



# Planning (Wales) Act 2015

2015 anaw 4

## PART 7

### ENFORCEMENT, APPEALS ETC

#### *Enforcement*

#### **43 Breach of planning control: enforcement warning notice**

- (1) TCPA 1990 is amended as follows.
- (2) After section 173 insert—

##### **“173ZA Enforcement warning notice: Wales**

- (1) This section applies where it appears to the local planning authority that—
  - (a) there has been a breach of planning control in respect of any land in Wales, and
  - (b) there is a reasonable prospect that, if an application for planning permission in respect of the development concerned were made, planning permission would be granted.
- (2) The authority may issue a notice under this section (an “enforcement warning notice”).
- (3) A copy of an enforcement warning notice is to be served—
  - (a) on the owner and the occupier of the land to which the notice relates, and
  - (b) on any other person having an interest in the land, being an interest that, in the opinion of the authority, would be materially affected by the taking of any further enforcement action.
- (4) The notice must—

*Changes to legislation: There are currently no known outstanding effects for the Planning (Wales) Act 2015, Cross Heading: Enforcement. (See end of Document for details)*

- (a) state the matters that appear to the authority to constitute the breach of planning control, and
  - (b) state that, unless an application for planning permission is made within a period specified in the notice, further enforcement action may be taken.
- (5) The issue of an enforcement warning notice does not affect any other power exercisable in respect of any breach of planning control.”
- (3) In section 171A, in subsection (2) (steps that constitute taking enforcement action), before “or” insert—
- “(aa) the issue of an enforcement warning notice (defined in section 173ZA);”.
- (4) In section 188 (register of enforcement and stop notices etc)—
- (a) in subsection (1), after paragraph (a) insert—
    - “(aa) to enforcement warning notices;”;
  - (b) in subsection (2), in paragraph (a), after “enforcement notice” insert “, enforcement warning notice;”.

**Annotations:**

**Commencement Information**

- I1** S. 43 partly in force; s. 43 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I2** S. 43 in force at 16.3.2016 in so far as not already in force by S.I. 2016/52, art. 5(c)

**44 Appeal against enforcement notice: deemed application for planning permission**

- (1) Section 177 of TCPA 1990 (grant or modification of planning permission on appeals against enforcement notices) is amended as follows.
- (2) In subsection (1C), for the words from the beginning to “subsection” substitute “Subsection”.
- (3) In subsection (5), for the words from the beginning to “in England and” substitute “Where—
- (a) an appeal against an enforcement notice is brought under section 174, and
  - (b)”.

**Annotations:**

**Commencement Information**

- I3** S. 44 partly in force; s. 44 in force for specified purposes at 6.9.2015, see s. 58(2)(b)(4)(b)
- I4** S. 44 in force at 16.3.2016 in so far as not already in force by S.I. 2016/52, art. 5(c) (with art. 14)

**Changes to legislation:**

There are currently no known outstanding effects for the Planning (Wales) Act 2015, Cross  
Heading: Enforcement.