Miscellaneous Provisions) Act 1976 and S.330 of the Town and Country Planning Act 1990**

2.2.1 These are alternative means of establishing information about land and its ownership. These are less well used than the PCN which is intended to be the main method by which information can be gathered about potentially unauthorised development.

2.2.2 Other sources of information may include HM Land Registry and the District Council's planning and building regulation records.

#### **3.0 Where conditions imposed on a planning permission are not being complied with.**

##### **3.1 Breach of Condition Notice (BCN)**

3.1.1 This was brought in under the Planning and Compensation Act 1991. It allows for the Local Planning Authority to issue a notice that a condition of a planning consent is not being complied with and is an alternative course of

action to issuing an enforcement notice. There is no appeal against this notice when issued under the provisions of Section 187A. Failure to comply with a BCN within the specified period (at least 28 days) is a criminal offence liable to a fine not exceeding £2,500.

#### **4.0 Where there is a continuing breach of control.**

##### **4.1 Enforcement Notice**

###### **4.1.1 An enforcement notice must:**

- i) Specify the breach of planning control;
- ii) Specify the steps to be taken to remedy it;
- iii) Specify the reasons why it is necessary and expedient to take action (which must be in the interests of “amenity”);
- iv) Specify the date on which the notice comes into effect;
- v) Specify the period for compliance;
- vi) Specify the precise boundaries of the land to which the notice relates;
- vii) Accompany an explanatory note about rights of appeal.

4.1.2 An appeal to the Secretary of State against the service of an enforcement notice suspends the notice until the appeal has been dealt with. Failure to comply with an enforcement notice within the time permitted is an offence liable to prosecution.

#### **5.0 Where a breach of control is causing serious harm or has the potential to cause serious or irrevocable harm to amenity.**

##### **5.1 Stop Notice.**

5.1.1 Where the breach of control is causing irrevocable damage, the Council may consider the issue of a Stop Notice in tandem with the enforcement notice. The Stop Notice prohibits any continuation of the activity specified in the enforcement notice. It can only be used where serious or irreparable harm and more immediate action is justified. There is no right of appeal against a stop notice and it is an offence to contravene it.

5.1.2 It should only be used in exceptional circumstances when the effects of the unauthorised activity are seriously detrimental to the amenities of adjoining occupiers or the surrounding area. If the related enforcement notice is quashed, varied or withdrawn or the stop notice withdrawn, the council may be liable to pay compensation for any financial loss resulting from the issuing of the stop notice. Time limits for compliance with a stop notice are to be specified in the notice and should not normally be less than 3 days after its service, unless the Council has “special reasons for specifying an earlier date and a statement of those reasons is served with the notice”. The time limit should not exceed 28 days after its service.

5.1.3 The stop notice will cease when it is withdrawn; the related enforcement notice is withdrawn or the compliance period for the enforcement notice is withdrawn or the compliance period for the enforcement notice expires. Failure to comply with a Stop Notice is an offence liable to prosecution.

##### **5.2 Temporary Stop Notice**

5.2.1 A notice which can be served quickly to stop suspected breaches from carrying on, giving the planning authority time to consider all the relevant issues. It requires the breach of planning control to cease immediately. Unlike a stop notice it does not need require an enforcement notice to be served first. It is valid for 28 days only, by which time the Council will have had opportunity to consider whether to serve an enforcement notice. There is no right of appeal and contravention is an offence liable to prosecution. Compensation may be payable if the activity has planning permission, is permitted development, if it is subsequently found to be lawful or in some circumstances if the temporary stop notice is withdrawn.

### 5.3 Prosecutions and Cautions

5.3.1 In general, breaches of planning control are not criminal offences (with some exceptions). However failure to comply with a statutory notice such as an Enforcement Notice is a criminal offence and prosecution for non-compliance may result. It is also an offence to give false or misleading information in response to a notice. This too may lead to prosecution.

5.3.2 As well as offences, which follow failure to comply with a statutory notice, there are other offences, which stand alone, such as:

- unauthorised display of an advertisement
- unauthorised works to a Listed Building
- damage to a tree protected by a Tree Preservation Order or in a conservation area
- damage to certain hedgerows.

5.3.3 In some cases the Council may find that it is appropriate to offer a formal caution. Decisions on whether to prosecute or offer a caution will be taken in accordance with the Code for Crown Prosecutors. The Code requires two tests to be passed before initiating a prosecution: the evidence test and the public interest test. There must be sufficient evidence for a realistic prospect of conviction and certain factors for and against prosecution must be weighed.

### 5.4 Injunction

5.4.1 “Where a Local Planning Authority considers it necessary or expedient for any factual or apprehended breach of planning control to be restrained by injunction, they may apply to the court for an injunction, whether or not they have exercised or are proposing to exercise their other powers...”

5.4.2 The scope for obtaining an injunction is wider than for serving an enforcement notice as it may refer to an actual or “apprehended breach” and it is “personal” in that it relates to the activities of a person or persons rather than a use of land (although it is possible for it to be served against “persons unknown”).

5.4.3 The use of this legal tool is often limited to the most serious of cases where irreparable harm is being done and other options have failed. It is the most serious enforcement action as failure to comply with an injunction leads to a contempt of court and can lead to imprisonment. The Planning Practice Guidance advises its use as a last resort and only if there have been persistent breaches over a long period and other enforcement options have

been or would be ineffective. The Council will need to justify this action to the Court.

#### **5.5.1 Direct action and recovery of costs**

The Local Planning Authority can consider taking “default” action to secure compliance with the terms of an enforcement or other notice, carrying out the works specified in the “steps” required in the notice and then taking action to recover the costs from the owner of the land.

### **6.0 Other.**

#### **6.1 Powers of entry.**

6.1.1 Local Planning Authorities and Justices of the Peace can authorise named officers to enter land specifically for enforcement purposes. This right is limited to what is regarded as essential, in the particular circumstances, for effective enforcement of planning control.

- To ascertain whether there is or has been any breach of planning control on the land or any other land;
- To determine whether any of the local planning authority’s enforcement powers should be exercised in relation to the land, or any other land;
- To determine how any such power should be exercised; and
- To ascertain whether there has been compliance with any requirement arising from earlier enforcement action in relation to the land, or any other land.

#### **6.2 Retrospective planning application.**

6.2.1 A Local Planning Authority can invite a retrospective application to regularise the situation. It is important to note that:

- Although a Local Planning Authority may invite an application, it cannot be assumed that permission will be granted. Such an application must be considered in the normal way;
- An enforcement notice may also be issued in relation to other elements of the development.

#### **6.3 Planning enforcement order.**

6.3.1 Where a person deliberately conceals unauthorised development, the deception may not come to light until after the time limits for taking enforcement action have expired. A planning enforcement order enables an authority to take action in relation to an apparent breach of planning control notwithstanding that the time limits may have expired.

#### **6.4 Certificate of lawful use or development.**

6.4.1 An application for a certificate of lawful use or development can establish that an existing use of land, some operational development or some activity being carried out in breach of a planning condition is lawful for planning purposes and therefore no enforcement action may be taken. It does not give planning permission, but instead establishes the lawfulness of the use, activity or development.

## 6.5 **S215 Town and Country Planning Act 1990 (Untidy Land).**

6.5.1 A notice may be served under s215 of the Town and Country Planning Act where the Local Planning Authority considers that the amenity of part of their area is adversely affected by the condition of land. The notice sets out works to remedy the condition of the land, but can only require works that relate to the visual appearance as seen from public vantage points. No other works can be required as they would be deemed excessive and as a result the notice could fail in the event of any subsequent appeal. A period of at least 28 days must be given for the works to be carried out from when the notice is served. There is a right of appeal to the Magistrate's Court.

6.5.2 If the s215 notice is not complied with, the Local Planning Authority may enter the land and take the steps required by the notice and recover the cost of doing so from the landowner together with expenses reasonable incurred in doing so.

## 6.6 **Negotiation.**

6.6.1 Government guidance supports negotiation as the most appropriate initial resolution tool. Time may be given to remedy the breach or justify its retention. Such cases may be where there is little or no apparent harm and it is not so serious as to warrant immediate action or where it may be justified by some other benefit. It should not be allowed to delay formal action.

7.0 **A range of other powers are available to Local Planning Authorities to address unauthorised works to listed buildings, unauthorised advertisements and works to protected trees.**