

**PLANNING AMENDMENT
(NORTHERN IRELAND) ORDER 2003**

S.I. 2003 No. 430 (N.I. 8)

EXPLANATORY MEMORANDUM

COMMENTARY ON ARTICLES

Other changes relating to enforcement

Article 6 - Time limits on enforcement action

This Article simplifies the rules regarding the time period within which action may be taken in respect of breaches of planning control, by establishing two different limitation periods for enforcement action: -

- *The four year rule:* four years is the time allowed to the Department to take enforcement action where the breach comprises *either* operational development (the carrying out of unauthorised building, engineering, mining or other operations), or the *change of use to use as a single dwelling house*.
- *The ten-year rule:* this is the time allowed for all other breaches of planning control, and represents a significant change from the current position. Under the Planning (NI) Order 1991, an unauthorised change of use (other than to use as a single dwelling house) was immune from enforcement action only if it had been undertaken before 26 August 1974. Once this new provision comes into operation, immunity from enforcement action will automatically be conferred on all breaches of planning control that occurred between 26 August 1974 and the date ten years prior to the Order becoming law. Thereafter, immunity will accrue on a rolling basis.