



## SOME DEFINITIONS ACCORDING TO TCPA

**Development** means carrying out of building, engineering, mining other operations in, on, over or under any land, and making of any material change in the use of any buildings or other land including any subdivision of land which is or is intended to be used for residential, commercial or industrial purposes.

**Building operations** includes rebuilding operations, structural alteration of or additions to buildings, and any excavations below ground level and any road works preliminary or incidental to the erection of buildings.

**Advertisement** means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of land employed or in part for the purposes of advertisement, announcement or direction, and without prejudice to forgoing provision includes hoardings or similar structure used or adapted for use for the display of advertisements, and references to the display of advertisement shall be construed accordingly.

## INSPECTIONS

Inspections are performed at different stages of an approved application such as those for setting outs, foundation walls, floors, stairs, roofs, septic tanks, soak always, drain fields, etc.

Inspections are normally carried out on a scheduled basis but it can also be effected on request by clients should the need arises.

For any additional information or clarification on matters concerning permits  
Contact the Planning Authority on (+248) 4674444 OR  
Email us at: [gserret@mluh.gov.sc](mailto:gserret@mluh.gov.sc) or [bjeanbaptiste@mluh.gov.sc](mailto:bjeanbaptiste@mluh.gov.sc)



PRODUCED BY

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# DEVELOPMENT CONTROL INFORMATION / GUIDE



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MINISTRY OF HABITAT, INFRASTRUCTURE AND  
LAND TRANSPORT

## WHAT IS DEVELOPMENT CONTROL?

The **Town and Country Planning Act (CAP 237)** provides for all works and operations defined as development to obtain permission prior to implementation.

Development Control is a process which regulates development and uses of land. It normally involves the consideration of *planning applications*, the monitoring of development as it takes place, enforcement action where unacceptable breaches of control have occurred, and the provision of information and advice about general planning matters and individual proposals. It is a process governed by law, and can be very complex.

## WHAT IS A PLANNING APPLICATION?

A planning application, also known as a development application or development proposal is when Planning Authority considers a request to use and/or develop land. Planning Authority consults various agencies and assess proposals or use against the objectives and provisions of available land use plan and development scheme, planning policies and other relevant requirements. Generally, planning assessment investigates whether the proposed development and/or use is appropriate for the subject location. The Planning Authority will issue a planning approval, in most cases with conditions, or a refusal of the application based on this assessment.

## WHAT IS ENFORCEMENT ACTION?

A breach of planning control occurs when "development" takes place without the necessary permission or deviates from approved permission and conditions. Examples include:

- Carrying out unauthorised operations or building works to a property.
- Changing the use of a property (for example, from a house to a shop) without planning permission.
- Unauthorised earth cuttings.

- Carrying out works to a 'listed' buildings without consent from the owners.
- The displaying of advertisement signs without Planning Authority permission.
- Felling or pruning of protected trees (trees that are the subject of a *Tree Preservation Order*).

A breach can also occur when permission has been granted for a specific development, but the works carried out do not conform to the approved plans /drawings or specified conditions.

## TAKING ACTION

When such breaches occur, the Planning Authority is obliged to consider whether action is justified and will take action if necessary. However, if breaches of planning control are not material, or if not considered as expedient, the Authority may decide to take no action but requests for same to be regularised.

The type of action taken will vary and will largely depend on the seriousness of the effects of the breach. The Authority has a wide range of powers available under the **Town and Country Planning Act**. Each case will be treated on its merits and initially solutions are sought through negotiations. Common buzzwords are

**'Stop Notice'** and **'Enforcement Notice'**.

**Failure to comply can lead to prosecution and a heavy fine.**

## ROLES AND DUTIES OF THE DEVELOPMENT CONTROL TEAM

- Ensures that the requirements of the building regulations and others provision of the **Town and Country Planning Act** are adequately fulfilled for all types of development and implementation of approved development are as per approval.
- Assess planning applications and return with recommendations.
- Monitor approved developments projects in strict accordance with Planning Authority approved conditions.

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- Investigate complaints arising from the general public.
- Take enforcement action on unauthorised works.
- Advise the general public on development control processes, safety and procedures.

## THE DEVELOPMENT CONTROL TEAM

The Development Control team in the Planning Authority is made up of a Director who is assisted by civil and structural engineers, and a series of development control officers.

## REPORTING BREACHES

Breaches of planning conditions or suspected unauthorised works may be reported to our Customer Centre on (+248) 4674612 or you could follow this link—<http://www.spa.gov.sc/planning-system/reporting-breaches>—for our Planning Complaints report form. Alternatively, you yourself can visit the Planning Authority Counter (*Below Independence House, Victoria, Mahe*)

When reporting a breach, please give your contact details. It is likely that we will need to contact you to clarify something or for you to supply further information. We will also keep you informed of the progress and let you know the outcome of the investigation. Your identity will be kept confidential.

Please also supply the following information wherever possible:

- the address, location and parcel number of the place where the breach is taking place and a description of the breach;
- if known, the name and address of the person or organisation responsible.

If appropriate, please include any relevant dates and times of specific incidents. You may supply evidence such as photographs.

All reports we receive of alleged breaches will be investigated and the identities of persons making allegations are not revealed to the parties under investigation.