



Planning and Compensation Act 1991

1991 CHAPTER 34

PART I

TOWN AND COUNTRY PLANNING: ENGLAND AND WALES

Other changes relating to enforcement

9 Stop notices.

(1) For section 183(1) to (5) of the principal Act (stop notices) there is substituted—

- “(1) Where the local planning authority consider it expedient that any relevant activity should cease before the expiry of the period for compliance with an enforcement notice, they may, when they serve the copy of the enforcement notice or afterwards, serve a notice (in this Act referred to as a “stop notice”) prohibiting the carrying out of that activity on the land to which the enforcement notice relates, or any part of that land specified in the stop notice.
- (2) In this section and sections 184 and 186 “relevant activity” means any activity specified in the enforcement notice as an activity which the local planning authority require to cease and any activity carried out as part of that activity or associated with that activity.
- (3) A stop notice may not be served where the enforcement notice has taken effect.
- (4) A stop notice shall not prohibit the use of any building as a dwellinghouse.
- (5) A stop notice shall not prohibit the carrying out of any activity if the activity has been carried out (whether continuously or not) for a period of more than four years ending with the service of the notice; and for the purposes of this subsection no account is to be taken of any period during which the activity was authorised by planning permission.
- (5A) Subsection (5) does not prevent a stop notice prohibiting any activity consisting of, or incidental to, building, engineering, mining or other operations or the deposit of refuse or waste materials.”

*Changes to legislation: There are currently no known outstanding effects for the
 Planning and Compensation Act 1991, Section 9. (See end of Document for details)*

(2) For section 184(3) of that Act (date on which stop notice takes effect) there is substituted—

“(3) That date—

- (a) must not be earlier than three days after the date when the notice is served, unless the local planning authority consider that there are special reasons for specifying an earlier date and a statement of those reasons is served with the stop notice; and
- (b) must not be later than twenty-eight days from the date when the notice is first served on any person.”

(3) For section 186(5) of that Act (matters relevant to compensation) there is substituted—

“(5) No compensation is payable under this section—

- (a) in respect of the prohibition in a stop notice of any activity which, at any time when the notice is in force, constitutes or contributes to a breach of planning control; or
- (b) in the case of a claimant who was required to provide information under section 171C or 330 or section 16 of the ^{M1}Local Government (Miscellaneous Provisions) Act 1976, in respect of any loss or damage suffered by him which could have been avoided if he had provided the information or had otherwise co-operated with the local planning authority when responding to the notice.”

(4) For section 187(1) and (2) of that Act (offences and penalties) there is substituted—

“(1) If any person contravenes a stop notice after a site notice has been displayed or the stop notice has been served on him he shall be guilty of an offence.

(1A) An offence under this section may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under this section by reference to any period of time following the preceding conviction for such an offence.

(1B) References in this section to contravening a stop notice include causing or permitting its contravention.

(2) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction, to a fine not exceeding £20,000; and
- (b) on conviction on indictment, to a fine.

(2A) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.”

Commencement Information

I1 S. 9 wholly in force at 2.1.1992 see s. 84(2)(3) and S.I. 1991/2905, arts. 3, 5

Marginal Citations

M1 1976 c. 57.

Changes to legislation:

There are currently no known outstanding effects for the Planning and Compensation Act 1991, Section 9.