



Town and Country Planning Act 1971

1971 CHAPTER 78

PART V

ENFORCEMENT OF CONTROL UNDER PARTS III AND IV

Waste land

104 Penalty for non-compliance with notice as to waste land

- (1) The provisions of this section shall have effect where a notice has been served under section 65 of this Act, and the period within which the steps required by the notice are to be taken has expired.
- (2) If at any time after the end of that period any of those steps have not been taken, and any person does anything which has the effect of continuing or aggravating the injury caused by the condition of the land to which the notice relates, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

105 Appeal to magistrates' court against notice as to waste land

- (1) A person on whom a notice under section 65 of this Act is served, or any other person having an interest in the land to which the notice relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal against the notice on any of the following grounds—
 - (a) that the condition of the land to which the notice relates does not seriously injure the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area ;
 - (b) that the condition of the land to which the notice relates is attributable to, and such as results in the ordinary course of events from, the carrying on of operations or a use of land which is not in contravention of Part III of this Act;
 - (c) that the land to which the notice relates does not constitute a garden, vacant site or other open land in the area of the local planning authority who served the notice;

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- (d) that the requirements of the notice exceed what is necessary for preventing the condition of the land from seriously injuring the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area ;
 - (e) that the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed.
- (2) Any appeal under this section shall be made to a magistrates' court acting for the petty sessions area in which the land in question is situated.
 - (3) Where an appeal is brought under this section, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.
 - (4) On an appeal under this section the magistrates' court may correct any informality, defect or error in the notice if satisfied that the informality, defect or error is not material.
 - (5) On the determination of an appeal under this section the magistrates' court shall give directions for giving effect to their determination, including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellant.

106 Further appeal to the Crown Court

Where an appeal has been brought under section 105 of this Act, an appeal against the decision of the magistrates' court thereon may be brought to the Crown Court by the appellant or by the local planning authority.

107 Execution and cost of works required by notice as to waste land

- (1) If, within the period specified in a notice under section 65 of this Act in accordance with subsection (1) of that section, or within such extended period as the local planning authority may allow, any steps required by the notice to be taken have not been taken, the local planning authority may enter the land and take those steps, and may recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.
- (2) Any expenses incurred by the owner or occupier of any land for the purpose of complying with a notice under section 65 of this Act, and any sums paid by the owner of any land under subsection (1) of this section in respect of expenses incurred by the local planning authority in taking steps required by such a notice to be taken, shall be deemed to be incurred or paid for the use and at the request of the person who caused or permitted the land to come to be in the condition in which it was when the notice was served.
- (3) The provisions of section 91(3) and (4) of this Act shall apply in relation to a notice under section 65 of this Act as they apply in relation to an enforcement notice; and regulations made by virtue of this subsection may provide for the charging on the land of any expenses recoverable by a local authority under subsection (1) of this section.