



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VII **E+W**

ENFORCEMENT

Enforcement notices

181 Enforcement notice to have effect against subsequent development. **E+W**

- (1) Compliance with an enforcement notice, whether in respect of—
 - (a) the completion, [^{F1}removal] or alteration of any buildings or works;
 - (b) the discontinuance of any use of land; or
 - (c) any other requirements contained in the notice,shall not discharge the notice.
- (2) Without prejudice to subsection (1), 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; 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), if any development is carried out on land by way of reinstating or restoring buildings or works which have been [^{F2}removed] 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 [^{F2}removed] or altered; and, subject to subsection (4), the provisions of section 178(1) and (2) shall apply accordingly.
- (4) Where, at any time after an enforcement notice takes effect—
 - (a) any development is carried out on land by way of reinstating or restoring buildings or works which have been [^{F2}removed] or altered in compliance with the notice; and

Status: Point in time view as at 01/06/2015. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 181 is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) the local planning authority propose, under section 178(1), to take any steps required by the enforcement notice for the [F1removal] or alteration of the buildings or works in consequence of the reinstatement or restoration, the local planning authority shall, not less than 28 days before taking any such steps, serve on the owner and occupier of the land a notice of their intention to do so.
- (5) Where without planning permission a person carries out any development on land by way of reinstating or restoring buildings or works which have been [F2removed] or altered in compliance with an enforcement notice—
- (a) he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, and
- (b) no person shall be liable under [F3section 179(2)] for failure to take any steps required to be taken by an enforcement notice by way of [F1removal] or alteration of what has been so reinstated or restored.

Textual Amendments

- F1** Word in s. 181(1)(a)(4)(b)(5)(b) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 27(a)** (with s. 84(5)); S.I. 1991/2905, art.3, **Sch. 1** (subject to art. 5)
- F2** Word in s. 181(3)(4)(5) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 27(b)** (with s. 84(5)); S.I. 1991/2905, art.3, **Sch. 1**(subject to art. 5)
- F3** Words in s. 181(5)(b) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, **Sch. 7 para. 27(c)** (with s. 84(5)); S.I. 1991/2905, art.3, **Sch. 1** (subject to art. 5)

Modifications etc. (not altering text)

- C1** S. 181: 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. 181 applied (with modifications) (1.6.1992) by S.I. 1992/656, reg. 20(1), **Sch. 4 Pt. 2**
S. 181 applied (with modifications) (27.7.1992) by S.I. 1992/1562, reg. 2, **Sch.**
S. 181: power to apply conferred (10.11.1993) by 1993 c. 28, s. **171(4)(a)**; S.I. 1993/2762, **art. 3**
- C3** Ss. 178-181 applied (with modifications) (E.) (1.6.2015) by The Planning (Hazardous Substances) Regulations 2015 (S.I. 2015/627), regs. 1(1), 15, **Sch. 4 Pt. 2** (with reg. 34)

Status:

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Changes to legislation:

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