

*These notes refer to the Localism Act 2011 (c.20)  
which received Royal Assent on 15 November 2011*

# LOCALISM ACT 2011

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## EXPLANATORY NOTES

### COMMENTARY

#### **Part 6: Planning**

#### *Chapter 5: Enforcement*

#### *Section 124: Time limits for enforcing concealed breaches of planning control*

314. *Subsection (1)* inserts new sections 171BA, 171BB and 171BC into the Town and Country Planning Act 1990 to allow enforcement action, in England, to be taken against a breach of planning control when the time limits for taking action have expired and the breach has been concealed.
315. In order to use these powers, the local planning authority must apply to the magistrates' court for a "planning enforcement order" within six months of the day on which the apparent breach came to the authority's knowledge. If an order is granted, the authority has one year to take enforcement action. The authority can also apply for a planning enforcement order before the time limits for taking action have expired, as the expiry date may be in dispute.
316. The authority must serve a copy of the application on the persons on whom they would be required to serve an enforcement notice. Anyone served would be able to appear in court when the application was heard.
317. A magistrates' court may make the order only if satisfied, on the balance of probabilities, that a person or persons have deliberately concealed the apparent breach.
318. *Subsection (2)* provides for planning enforcement orders to be included in the local planning authority's enforcement register.