



# Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

## PART IV

### ENFORCEMENT OF PLANNING CONTROL

#### *Enforcement of control in respect of listed buildings*

#### **52 Notice to enforce control under s.33**

- (1) Where any works have been carried out in contravention of the provisions of subsection (1) of section thirty-three of this Act, the local planning authority may serve on the owner and occupier of the building in question a notice under this section requiring such steps for restoring the building to its former state as may be specified in the notice to be taken within such period as may be so specified.
- (2) Subject to the next following section, a notice under this section shall take effect at the end of such period (not being less than twenty-eight days after the service thereof) as may be specified in the notice.
- (3) Without prejudice to the preceding provisions of this section, if any person contravenes the provisions of subsection (1) of section thirty-three of this Act, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

#### **53 Appeal to Minister against notice under s.52**

- (1) A person on whom a notice under the last preceding section is served, or any other person having an interest in the building to which such a notice relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal to the Minister against the notice on any of the following grounds, that is to say—
  - (a) that the works to which the notice relates were not, or were not wholly, works in contravention of subsection (1) of section thirty-three of this Act;

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- (b) that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works to which the notice relates were carried out;
  - (c) that the period specified in the notice as the period within which any steps required by the notice are to be taken falls short of what should reasonably be allowed ;
  - (d) that any of the steps required by the notice to be taken would not serve the purpose of restoring the character of the building to what it was before the works to which the notice relates were carried out, and that, if and so far as those works constituted the carrying out of development in contravention of Part III of this Act, planning permission ought to be granted for the retention of those works.
- (2) Any appeal under this section shall be made by notice in writing to the Minister, which shall indicate the grounds of the appeal; and on any such appeal the Minister shall, if either the appellant or the local planning authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.
- (3) Where an appeal is brought under this section, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.
- (4) On an appeal under this section the Minister may correct any informality, defect or error in the notice to which the appeal relates if he is satisfied that the informality, defect or error is not a material one.
- (5) On the determination of an appeal under this section the Minister shall give directions for giving effect to his determination, including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellant.

#### **54 Execution by local planning authority of work required by notice under s.52**

If, within the period specified in a notice under section fifty-two of this Act in accordance with subsection (1) of that section, or within such extended period as the local planning authority may allow, any steps required by the notice to be taken have not been taken, the local planning authority may enter upon the land and take those steps, and may recover from the person who is then the owner of the land any expenses reasonably incurred by them in that behalf.

#### **55 Supplementary provisions as to notices under s.52**

- (1) Any expenses incurred by the owner or occupier of a building for the purpose of complying with a notice under section fifty-two of this Act, and any sums paid by the owner of a building under the last preceding section in respect of expenses incurred by the local planning authority in taking steps required to be taken by such a notice, shall be deemed to be incurred or paid for the use and at the request of the person who carried out the works to which the notice relates.
- (2) Subsections (2) and (3) of section forty-nine of this Act shall have effect in relation to notices under section fifty-two thereof, as if any reference therein to an enforcement notice were a reference to a notice under the said section fifty-two.

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- (3) Any regulations made by virtue of the last preceding subsection may provide for the charging on the land of any expenses recoverable by a local authority under the last preceding section.