

ENFORCEMENT PROTOCOL for Unauthorised windows / doors / satellite dishes - Listed Buildings

This protocol relates to unauthorised satellite dishes on listed buildings and unauthorised windows and external doors to listed buildings. The protocol sets out the course of action which will be taken based on the severity of the breach and time when the unauthorised works took place.

Windows / doors / satellite dishes which have been installed historically (before 11th February 2014):

1. The works are identified by or brought to the attention of the enforcement team.
2. A letter (UWD1) will be sent to the property owners bringing their attention to the unauthorised windows / doors / satellite dishes, stating the relevant legislation, the penalties, and what they are required to do. It will also require the owners to disclose the contents of the letter to new purchasers at the time of a sale. Where properties are held in Trust or are owned by a Company, officers will usually negotiate a date for completion of works before the issue of an enforcement notice.
3. The letter is a warning of the Council's ability to take enforcement action and to request that remedial work is conducted voluntarily. This will be entered as a Local Land Charge.
4. When a Local Land Charges Search is carried out / the enforcement team are aware the property is to be sold, a visit will be carried out to ascertain whether the unauthorised windows / doors / satellite dishes have been removed / replaced.
5. If a voluntary solution cannot be achieved, enforcement action will usually be taken in the form of a prosecution or the issue of an enforcement notice.

Comment [LG1]: The existing letter does not specify the penalties, but they have been inserted.
i.e. a criminal offence, liable on summary conviction to 6 months imprisonment and/or a £20,000, or on indictment, 2 years imprisonment and/or an unlimited fine. In relation to an enforcement notice, failure to comply can lead to the authority entering the land to conduct the works and recover the cost of doing so from the owner.

Windows and doors and satellite dishes which have been installed since the operative date of the protocol (on or after 11th February 2014):

1. The works are identified or brought to the attention of the enforcement team;
2. A visit will be undertaken by a member of the enforcement team, where evidence will be gathered;
3. A letter (UWD3) will be sent to the owner of the property, bringing to their attention the breach and how to rectify it. This letter will also include an RFI;
4. If a resolution is not reached within a reasonable timeframe, a listed building enforcement notice will be issued and or prosecution taken.

N.B. – A letter (UWD2) is to be sent to all local estate / letting agents and conveyancing solicitors advising of their responsibilities. It will be requested that a copy of the letter is provided to all customers who are purchasing / own a listed building.

N.B. – A leaflet identifying that the property is a listed building and the responsibilities and obligations of owners of listed building accompanies responses to local land charge searches submitted to the Council.

Please note, where other contraventions are noted, other than windows / doors / satellite dishes these will be dealt with on a case-by-case basis and immediate enforcement action will be considered.