



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART VII

#### ENFORCEMENT

##### *Enforcement notices*

#### **172 Power to issue enforcement notice**

- (1) Where—
  - (a) it appears to the local planning authority that there has been a breach of planning control after the end of 1963; and
  - (b) the authority consider it expedient to do so having regard to the provisions of the development plan and to any other material considerations,they may issue a notice requiring the breach to be remedied.
- (2) A notice under this section is referred to in this Act as an “enforcement notice”.
- (3) There is a breach of planning control—
  - (a) if development has been carried out, whether before or after the commencement of this Act, without the grant of the planning permission required for that development in accordance with Part III (or, as the case may be, Part III of the 1962 Act or Part III of the 1971 Act); or
  - (b) if any conditions or limitations subject to which planning permission was granted have not been complied with.
- (4) An enforcement notice which relates to a breach of planning control consisting in—
  - (a) the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land; or
  - (b) the failure to comply with any condition or limitation which relates to the carrying out of such operations and subject to which planning permission was granted for the development of that land; or

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*Status: This is the original version (as it was originally enacted).*

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- (c) the making without planning permission of a change of use of any building to use as a single dwellinghouse; or
  - (d) the failure to comply with a condition which prohibits or has the effect of preventing a change of use of a building to use as a single dwellinghouse,
- may be issued only within the period of four years from the date of the breach.
- (5) Subject to section 175(4), an enforcement notice shall take effect on a date specified in it (in this Part referred to as the “specified date”).
  - (6) A copy of an enforcement notice shall be served not later than 28 days after the date of its issue and not later than 28 days before the specified date—
    - (a) on the owner and on the occupier of the land to which it relates; and
    - (b) on any other person having an interest in that land, which in the opinion of the authority is an interest materially affected by the notice.
  - (7) The local planning authority may withdraw an enforcement notice (without prejudice to their powers to issue another) at any time before it takes effect.
  - (8) If they do so, they shall immediately give notice of the withdrawal to every person who was served with a copy of the notice.