

Status: This version of this provision is prospective.

Changes to legislation: Levelling-up and Regeneration Act 2023, Section 117 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 3

PLANNING

CHAPTER 5

ENFORCEMENT OF PLANNING CONTROLS

PROSPECTIVE

117 Enforcement warning notices

- (1) TCPA 1990 is amended as follows.
- (2) In section 171A (expressions used in connection with enforcement), in subsection (2)
—
 - (a) before paragraph (a) insert—
 - “(za) the issue of an enforcement warning notice in relation to land in England under section 172ZA;”;
 - (b) in paragraph (aa), for “(defined in section 173ZA)” substitute “in relation to land in Wales under section 173ZA”.
- (3) Before section 172A insert—

“172ZA Enforcement warning notice: England

- (1) The local planning authority may issue a notice (an “enforcement warning notice”) where it appears to them that—
 - (a) there has been a breach of planning control in respect of any land in England, and

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- (b) there is a reasonable prospect that, if an application for planning permission in respect of the development concerned were made, planning permission would be granted.
- (2) The notice must—
 - (a) state the matters that appear to the authority to constitute the breach of planning control, and
 - (b) state that, unless an application for planning permission is made within a period specified in the notice, further enforcement action may be taken.
- (3) A copy of the notice must be served—
 - (a) on the owner and the occupier of the land to which it relates, and
 - (b) on any other person having an interest in the land, being an interest that, in the opinion of the authority, would be materially affected by the taking of any further enforcement action.
- (4) The issue of an enforcement warning notice does not affect any other power exercisable in respect of any breach of planning control.”
- (4) In section 188 (register of enforcement and stop notices and other enforcement action) in subsection (1)—
 - (a) after paragraph (za) insert—
 - “(zb) to enforcement warning notices under section [172ZA](#) (enforcement warning notice: England),”;
 - (b) in paragraph (aa), at the end insert “under section [173ZA](#) (enforcement warning notice: Wales)”.
- (5) In that section, in subsection (2)—
 - (a) in paragraph (a), for “enforcement warning notice” substitute “enforcement warning notice under section [172ZA](#) or [173ZA](#)”;
 - (b) in paragraph (b), after “enforcement notices” insert “and enforcement warning notices under section [172ZA](#)”.

Commencement Information

II S. 117 not in force at Royal Assent, see [s. 255\(3\)\(b\)](#)

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Changes and effects yet to be applied to :

- s. 117 coming into force by [S.I. 2024/452 reg. 3\(d\)](#)