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SCHEDULES

SCHEDULE 12

OFFICE DEVELOPMENT IN METROPOLITAN REGION: PLANNING PERMISSION GRANTED BEFORE PASSING OF ACT OF 1965

Enforcement notices

- 4 (1) This paragraph applies to any enforcement notice which—
- (a) relates to the carrying out of development consisting of or including the erection or extension of a building on land in Greater London ; and
 - (b) states that it is served on the grounds that, notwithstanding that planning permission for that development was granted before 5th August 1965, the development is by virtue of paragraph 1(4) of this Schedule deemed to have been carried out without the grant of planning permission.
- (2) An enforcement notice to which this paragraph applies shall not be served except by the Secretary of State or in pursuance of directions given by the Secretary of State under section 276(5) of this Act.
- (3) An enforcement notice to which this paragraph applies—
- (a) may be served on any person who, in pursuance of a building contract to which he is a party, is engaged in carrying out operations for the erection or extension of the building in question, in addition to any other persons on whom (by virtue of section 87(4) of this Act) the notice is required or authorised to be served;
 - (b) may require any such operations to be discontinued forth with, either instead of, or in addition to, any other steps which (in accordance with section 87(6) (b) and (7) of this Act) may be required by the notice to be taken.
- (4) In so far as an enforcement notice to which this paragraph applies requires any operations to be discontinued forthwith—
- (a) the notice, notwithstanding anything in section 87(8) of this Act, shall take effect immediately on its being served; and
 - (b) section 88(3) of this Act shall not apply to the notice ;
- but nothing in this sub-paragraph shall affect the operation of section 87(8) or 88(3) of this Act in relation to such a notice in so far as the notice requires any other steps to be taken.
- (5) An enforcement notice to which this paragraph applies shall specify a period (not being less than twenty-eight days after the service thereof) within which an appeal may be brought against the notice ; and in relation to such a notice section 88(1) of this Act shall have effect with the substitution, for the words " the period at the end of which it is to take effect " , of the words " the period within which an appeal may be brought against the notice."

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- (6) In relation to any enforcement notice to which this section applies, the grounds on which an appeal may be brought under section 88 of this Act shall not include those specified in paragraphs (a) and (b) of subsection (1) of that section, but shall include the grounds specified in sub-paragraph (7) of this paragraph ; and the grounds specified in that sub-paragraph shall be deemed to be included among those mentioned in section 243(1)(a) of this Act.
- (7) The grounds referred to in sub-paragraph (6) of this paragraph are the following—
- (a) that the development to which the enforcement notice relates does not consist of or include the erection on land in Greater London of a building containing office premises, or the extension of a building on land in Greater London by the addition of office premises ;
 - (b) that a building was erected before 5th November 1964, or (as the case may be) the building in question was before that date extended, in accordance with planning permission for the development to which the enforcement notice relates ;
 - (c) that a building contract was made before that date which specifically related to the land, or part of the land, in respect of which planning permission was granted for the development to which the enforcement notice relates and which provided for the erection thereon of such a building as is mentioned in paragraph (a) of this sub-paragraph, or for the making of such an extension as is mentioned in that paragraph, in accordance with that planning permission ;
 - (d) that the office floor space to be created by the development to which the enforcement notice relates does not exceed 3,000 square feet;
 - (e) that an industrial development certificate was required for development consisting of or including the development to which the enforcement notice relates and that such a certificate was issued in respect of it by the Board of Trade.
- (8) Where an enforcement notice to which this paragraph applies requires any operations to be discontinued, any person on whom the notice has been served who continues those operations, or causes or permits them to be continued, in contravention of the notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- (9) If, after a person has been convicted of an offence under sub-paragraph (8) of this paragraph, he further continues the operations (whether immediately or after an interval) in contravention of the notice, or causes or permits them to be so continued, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £20 for each day on which he so continues the operations or causes or permits them to be so continued.
- (10) Where an enforcement notice to which this paragraph applies has been served, and either of the following events occurs, that is to say—
- (a) an office development permit is issued in respect of the development to which the notice relates ; or
 - (b) planning permission for any development of the land to which the notice relates is granted authorising (either unconditionally or subject to conditions) the operations to which the notice relates to be continued,
- the enforcement notice shall not have effect in so far as it would prevent or restrict the doing of anything after that event occurs.