



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART IV

ENFORCEMENT OF PLANNING CONTROL

Enforcement where planning permission required

51 Enforcement notice to have effect against subsequent development

- (1) Compliance with an enforcement notice, whether in respect of—
 - (a) the demolition or alteration of any buildings or works, or
 - (b) the discontinuance of any use of land,or in respect of any other requirements contained in the enforcement notice, shall not discharge the enforcement notice.
- (2) Without prejudice to the preceding subsection, any provision of an enforcement notice requiring a use of land to be discontinued shall operate as a requirement that it shall be discontinued permanently, to the extent that it is in contravention of Part III of this Act; and accordingly the resumption of that use at any time after it has been discontinued in compliance with the enforcement notice shall to that extent be in contravention of the enforcement notice.
- (3) Without prejudice to subsection (1) of this section, if any development is carried out on land by way of reinstating or restoring buildings or works which have been demolished or altered in compliance with an enforcement notice, the notice shall, notwithstanding that its terms are not apt for the purpose, be deemed to apply in relation to the buildings or works as reinstated or restored as it applied in relation to the buildings or works before they were demolished or altered; and, subject to the next following subsection, the provisions of section forty-eight of this Act, and of subsection (1) of section forty-nine of this Act, shall apply accordingly.
- (4) Where, at any time after an enforcement notice takes effect.—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (a) any development is carried out on land by way of reinstating or restoring buildings or works which have been demolished or altered in compliance with the notice, and
- (b) the local planning authority propose, under section forty-eight of this Act, to take any steps required by the enforcement notice for the demolition or alteration of the buildings or works in consequence of the reinstatement or restoration,

the local planning authority shall, not less than twenty-eight days before taking any such steps, serve on the owner and occupier of the land a notice of their intention to do so.

- (5) A person who, without the grant of planning permission in that behalf, carries out any development on land by way of reinstating or restoring buildings or works which have been demolished or altered in compliance with an enforcement notice shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one hundred pounds; and no person shall be liable under any of the provisions of subsections (1) to (4) of section forty-seven of this Act for failure to take any steps required to be taken by an enforcement notice by way of demolition or alteration of what has been so reinstated or restored.