



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VII

ENFORCEMENT

Stop notices

183 Stop notices.

- ^{F1}(1) Where the local planning authority consider it expedient that any relevant activity should cease before the expiry of the period for compliance with an enforcement notice, they may, when they serve the copy of the enforcement notice or afterwards, serve a notice (in this Act referred to as a “stop notice”) prohibiting the carrying out of that activity on the land to which the enforcement notice relates, or any part of that land specified in the stop notice.
- (2) In this section and sections 184 and 186 “relevant activity” means any activity specified in the enforcement notice as an activity which the local planning authority require to cease and any activity carried out as part of that activity or associated with that activity.
- (3) A stop notice may not be served where the enforcement notice has taken effect.
- (4) A stop notice shall not prohibit the use of any building as a dwellinghouse.
- (5) A stop notice shall not prohibit the carrying out of any activity if the activity has been carried out (whether continuously or not) for a period of more than four years ending with the service of the notice; and for the purposes of this subsection no account is to be taken of any period during which the activity was authorised by planning permission.
- (5A) Subsection (5) does not prevent a stop notice prohibiting any activity consisting of, or incidental to, building, engineering, mining or other operations or the deposit of refuse or waste materials.]

Status: Point in time view as at 12/07/2016.

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- (6) A stop notice may be served by the local planning authority on any person who appears to them to have an interest in the land or to be engaged in any activity prohibited by the notice.
- (7) The local planning authority may at any time withdraw a stop notice (without prejudice to their power to serve another) by serving notice to that effect on persons served with the stop notice.

Textual Amendments

- F1** S. 183(1)-(5A) substituted (2.1.1992) for s. 183(1)-(5) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [s. 9\(1\)](#) (with [s. 84\(5\)](#)); [S.I. 1991/2905](#), [art.3](#) (subject to [art. 5](#))

Modifications etc. (not altering text)

- C1** S. 183: power to modify conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\)](#), [s. 25\(1\)\(c\)](#); [S.I. 1992/725](#), [arts. 2, 3](#)
- C2** S. 183 applied (with modifications) (27.7.1992) by [S.I. 1992/1562](#), [reg. 2](#), [Sch](#)
- S. 183: power to apply conferred (10.11.1993) by [1993 c. 28, s. 171\(4\)\(a\)](#); [S.I. 1993/2762](#), [art. 3](#)
- C3** S. 183(1): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), [reg. 2\(1\)](#), [Sch. 1](#)

184 Stop notices: supplementary provisions.

- (1) A stop notice must refer to the enforcement notice to which it relates and have a copy of that notice annexed to it.
- (2) A stop notice must specify the date on which it will take effect (and it cannot be contravened until that date).
- ^{F2}(3) That date—
 - (a) must not be earlier than three days after the date when the notice is served, unless the local planning authority consider that there are special reasons for specifying an earlier date and a statement of those reasons is served with the stop notice; and
 - (b) must not be later than twenty-eight days from the date when the notice is first served on any person.]
- (4) A stop notice shall cease to have effect when—
 - (a) the enforcement notice to which it relates is withdrawn or quashed; or
 - (b) the [^{F3}period for compliance with the enforcement notice] expires; or
 - (c) notice of the withdrawal of the stop notice is first served under section 183(7).
- (5) A stop notice shall also cease to have effect if or to the extent that the activities prohibited by it cease, on a variation of the enforcement notice, to be [^{F4}relevant activities].
- (6) Where a stop notice has been served in respect of any land, the local planning authority may display there a notice (in this section and section 187 referred to as a “site notice”)

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- (a) stating that a stop notice has been served and that any person contravening it may be prosecuted for an offence under section 187,
 - (b) giving the date when the stop notice takes effect, and
 - (c) indicating its requirements.
- (7) If under section 183(7) the local planning authority withdraw a stop notice in respect of which a site notice was displayed, they must display a notice of the withdrawal in place of the site notice.
- (8) A stop notice shall not be invalid by reason that a copy of the enforcement notice to which it relates was not served as required by section [F5172] if it is shown that the local planning authority took all such steps as were reasonably practicable to effect proper service.

Textual Amendments

- F2** S. 184(3) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [s. 9\(2\)](#) (with [s. 84\(5\)](#)); [S.I. 1991/2905](#), [art.3](#) (subject to [art. 5](#))
- F3** Words in s. 184(4)(b) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [s. 32](#), [Sch. 7 para. 28\(a\)](#) (with [s. 84\(5\)](#)); [S.I. 1991/2905](#), [art.3](#) (subject to [art. 5](#))
- F4** Words in s. 184(5) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [s. 32](#), [Sch. 7 para. 28\(b\)](#) (with [s. 84\(5\)](#)); [S.I. 1991/2905](#), [art.3](#) (subject to [art. 5](#))
- F5** Word in s. 184(8) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [s. 32](#), [Sch. 7 para. 28\(c\)](#) (with [s. 84\(5\)](#)); [S.I. 1991/2905](#), [art.3](#) (subject to [art. 5](#))

Modifications etc. (not altering text)

- C4** S. 184: power to modify conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\)](#), [s. 25\(1\)\(c\)](#); [S.I. 1992/725](#), [art. 2](#), 3
- C5** S. 184 applied (with modifications) (27.7.1992) by [S.I. 1992/1562](#), [reg. 2](#), [Sch.](#)
S. 184: power to apply conferred (10.11.1993) by [1993 c. 28](#), [s. 171\(4\)\(a\)](#); [S.I. 1993/2762](#), [art. 3](#)

185 Service of stop notices by Secretary of State.

- (1) If it appears to the Secretary of State to be expedient that a stop notice should be served in respect of any land, he may himself serve such a notice.
- (2) A notice served by the Secretary of State under subsection (1) shall have the same effect as if it had been served by the local planning authority.
- (3) The Secretary of State shall not serve such a notice without consulting the local planning authority.

Modifications etc. (not altering text)

- C6** S. 185: power to apply conferred (10.11.1993) by [1993 c. 28](#), [s. 171\(4\)\(a\)](#); [S.I. 1993/2762](#), [art. 3](#)

186 Compensation for loss due to stop notice.

- (1) Where a stop notice is served under section 183 compensation may be payable under this section in respect of a prohibition contained in the notice only if—

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- (a) the enforcement notice is quashed on grounds other than those mentioned in paragraph (a) of section 174(2);
 - (b) the enforcement notice is varied (otherwise than on the grounds mentioned in that paragraph) so that [^{F6}any activity the carrying out of which is prohibited by the stop notice ceases to be a relevant activity];
 - (c) the enforcement notice is withdrawn by the local planning authority otherwise than in consequence of the grant by them of planning permission for the development to which the notice relates ^{F7}. . . ; or
 - (d) the stop notice is withdrawn.
- (2) A person who, when the stop notice is first served, has an interest in or occupies the land to which the notice relates shall be entitled to be compensated by the local planning authority in respect of any loss or damage directly attributable to the prohibition contained in the notice or, in a case within subsection (1)(b), [^{F8}the prohibition of such of the activities prohibited by the stop notice as cease to be relevant activities].
- (3) A claim for compensation under this section shall be made to the local planning authority within the prescribed time and in the prescribed manner.
- (4) The loss or damage in respect of which compensation is payable under this section in respect of a prohibition shall include any sum payable in respect of a breach of contract caused by the taking of action necessary to comply with the prohibition.
- [^{F9}(5) No compensation is payable under this section—
- (a) in respect of the prohibition in a stop notice of any activity which, at any time when the notice is in force, constitutes or contributes to a breach of planning control; or
 - (b) in the case of a claimant who was required to provide information under section 171C or 330 or section 16 of the ^{M1}Local Government (Miscellaneous Provisions) Act 1976, in respect of any loss or damage suffered by him which could have been avoided if he had provided the information or had otherwise co-operated with the local planning authority when responding to the notice.]
- (6) Except in so far as may be otherwise provided by any regulations made under this Act, any question of disputed compensation under this Part shall be referred to and determined by the [^{F10}Upper Tribunal].
- (7) In relation to the determination of any such question, the provisions of [^{F11}section] 4 of the ^{M2}Land Compensation Act 1961 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.

Textual Amendments

- F6** Words in s. 186(1)(b) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#) s. 32, Sch. 7 para. 29(a) (with s. 84(5)); S.I. 1991/2905, [art.3](#) (subject to art. 5)
- F7** Words in s. 186(1)(c) repealed (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 32, 84(6), Sch. 7 para. 29(b), [Sch. 19 Pt.1](#) (with s. 84(5)); S.I. 1991/2905, [art.3](#), Schs. 1, 2 (subject to art. 5)
- F8** Words in s. 186(2) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 29\(c\)](#) (with s. 84(5)); S.I. 1991/2905, [art.3](#) (subject to art. 5)
- F9** S. 186(5) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [s. 9\(3\)](#) (with s. 84(5)); S.I. 1991/2905, [art.3](#) (subject to art. 5)

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F10 Words in s. 186(6) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 206(a)**

F11 Word in s. 186(7) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 206(b)**

Modifications etc. (not altering text)

C7 S. 186 applied (with modifications) (27.7.1992) by [S.I. 1992/1562](#), reg. 2, **Sch.**

Marginal Citations

M1 [1976 c. 57](#)

M2 [1961 c.33.](#)

187 Penalties for contravention of stop notice.

^{F12}(1) If any person contravenes a stop notice after a site notice has been displayed or the stop notice has been served on him he shall be guilty of an offence.

(1A) An offence under this section may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under this section by reference to any period of time following the preceding conviction for such an offence.

(1B) References in this section to contravening a stop notice include causing or permitting its contravention.

(2) A person guilty of an offence under this section shall be liable [^{F13}on summary conviction, or on conviction on indictment, to a fine].

(2A) In determining the amount of any fine to be imposed on a person convicted of an offence under this section, the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to him in consequence of the offence.]

(3) In proceedings for an offence under this section it shall be a defence for the accused to prove—

(a) that the stop notice was not served on him, and

(b) that he did not know, and could not reasonably have been expected to know, of its existence.

Textual Amendments

F12 S. 187(1)(1A)(1B)(2)(2A) substituted (2.1.1992) for s. 187(1)(2) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. **9(4)** (with s. 84(5)); [S.I. 1991/2905](#), art.3 (subject to art. 5)

F13 Words in s. 187(2) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 18(4)** (with reg. 5(1))

Modifications etc. (not altering text)

C8 S. 187: power to modify conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\)](#), s. **25(1)(c)**; [S.I. 1992/725](#), arts. 2, 3

C9 S. 187 applied (27.7.1992) by [S.I. 1992/1562](#), reg. 2, **Sch.**

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S. 187: power to apply conferred (10.11.1993) by 1993 c. 28, **s. 171(4)(a)**; S.I. 1993/2762, **art. 3**
S. 187 restricted (E.) (13.4.2001) by S.I. 2001/1478, **reg. 3(a)**

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