
STATUTORY INSTRUMENTS

2010 No. 105

The Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010

Application of the Public Health Act 1936 to notices of unauthorised development, etc, England and Wales

5.—(1) The provisions of sections 276 (power of local authority to sell certain materials), 289 (power to require occupier to permit work to be executed by owner) and 294 (limitation of liability of certain owners) of the Public Health Act 1936⁽¹⁾, shall apply in England and Wales in relation to steps required to be taken by a notice of unauthorised development⁽²⁾, as if—

- (a) references to a local authority were references to the local planning authority who issued the notice of unauthorised development;
- (b) references (in whatever form) to the execution of works under the Public Health Act 1936 were references to the taking of steps required to be taken under the notice of unauthorised development;
- (c) references in section 289 to the occupier were references to a person having an interest in the premises other than the owner; and
- (d) reference in section 294 to “expenses under this Act” were a reference to expenses incurred in the taking of such steps as aforesaid.

(2) The expenses recoverable by a local planning authority under section 170(1) of the Act are, until recovered, a charge that is binding on successive owners of the land to which the notice of unauthorised development related and the charge shall take effect as from the date of the completion by the local planning authority of the steps required to be taken by the notice of unauthorised development.

(1) 1936 c.49.

(2) See section 169 for definition of “notice of unauthorised development”.