



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VII

ENFORCEMENT

^{F1} Certificate of lawful use or development

^{F2}^{F1}191 Certificate of lawfulness of existing use or development.

- (1) If any person wishes to ascertain whether—
 - (a) any existing use of buildings or other land is lawful;
 - (b) any operations which have been carried out in, on, over or under land are lawful; or
 - (c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.
- (2) For the purposes of this Act uses and operations are lawful at any time if—
 - (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
 - (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.
- (3) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if—
 - (a) the time for taking enforcement action in respect of the failure has then expired; and
 - (b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

Changes to legislation: Town and Country Planning Act 1990, Section 191 is up to date with all changes known to be in force on or before 18 September 2023. 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

- [In determining for the purposes of this section whether the time for taking enforcement
- ^{F3}(3A) action in respect of a matter has expired, that time is to be taken not to have expired if—
- (a) the time for applying for an order under section 171BA(1) (a “planning enforcement order”) in relation to the matter has not expired,
 - (b) an application has been made for a planning enforcement order in relation to the matter and the application has neither been decided nor been withdrawn, or
 - (c) a planning enforcement order has been made in relation to the matter, the order has not been rescinded and the enforcement year for the order (whether or not it has begun) has not expired.]
- (4) If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.
- (5) A certificate under this section shall—
- (a) specify the land to which it relates;
 - (b) describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);
 - (c) give the reasons for determining the use, operations or other matter to be lawful; and
 - (d) specify the date of the application for the certificate.
- (6) The lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed.
- (7) A certificate under this section in respect of any use shall also have effect, for the purposes of the following enactments, as if it were a grant of planning permission—
- (a) section 3(3) of the ^{M1}Caravan Sites and Control of Development Act 1960 [^{F4}or section 7(1) of the Mobile Homes (Wales) Act 2013;]
 - (b) section 5(2) of the ^{M2}Control of Pollution Act 1974; and
 - (c) section 36(2)(a) of the ^{M3}Environmental Protection Act 1990.]

Textual Amendments

- F1** Ss. 191 - 194 substituted (25.11.1991 for certain purposes and otherwise 27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [s. 10\(1\)](#) (with [s. 84\(5\)](#)); [S.I. 1991/2728](#), [art.2](#); [S.I. 1992/1630](#), [art. 2](#) (with [art. 3\(1\)\(2\)](#))
- F2** S. 191 substituted (25.11.1991 for certain purposes and otherwise 27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [s. 10\(1\)](#) (with [s. 84\(5\)](#)); [S.I. 1991/2728](#), [art.2](#); [S.I. 1992/1630](#), [art. 2](#) (with [art. 3\(1\)\(2\)](#))
- F3** S. 191(3A) inserted (6.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 124\(3\)](#), [240\(2\)](#) (with [s. 144](#)); [S.I. 2012/628](#), [art. 8\(b\)](#) (with [arts. 9, 12, 13, 16, 18-20](#)) (as amended (3.8.2012) by [S.I. 2012/2029](#), [arts. 2, 4](#))
- F4** Words in [s. 191\(7\)\(a\)](#) inserted (5.11.2013) by [Mobile Homes \(Wales\) Act 2013 \(anaw 6\)](#), [s. 64\(1\)](#), [Sch. 4 para. 6\(3\)](#) (with [Sch. 5 para. 7](#)) (this amendment is to be treated as not having effect until 1.10.2014 by virtue of [S.I. 2014/11](#), [art. 3\(2\)](#))

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Modifications etc. (not altering text)

- C1** S. 191: power to apply conferred (10.11.1993) by 1993 c. 28, [s. 171\(4\)\(a\)](#); S.I. 1993/2762, [art. 3](#)
C2 S. 191 modified (1.8.2000) by [S.I. 2000/1973](#), [reg. 10\(3\)](#) (with [reg. 10\(14\)](#))
C3 S. 191(4): functions of local authority not to be responsibility of an executive of the authority (E.)
(16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#)
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Marginal Citations

- M1** [1960 c. 62.](#)
M2 [1974 c. 40.](#)
M3 [1990 c. 43.](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2023 asc 3 s. 79\(2\)](#)
- Act applied by [2023 asc 3 s. 83\(4\)](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(b\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 69(1)(e) inserted by [2021 c. 30 Sch. 14 para. 3\(3\)\(a\)](#)
- s. 69(1)(cza) inserted by [2015 c. 7 Sch. 4 para. 8\(2\)](#)
- s. 70(3)(ca) inserted in earlier affecting provision 2016 c. 22, s. 5(8) by [2023 asc 3 Sch. 13 para. 194](#)
- s. 70(3A) inserted by [2017 c. 20 Sch. 3 para. 2](#)
- s. 73(2B)-(2D) inserted by [2021 c. 30 Sch. 14 para. 3\(5\)](#)
- s. 74A(2A) inserted by [2021 c. 30 Sch. 14 para. 3\(6\)](#)
- s. 75ZA and cross-heading inserted by [2016 c. 22 s. 155](#)
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(1A)-(1C) inserted by [2004 c. 5 s. 45\(2\)](#)
- s. 83(2)-(2B) amendment to earlier affecting provision 2004 c. 5, s. 45(3) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(2)-(2B) substituted for s. 83(2) by [2004 c. 5 s. 45\(3\)](#)
- s. 83(4) inserted by [2004 c. 5 s. 45\(4\)](#)
- s. 84(5) inserted by [2021 c. 30 Sch. 14 para. 3\(8\)](#)
- s. 85(1A) inserted by [2004 c. 5 s. 45\(6\)](#)
- s. 88(3A) inserted by [2021 c. 30 Sch. 14 para. 3\(9\)](#)
- s. 90A and cross-heading inserted by [2021 c. 30 Sch. 14 para. 1](#)
- s. 93(5)(6) inserted by [2017 c. 20 Sch. 3 para. 6](#)
- s. 96A(3A) inserted by [2021 c. 30 Sch. 14 para. 3\(10\)](#)
- s. 97(7)(8) inserted by [2021 c. 30 Sch. 14 para. 3\(11\)](#)
- s. 106A(6A) inserted by [2021 c. 30 Sch. 14 para. 3\(14\)](#)
- s. 106ZA inserted by [2016 c. 22 s. 158\(1\)](#)
- s. 106ZB inserted by [2016 c. 22 s. 159\(1\)](#)
- s. 108(1A)(1B) inserted by [2015 c. 7 Sch. 4 para. 15\(4\)](#)
- s. 108(3A) inserted by [2004 c. 5 Sch. 6 para. 6](#)
- s. 108(3B)(ba) inserted by [2015 c. 7 Sch. 4 para. 15\(6\)](#)
- s. 108(3DA) inserted by [2015 c. 7 Sch. 4 para. 15\(7\)](#)
- s. 141(6) inserted by [2017 c. 20 Sch. 3 para. 7](#)
- s. 169(1)(a) words renumbered as s. 169(1)(a) by [2017 c. 20 s. 26\(5\)\(a\)](#)
- s. 169(1)(b) inserted by [2017 c. 20 s. 26\(5\)\(b\)](#)
- s. 170(8BA) inserted by [2017 c. 20 s. 26\(6\)](#)
- s. 196(1A) inserted by [2008 c. 29 Sch. 10 para. 8\(2\)](#)
- s. 208(5A) inserted by [2008 c. 29 Sch. 10 para. 9\(2\)](#)
- s. 303(1ZZA) inserted by [2023 asc 3 Sch. 13 para. 87](#)
- s. 303(10A) inserted by [2015 c. 7 Sch. 4 para. 19\(3\)](#)
- s. 303(12) inserted by [2015 c. 7 Sch. 4 para. 19\(4\)](#)
- s. 314A inserted by [2023 asc 3 Sch. 13 para. 90](#)
- s. 333(3AA) inserted by [2021 c. 30 Sch. 14 para. 3\(15\)](#)
- s. 333(3ZB) inserted by [2016 c. 22 s. 159\(2\)](#)
- Sch. 4B para. 11(3)-(5) inserted by [2017 c. 20 s. 7](#)

- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by [2011 c. 20 Sch. 8 para. 14\(7\)](#)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by [2004 c. 5 s. 45\(9\)](#)
- Sch. 7A inserted by [2021 c. 30 Sch. 14 para. 2](#)
- Sch. 9A inserted by [2016 c. 22 Sch. 13](#)
- Sch. 13 para. 24A inserted by [2017 c. 20 s. 26\(7\)](#)