



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VII

ENFORCEMENT

[^{F1}Conservation areas

[^{F1}196D Offence of failing to obtain planning permission for demolition of unlisted etc buildings in conservation areas in England]

- (1) It is an offence for a person to carry out or cause or permit to be carried out relevant demolition without the required planning permission.
- (2) It is also an offence for a person to fail to comply with any condition or limitation subject to which planning permission for relevant demolition is granted.
- (3) In this section “relevant demolition” means the demolition of a building that—
 - (a) is situated in a conservation area in England; and
 - (b) is not a building to which section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply by virtue of section 75 of that Act (listed buildings, certain ecclesiastical buildings, scheduled monuments and buildings described in a direction of the Secretary of State under that section).
- (4) It is a defence for a person accused of an offence under this section to prove the following matters—
 - (a) that the relevant demolition was urgently necessary in the interests of safety or health;
 - (b) that it was not practicable to secure safety or health by works of repair or works for affording temporary support or shelter;
 - (c) that the relevant demolition was the minimum measure necessary; and
 - (d) that notice in writing of the relevant demolition was given to the local planning authority as soon as reasonably practicable.

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- (5) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding [F²the general limit in a magistrates' court] or a fine or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.
- (6) In relation to an offence committed before [F³2 May 2022], subsection (5)(a) has effect as if the reference to [F⁴the general limit in a magistrates' court] were to 6 months.
- (7) In relation to an offence committed before the coming into force of section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, subsection (5)(a) has effect as if the reference to a fine were a reference to a fine not exceeding £20,000.
- (8) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court must in particular have regard to any financial benefit which has accrued or appears likely to accrue to that person in consequence of the offence.
- (9) Where, after a person commits an offence under this section, planning permission is granted for any development carried out before the grant of the permission, that grant does not affect the person's liability for the offence.]

Textual Amendments

- F1 S. 196D and cross-heading inserted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 17 para. 6; S.I. 2013/2227, art. 2\(m\)](#)
- F2 Words in s. 196D(5)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\), regs. 1\(2\), 2\(1\), Sch. Pt. 1](#)
- F3 Words in s. 196D(6) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\), regs. 1\(2\), 5\(1\), Sch. Pt. 1](#)
- F4 Words in s. 196D(6) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\), regs. 1\(2\), 2\(1\), Sch. Pt. 1](#)

Modifications etc. (not altering text)

- C1 S. 196D transitional provisions for effects of 2003 c. 24, s. 63, Sch. 17 paras. 1-6 (2.10.2013) by [The Town and Country Planning \(Isles of Scilly\) Order 2013 \(S.I. 2013/2148\), arts. 1\(1\), 5\(4\)\(b\)](#)

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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. 7(3) inserted by [2023 c. 55 Sch. 17 para. 2\(2\)](#)
- s. 7A(6) inserted by [2023 c. 55 Sch. 17 para. 2\(4\)](#)
- s. 7ZA inserted by [2023 c. 55 Sch. 17 para. 2\(3\)](#)
- s. 58B and cross-heading inserted by [2023 c. 55 s. 102\(1\)](#)
- s. 59A(3)(ba) inserted by [2023 c. 55 Sch. 8 para. 4\(b\)](#)
- s. 62(2A)(za) inserted by [2023 c. 55 s. 124\(2\)](#)
- s. 62B(5)(ca) inserted by [2023 c. 55 Sch. 17 para. 2\(5\)](#)
- s. 69(1)(g) inserted by [2023 c. 55 s. 111\(4\)\(a\)](#)
- s. 69(2)(d) inserted by [2023 c. 55 s. 111\(4\)\(b\)](#)
- s. 70(2)(azb) inserted by [2023 c. 55 Sch. 6 para. 3\(a\)](#)
- 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. 70A(5A) inserted by [2023 c. 55 Sch. 6 para. 4\(a\)](#)
- s. 70A(10)(11) inserted by [2023 c. 55 s. 110\(4\)\(b\)](#)
- s. 70B(5A)(5B) inserted by [2023 c. 55 s. 110\(5\)\(b\)](#)
- s. 73B inserted by [2023 c. 55 s. 110\(2\)](#)
- s. 74(1C)(aa) inserted by [2023 c. 55 Sch. 6 para. 5\(b\)](#)
- 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. 85(1A) inserted by [2004 c. 5 s. 45\(6\)](#)
- s. 93(5)(6) inserted by [2017 c. 20 Sch. 3 para. 6](#)
- s. 93G and cross-heading inserted by [2023 c. 55 s. 111\(2\)](#)
- s. 94(1)(e) and word inserted by [2023 c. 55 Sch. 9 para. 1\(15\)](#)
- s. 102(1A) inserted by [2023 c. 55 Sch. 6 para. 9\(b\)](#)
- s. 106A(9A) inserted by [2023 c. 55 s. 125](#)
- s. 106ZA inserted by [2016 c. 22 s. 158\(1\)](#)
- s. 106ZB inserted by [2016 c. 22 s. 159\(1\)](#)
- s. 106ZB(2)(a) omitted by [2023 c. 55 s. 130\(3\)\(b\)](#)
- 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(3B)(ba) word omitted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(i\)](#)
- s. 108(3B)(bb) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(ii\)](#)
- s. 108(3DA) inserted by [2015 c. 7 Sch. 4 para. 15\(7\)](#)
- s. 108(3DB) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(e\)](#)
- s. 141(6) inserted by [2017 c. 20 Sch. 3 para. 7](#)
- s. 153(4A)(c) excluded by [S.I. 2024/393 art. 34\(3\)](#)

- s. 157(A1) inserted by [2023 c. 55 s. 190\(5\)](#)
- 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. 171A(2)(za) inserted by [2023 c. 55 s. 117\(2\)\(a\)](#)
- s. 171B(1)(a)(b) substituted for words by [2023 c. 55 s. 115\(1\)](#)
- s. 171B(2)(a)(b) substituted for words by [2023 c. 55 s. 115\(2\)](#)
- s. 171E(8) inserted by [2023 c. 55 s. 116\(3\)](#)
- s. 172ZA inserted by [2023 c. 55 s. 117\(3\)](#)
- s. 174(2AA)(b) words substituted by [2023 c. 55 s. 113\(6\)](#)
- s. 176(6) inserted by [2023 c. 55 s. 119\(2\)](#)
- s. 188(1)(zb) inserted by [2023 c. 55 s. 117\(4\)\(a\)](#)
- s. 195(3A) inserted by [2023 c. 55 s. 119\(3\)](#)
- 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. 216(2)(a)(b) substituted for words by [2023 c. 55 s. 120\(2\)\(a\)](#)
- s. 216(6A) inserted by [2023 c. 55 s. 120\(2\)\(c\)](#)
- 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. 303A(1A)(za) inserted by [2023 c. 55 Sch. 8 para. 7\(2\)\(a\)](#)
- s. 303A(9B) inserted by [2023 c. 55 Sch. 8 para. 7\(4\)](#)
- s. 303A(10)(za) inserted by [2023 c. 55 Sch. 8 para. 7\(5\)](#)
- s. 303A(12) inserted by [2023 c. 55 Sch. 8 para. 7\(6\)](#)
- s. 303ZB inserted by [2023 c. 55 s. 134](#)
- s. 314A inserted by [2023 asc 3 Sch. 13 para. 90](#)
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by [2023 c. 55 Sch. 9 para. 1\(20\)\(a\)](#)
- s. 324(1A)(b) and word inserted by [2023 c. 55 Sch. 9 para. 1\(20\)\(b\)](#)
- s. 327ZA applied (with modifications) by 1990 c. 10, s. 37 (as amended) by [2023 c. 55 s. 124\(7\)\(a\)](#)
- s. 327ZA applied by 1990 c. 9, s. 89(1) (as amended) by [2023 c. 55 s. 124\(5\)\(a\)](#)
- s. 327ZA inserted by [2023 c. 55 s. 124\(1\)](#)
- s. 327ZA modified by 1990 c. 9, s. 89(1ZC) (as inserted) by [2023 c. 55 s. 124\(5\)\(b\)](#)
- s. 333(3ZZAA) inserted by [2023 c. 55 Sch. 9 para. 1\(21\)\(b\)](#)
- s. 333(3ZB) inserted by [2016 c. 22 s. 159\(2\)](#)
- s. 333(3ZZA) inserted by [2023 c. 55 Sch. 9 para. 1\(21\)\(a\)](#)
- Sch. 1 para. 5(4) inserted by [2023 c. 55 Sch. 17 para. 2\(7\)\(c\)](#)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by [2023 c. 55 Sch. 8 para. 11\(2\)](#)
- Sch. 4B para. 11(3)-(5) inserted by [2017 c. 20 s. 7](#)
- Sch. 4B para. 8(2)(fa) inserted by [2023 c. 55 s. 99\(1\)\(b\)](#)
- Sch. 4B para. 8(2)(ca) inserted by [2023 c. 55 s. 102\(2\)\(a\)\(ii\)](#)
- Sch. 4B para. 8(4A)(4B) inserted by [2023 c. 55 s. 102\(2\)\(b\)](#)
- Sch. 4B para. 5(5)(za) inserted by [2023 c. 55 Sch. 6 para. 12\(a\)](#)
- Sch. 4B para. 8(2)(da) inserted by [2023 c. 55 Sch. 6 para. 12\(b\)](#)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by [2023 c. 55 s. 99\(1\)\(a\)](#)
- 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 para. 14(4) inserted by [2023 c. 55 s. 124\(3\)](#)
- Sch. 9 para. 1(1A) inserted by [2023 c. 55 Sch. 6 para. 13\(b\)](#)
- Sch. 9A inserted by [2016 c. 22 Sch. 13](#)
- Sch. 13 para. 24A inserted by [2017 c. 20 s. 26\(7\)](#)