

PRESS RELEASE

For immediate release

GET YOUR HOUSE IN ORDER TO KEEP YOUR ASSETS



Landowners in breach of planning permission could find themselves on the way to a hefty penalty in a way that probably never occurred to them.

After all, explains David Long, partner at BCM Rural Property Specialists in Newport, many people who ignore planning rules, or flout them in the hope of getting away with it, probably never view themselves as criminals.

However, David is at pains to point out that not everyone takes the same view, with the Proceeds of Crime Act (POCA) increasingly used to pursue those who breach planning regulations to seize the money they may have made from the breach.

“The PCOA may be something that most people associate with getting money for victims of bank robberies, drug dealing, or some type of fraudulent scam,” says David. “The reality is that the tentacles of this law can reach into the assets of a far wider group of people on behalf of various statutory bodies, planning authorities among them.

“Assets can be taken and sold to compensate ‘victims’, a description that is wide-ranging. Compensation obtained through the courts in this way can be more substantial than a fine with the added benefit for the planning authority that it could be in line for some of the money.

“Having assets seized could be enough to cripple some businesses. I would urge anyone who has circumvented the rules and hoped to get away with it, maybe by never applying for permission or going beyond what was originally permitted, to act to regularise what they have done and seek to get proper consent.

“For instance, landlords may have converted houses to accommodate more units than permitted while landowners may have taken the chance to open unauthorised car parks or site some caravans where they think they can’t be seen. Many have also converted buildings into commercial or residential developments without consent and will be subject to enforcement action. The income from these could be judged the proceeds of crime and seized – or the assets sold to recover them. Flouting planning law has suddenly become much more painful!

“Under the Home Office’s Asset Recovery Incentivisation Scheme (ARIS), the allocation of funds can be based on gross proceeds, which under POCA is far higher than normal court fines through standard enforcement action.

“I would strongly advise that any unlawful uses are regularised by planning consent, or lawful immunity is sought via a Certificate (CLEUD) if confident that the immunity period, which under current legislation can vary from four to 10 years, has passed.”





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For further information, please contact David Long, Isle of Wight office.
Call: +44(0)1983 828 800 Email: dlong@bcm.co.uk

