



Planning and Compensation Act 1991

1991 CHAPTER 34

PART I

TOWN AND COUNTRY PLANNING: ENGLAND AND WALES

Other changes relating to enforcement

4 Time limits on enforcement action.

(1) At the beginning of Part VII of the principal Act (enforcement) there is inserted—

“Introductory

171A Expressions used in connection with enforcement.

- (1) For the purposes of this Act—
 - (a) carrying out development without the required planning permission;
or
 - (b) failing to comply with any condition or limitation subject to which planning permission has been granted,
constitutes a breach of planning control.
- (2) For the purposes of this Act—
 - (a) the issue of an enforcement notice (defined in section 172); or
 - (b) the service of a breach of condition notice (defined in section 187A),
constitutes taking enforcement action.
- (3) In this Part “planning permission” includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

Status: Point in time view as at 30/08/1995.

Changes to legislation: There are currently no known outstanding effects for the Planning and Compensation Act 1991, Section 4. (See end of Document for details)

171B Time limits.

- (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.
 - (2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.
 - (3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.
 - (4) The preceding subsections do not prevent—
 - (a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or
 - (b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.”
- (2) If, in the case of any breach of planning control, the time for issuing an enforcement notice has expired, before the coming into force of this section, by virtue of section 172(4)(b) of the principal Act (as originally enacted), nothing in this section enables any enforcement action to be taken in respect of the breach.

Commencement Information

- II** S. 4 wholly in force: s. 4 not in force at Royal Assent see s. 84(2); s. 4 in force to a certain extent at 2.1.1992 by S.I. 1991/2905, art. 3 (subject to art. 5 of that S.I.); s. 4 in force at 27.7.1992 insofar as not already in force by S.I. 1992/1630, art. 2

Status:

Point in time view as at 30/08/1995.

Changes to legislation:

There are currently no known outstanding effects for the Planning and Compensation Act 1991, Section 4.