



Town and Country Planning Act 1971

1971 CHAPTER 78

PART V

ENFORCEMENT OF CONTROL UNDER PARTS III AND IV

Development requiring planning permission

87 Power to serve enforcement notice

- (1) Where it appears to the local planning authority that there has been a breach of planning control after the end of 1963, then, subject to any directions given by the Secretary of State and to the following provisions of this section, the authority, if they consider it expedient to do so having regard to the provisions of the development plan and to any other material considerations, may serve a notice under this section (in this Act referred to as an "enforcement notice") requiring the breach to be remedied.
- (2) There is a breach of planning control if development has been carried out, whether before or after the commencement of this Act, without the grant of planning permission required in that behalf in accordance with Part III of the Act of 1962 or Part III of this Act, or if any conditions or limitations subject to which planning permission was granted have not been complied with.
- (3) Where an enforcement notice relates to a breach of planning control consisting in—
 - (a) the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land ; or
 - (b) the failure to comply with any condition or limitation which relates to the carrying out of such operations and subject to which planning permission was granted for the development of that land ; or
 - (c) the making without planning permission of a change of use of any building to use as a single dwellinghouse,

it may be served only within the period of four years from the date of the breach.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (4) An enforcement notice shall be served on the owner and on the occupier of the land to which it relates and on any other person having an interest in that land, being an interest which in the opinion of the authority is materially affected by the notice.
- (5) Where planning permission has effect subject to a condition to which section 82 of this Act applies, and by reason of anything done in a particular part of a building that condition is contravened, any enforcement notice relating to the contravention shall be taken to be served on the owner and on the occupier of the land to which it relates if it is served on the owner and on the occupier of that part of the building, whether it is also served on any other person or not.
- (6) An enforcement notice shall specify—
 - (a) the matters alleged to constitute a breach of planning control;
 - (b) the steps required by the authority to be taken in order to remedy the breach, that is to say steps for the purpose of restoring the land to its condition before the development took place or (according to the particular circumstances of the breach) of securing compliance with the conditions or limitations subject to which planning permission was granted; and
 - (c) the period for compliance with the notice, that is to say the period (beginning with the date when the notice takes effect) within which those steps are required to be taken.
- (7) The steps which may be required by an enforcement notice to be taken include the demolition or alteration of any buildings or works, the discontinuance of any use of land, or the carrying out on land of any building or other operations.
- (8) Subject to section 88 of this Act, an enforcement notice shall take effect at the end of such period, not being less than twenty-eight days after the service of the notice, as may be specified in the notice.
- (9) The local planning authority may withdraw an enforcement notice (without prejudice to their power to serve another) at any time before it takes effect; and, if they do so, they shall forthwith give notice of the withdrawal to every person who was served with the notice.