



# Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

## PART IV

### ENFORCEMENT OF PLANNING CONTROL

#### *Enforcement of control under section 36*

#### **56 Penalty for non-compliance with notice under s.36**

- (1) The provisions of this section shall have effect where a notice has been served under section thirty-six of this Act, and the period within which the steps required by the notice are to be taken has expired.
- (2) If at any time after the end of that period any of those steps have not been taken, and any person does anything which has the effect of continuing or aggravating the injury caused by the condition of the land to which the notice relates, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding twenty pounds.

#### **57 Appeal to magistrates' court against notice under s.36**

- (1) A person on whom a notice under section thirty-six of this Act is served, or any other person having an interest in the land to which the 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 against the notice on any of the following grounds, that is to say—
  - (a) that the condition of the land to which the notice relates does not seriously injure the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area ;
  - (b) that the condition of the land to which the notice relates is attributable to, and such as results in the ordinary course of events from, the carrying on of operations or a use of land which is not in contravention of Part III of this Act;

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- (c) that the land to which the notice relates does not constitute a garden, vacant site or other open land in the area of the local planning authority who served the notice;
  - (d) that the requirements of the notice exceed what is necessary for preventing the condition of the land from seriously injuring the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area ;
  - (e) 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.
- (2) Any appeal under this section shall be made to a magistrates' court acting for the petty sessions area in which the land in question is situated.
- (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 magistrates' court may correct any informality, defect or error in the notice if satisfied that the informality, defect or error is not a material one.
- (5) On the determination of an appeal under this section the magistrates' court shall give directions for giving effect to their determination, including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellant.

#### **58 Further appeal to quarter sessions**

Where an appeal has been brought under the last preceding section, an appeal against the decision of the magistrates' court thereon may be brought to a court of quarter sessions by the appellant or by the local planning authority.

#### **59 Execution by local planning authority of work required by notice under s.36**

If, within the period specified in a notice under section thirty-six 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.

#### **60 Supplementary provisions as to notices under s.36**

- (1) Any expenses incurred by the owner or occupier of any land for the purpose of complying with a notice under section thirty-six of this Act, and any sums paid by the owner of any land 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 caused or permitted the land to come to be in the condition in which it was when the notice was served.

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- (2) Subsections (2) and (3) of section forty-nine of this Act shall have effect in relation to notices under section thirty-six thereof, as if any reference therein to an enforcement notice were a reference to a notice under the said section thirty-six.
- (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.