



Planning Act 2008

2008 CHAPTER 29

PART 8

ENFORCEMENT

Rights of entry

VALID FROM 01/03/2010

163 Right to enter without warrant

- (1) This section applies in relation to any land if the relevant local planning authority has reasonable grounds for suspecting that an offence under section 160 or 161 is being, or has been, committed on or in respect of the land.
- (2) A person authorised in writing by the relevant local planning authority may at any reasonable hour enter the land for the purpose of ascertaining whether an offence under section 160 or 161 is being, or has been, committed on the land.
- (3) A person may enter a building used as a dwelling-house under subsection (2) only if 24 hours' notice of the intended entry has been given to the occupier of the building.

VALID FROM 01/03/2010

164 Right to enter under warrant

- (1) This section applies if it is shown to the satisfaction of a justice of the peace on sworn information in writing—
 - (a) that there are reasonable grounds for suspecting that an offence under section 160 or 161 is being, or has been, committed on or in respect of any land, and

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Changes to legislation: Planning Act 2008, Cross Heading: Rights of entry is up to date with all changes known to be in force on or before 17 August 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) that the condition in subsection (2) is met.
- (2) The condition is that—
 - (a) admission to the land has been refused, or a refusal is reasonably apprehended, or
 - (b) the case is one of urgency.
- (3) The justice of the peace may issue a warrant authorising any person who is authorised in writing for the purpose by the relevant local planning authority to enter the land.
- (4) For the purposes of subsection (2)(a) admission to land is to be regarded as having been refused if no reply is received to a request for admission within a reasonable period.
- (5) A warrant authorises entry on one occasion only and that entry must be—
 - (a) before the end of the period of one month beginning with the date of the issue of the warrant, and
 - (b) at a reasonable hour, unless the case is one of urgency.

165 Rights of entry: supplementary provisions

- (1) A person authorised to enter land in pursuance of a right of entry conferred under or by virtue of section 163 or 164 (“a relevant right of entry”)—
 - (a) must, if so required, produce evidence of the authority and state the purpose of entry before entering the land,
 - (b) may take on to the land such other persons as may be necessary, and
 - (c) must, if the person leaves the land at a time when the owner or occupier is not present, leave it as effectively secured against trespassers as it was found.
- (2) A person commits an offence if the person wilfully obstructs a person acting in the exercise of a relevant right of entry.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) If any damage is caused to land or chattels in the exercise of a relevant right of entry, compensation may be recovered by any person suffering the damage from the local planning authority that authorised the entry.
- (5) Except so far as otherwise provided by regulations, any question of disputed compensation under subsection (4) is to be referred to and determined by the Lands Tribunal.
- (6) In relation to the determination of any such question, the provisions of sections 2 and 4 of the Land Compensation Act 1961 (c. 33) apply subject to any necessary modifications and to any other prescribed modifications.

Commencement Information

II S. 165 partly in force; s. 165 in force for certain purposes at Royal Assent see s. 241

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166 Rights of entry: Crown land

Sections 163 and 164 do not apply to Crown land.

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