



# Town and Country Planning Act 1968

## 1968 CHAPTER 72

### PART II

#### ENFORCEMENT OF PLANNING CONTROL

##### *Stop notices*

#### **19 Power to stop further development pending proceedings on enforcement notice.**

- (1) Where in respect of any land the local planning authority have served an enforcement notice, they may at any time before the notice takes effect serve a further notice (in this Act referred to as a "stop notice") referring to, and having annexed to it a copy of, the enforcement notice and prohibiting any person on whom the stop notice is served from carrying out or continuing any specified operations on the land, being operations either alleged in the enforcement notice to constitute a breach of planning control or so closely associated therewith as to constitute substantially the same operations.
- (2) The operations which may be the subject of a stop notice shall include the deposit of refuse or waste materials on land where that is a breach of planning control alleged in the enforcement notice.
- (3) A stop notice may be served by the local planning authority on any person who appears to them to have an interest in the land or to be concerned with the carrying out or continuance of any operations thereon.
- (4) A stop notice—
  - (a) shall specify the date (not earlier than three nor later than fourteen days from the day on which the notice is first served on any person) when it is to take effect;
  - (b) in relation to any person served with it, shall have effect as from that date or the third day after the date of service on him, whichever is the later; and
  - (c) shall, without prejudice to subsection (7) below, cease to have effect when the enforcement notice takes effect or is withdrawn or quashed.

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- (5) If while a stop notice has effect in relation to him a person carries out, or causes or permits to be carried out, any operations prohibited by the notice, he shall be guilty of an offence and liable on summary conviction to a fine of not more than £400, or on conviction on indictment to a fine; and if the offence is continued after conviction he shall be liable on summary conviction to a further fine of not more than £50 for every day on which it is continued, or on conviction on indictment to a further fine.
- (6) A stop notice shall not be invalid by reason that the enforcement notice to which it relates was not served as required by section 15(4) of this Act if it is shown that the local planning authority took all such steps as were reasonably practicable to effect proper service.
- (7) The local planning authority may at any time withdraw a stop notice (without prejudice to their power to serve another) by serving notice to that effect on persons who were served with the stop notice, which shall cease to have effect as from the date of service of the notice under this subsection.
- (8) Where a person (in this subsection called " the contractor ") is under contract to another person (in this subsection called " the developer ") to carry out any operations on land and—
- (a) a stop notice takes effect (whether in relation to the developer or the contractor, or both) prohibiting the carrying out or continuance of those operations; and
  - (b) the operations are countermanded or discontinued by the contractor accordingly,

then, unless and in so far as the contract makes provision explicitly to the contrary of this subsection, the developer shall be under the same liability in contract as if the operations had been countermanded or discontinued on instructions given by him in breach of the contract.

This subsection applies only to contracts entered into on or before the end of 1969, whether before or after the commencement of this section.

## **20 Compensation for loss due to stop notice.**

- (1) Where a stop notice ceases to have effect, a person who, at the time when it was first served, had an interest in the land to which it relates shall, in any of the circumstances mentioned in subsection (2) below, be entitled to be compensated by the local planning authority in respect of any loss or damage directly attributable to the prohibition contained in the notice.
- (2) A person shall be entitled to compensation under subsection (1) above in respect of a prohibition contained in a stop notice in any of the following circumstances :—
- (a) the enforcement notice is quashed on any of the grounds mentioned in paragraph (b), (c), (d) or (e) of section 16(1) above;
  - (b) the allegation in the enforcement notice on which the prohibition in the stop notice is dependent is not upheld by reason that the enforcement notice is varied on one of those grounds ;
  - (c) the enforcement notice is withdrawn by the local planning authority otherwise than in consequence of the grant by them of planning permission for the development to which the notice relates or for its retention or continuance without compliance with a condition or limitation subject to which a previous planning permission was granted ;

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- (d) the stop notice is withdrawn.
- (3) A prohibition in a stop notice shall be treated for the purposes of subsection (2) above as dependent on an allegation in an enforcement notice if and to the extent that the operations to which the prohibition in the stop notice relates are the same as those alleged in the enforcement notice to constitute a breach of planning control or are so closely associated therewith as to constitute substantially the same operations.
- (4) A claim for compensation under this section shall be made to the local planning authority within the time and in the manner prescribed by regulations under the principal Act.
- (5) The loss or damage in respect of which compensation is payable under this section in respect of a prohibition shall include a sum payable in respect of a breach of contract caused by the taking of action necessary to comply with the prohibition or of any liability arising by virtue of section 19(8) of this Act.