



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 3

#### PLANNING

### CHAPTER 5

#### ENFORCEMENT OF PLANNING CONTROLS

#### **121 Power to provide relief from enforcement of planning conditions**

After section 196D of TCPA 1990 insert—

*“Relief from enforcement*

#### **196E Power to provide relief from enforcement of planning conditions**

- (1) The Secretary of State may by regulations provide that a local planning authority in England may not take, or is subject to specified restrictions in how it may take, relevant enforcement measures in relation to any actual or apparent failure to comply with a relevant planning condition.
- (2) The Secretary of State may make regulations under subsection (1) only if the Secretary of State considers that it is appropriate to make the regulations for the purposes of national defence or preventing or responding to civil emergency or significant disruption to the economy of the United Kingdom or any part of the United Kingdom.
- (3) The power in subsection (1) may only be exercised in respect of an actual or apparent failure which occurs during a specified period of not more than one year (the “relief period”) or which is apprehended during the relief period to so occur (but see subsections (7) and (8)).

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*Status: This is the original version (as it was originally enacted).*

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- (4) A “relevant enforcement measure” is anything which may be done by a local planning authority in England for the purposes of investigating, preventing, remedying or penalising an actual or apparent failure to comply with a relevant planning condition.
- (5) A relevant enforcement measure includes, in particular—
- (a) the exercise of a power under—
    - (i) section 171BA (power to apply for planning enforcement order);
    - (ii) section 187B (power to apply to court for injunction);
    - (iii) section 196A (power to enter without a warrant);
    - (iv) section 196B (power to apply for, and enter under, warrant);
  - (b) the issue of—
    - (i) a planning contravention notice under section 171C,
    - (ii) a temporary stop notice under section 171E,
    - (iii) an enforcement notice under section 172,
    - (iv) an enforcement warning notice under section 172ZA,
    - (v) a stop notice under section 183, or
    - (vi) a breach of condition notice under section 187A.
- (6) A “relevant planning condition” is a condition or limitation subject to which planning permission for development of land in England is granted, but does not include a condition under—
- (a) section 90A and Schedule 7A (condition relating to biodiversity gain);
  - (b) section 90B (condition relating to development progress reports);
  - (c) section 91 (condition limiting duration of planning permission);
  - (d) section 92 (conditions for outline planning permission).
- (7) Regulations under [subsection \(1\)](#) may make provision as to the treatment of an actual or apparent failure to comply with a relevant planning condition, which—
- (a) starts before, but continues after, the start of the relief period, or
  - (b) starts during, but continues after, that period.
- (8) Regulations under [subsection \(1\)](#) may provide that an actual or apparent failure to comply with a relevant planning condition is not to be treated as occurring during the relief period, if the failure—
- (a) occurs wholly during the period, and
  - (b) is not remedied by a specified time after the period.
- (9) Regulations under [subsection \(1\)](#) may make provision that, where anything relating to the taking of a relevant enforcement measure is to be or may be done by a time during the relief period, it is to be or may be instead done by a specified time after that period.
- (10) Regulations under [subsection \(1\)](#) may—
- (a) apply in relation to all, or only specified, local planning authorities in England;
  - (b) apply in relation to all, or only specified, relevant planning conditions;

- (c) apply in relation to all, or only specified, relevant enforcement measures;
- (d) prevent the taking of relevant enforcement measures indefinitely or only for a specified period of time.

(11) In this section, “specified” means specified or described in regulations under [subsection \(1\)](#).”