



# Planning Act 2008

## 2008 CHAPTER 29

### PART 8 **E+W+S**

#### ENFORCEMENT

##### *Notices of unauthorised development*

#### **169 Notice of unauthorised development **E+W+S****

- (1) Subsection (2) applies if a person is found guilty of an offence under section 160 committed on or in respect of any land.
- (2) The relevant local planning authority may serve a notice of unauthorised development on the person requiring such steps as may be specified in the notice to be taken—
  - (a) to remove the development, and
  - (b) to restore the land on which the development has been carried out to its condition before the development was carried out.
- (3) Subsection (4) applies if a person is found guilty of an offence under section 161 committed on or in respect of any land.
- (4) The relevant local planning authority may serve a notice of unauthorised development on the person requiring the person to remedy the breach or failure to comply.
- (5) A notice of unauthorised development—
  - (a) must specify the period within which any steps are required to be taken, and
  - (b) may specify different periods for different steps.
- (6) Where different periods apply to different steps, references in this Part to the period for compliance with a notice of unauthorised development, in relation to any step, are to the period within which the step is required to be taken.
- (7) A notice of unauthorised development must specify such additional matters as may be prescribed.

*Status: Point in time view as at 24/02/2014.*

*Changes to legislation: Planning Act 2008, Cross Heading: Notices of unauthorised development 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)*

#### Commencement Information

- I1** S. 169 partly in force; s. 169 in force for certain purposes at Royal Assent see s. 241  
**I2** S. 169 in force at 1.3.2010 by [S.I. 2010/101](#), [art. 3\(j\)](#) (with [art. 6](#))

### 170 Execution of works required by notice of unauthorised development **E+W+S**

- (1) If any of the steps specified in a notice of unauthorised development have not been taken before the end of the period for compliance with the notice, the relevant local planning authority may—
- (a) enter the land on which the development has been carried out and take those steps, and
  - (b) recover from the person who is then the owner of the land any expenses reasonably incurred by it in doing so.
- (2) Where a notice of unauthorised development has been served in respect of development—
- (a) any expenses incurred by the owner or occupier of the land for the purposes of complying with it, and
  - (b) any sums paid by the owner of the land under subsection (1) in respect of expenses incurred by the relevant local planning authority in taking steps required by it,
- are to be deemed to be incurred or paid for the use and at the request of the person found guilty of the offence under section 160 or 161.
- (3) Regulations may provide that all or any of the following sections of the Public Health Act 1936 (c. 49) are to apply, subject to such adaptations and modifications as may be specified in the regulations, in relation to any steps required to be taken by a notice of unauthorised development—
- section 276 (power of local authorities to sell materials removed in executing works under that Act subject to accounting for the proceeds of sale);
  - section 289 (power to require the occupier of any premises to permit works to be executed by the owner of the premises);
  - section 294 (limit on liability of persons holding premises as agents or trustees in respect of the expenses recoverable under that Act).
- (4) Regulations under subsection (3) applying all or any of section 289 of that Act may include adaptations and modifications for the purpose of giving the owner of land to which such a notice relates the right, as against all other persons interested in the land, to comply with the requirements of the notice.
- (5) Regulations under subsection (3) may also provide for the charging on the land on which the development is carried out of any expenses recoverable by the relevant local planning authority under subsection (1).
- (6) A person commits an offence if the person wilfully obstructs a person acting in the exercise of powers under subsection (1).
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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**Status:** Point in time view as at 24/02/2014.

**Changes to legislation:** Planning Act 2008, Cross Heading: Notices of unauthorised development 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)

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**Commencement Information**

- I3** S. 170 partly in force; s. 170 in force for certain purposes at Royal Assent see s. 241
- I4** S. 170 in force at 1.3.2010 in so far as not already in force by [S.I. 2010/101](#), [art. 3\(j\)](#) (with [art. 6](#))

**Status:**

Point in time view as at 24/02/2014.

**Changes to legislation:**

Planning Act 2008, Cross Heading: Notices of unauthorised development 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.