



Town and Country Planning Act 1971

1971 CHAPTER 78

PART XII

VALIDITY OF PLANNING INSTRUMENTS AND DECISIONS AND PROCEEDINGS RELATING THERETO

243 Validity of enforcement notices and similar notices

- (1) Subject to the provisions of this section—
- (a) the validity of an enforcement notice shall not, except by way of an appeal under Part V of this Act, be questioned in any proceedings whatsoever on any of the grounds specified in section 88 (1)(b) to (e) of this Act;
 - (b) the validity of a listed building enforcement notice shall not, except by way of an appeal under Part V of this Act, be questioned in any proceedings whatsoever on any of the grounds specified in section 97(1) (b) or (e) of this Act.
- (2) Subsection (1)(a) of this section shall not apply to proceedings brought under section 89(5) of this Act against a person who—
- (a) has held an interest in the land since before the enforcement notice was served under Part V of this Act; and
 - (b) did not have the enforcement notice served on him thereunder; and
 - (c) satisfies the court that—
 - (i) he did not know and could not reasonably have been expected to know that the enforcement notice had been served ; and
 - (ii) his interests have been substantially prejudiced by the failure to serve him.
- (3) Subject to subsection (4) of this section, the validity of a notice which has been served under section 65 of this Act on the owner and occupier of the land shall not, except by way of an appeal under Part V of this Act, be questioned in any proceedings whatsoever on any of the grounds specified in section 105(1)(a) to (c) of this Act.

*Status: This is the original version (as it was originally enacted).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

- (4) Subsection (3) of this section shall not apply to proceedings brought under section 104 of this Act against a person on whom the notice referred to in that subsection was not served, but who has held an interest in the land since before that notice was served on the owner and occupier of the land, if he did not appeal against the notice under Part V of this Act.
- (5) The validity of a notice purporting to be an enforcement notice shall not depend on whether any non-compliance to which the notice relates was a non-compliance with conditions, or with limitations, or with both; and any reference in such a notice to non-compliance with conditions or limitations (whether both expressions are used in the notice or only one of them) shall be construed as a reference to non-compliance with conditions, or with limitations, or both with conditions and limitations, as the case may require.