

The Planning Enforcement Toolkit

The Planning Contravention Notice (PCN)

A PCN requires the recipient of such a notice to provide any information the local planning authority want for enforcement purposes about activities on land. It may either establish that there has been no breach of planning control, or the circumstances that may generate the need to take enforcement action.

Non-compliance with any requirement of a notice, after 21 days, is an offence. Equally it is an offence if information is supplied that is knowingly false or misleading.

The Enforcement Notice (EN)

The power to issue an EN is discretionary. An EN requires remedial steps to be taken within a specified time-limit. It should only be used where the local planning authority is satisfied that there has been a breach of planning control and it is expedient to issue a notice, having regard to the provisions of the development plan and to any other material considerations. ENs can be directed (if required) at only part of a breach of planning control.

There are very specific time limits for the serving of ENs.

There are rights of appeal against Enforcement Notices.

The Stop Notice (SN)

The Acts allow a local planning authority to serve a SN in certain circumstances when they serve a copy of an EN, or afterwards.

Where a local planning authority considers that it is expedient that any activity should cease before the expiry of the compliance period specified in an EN, Section 183(i) of the Act enables a local planning authority to serve a SN which prohibits the carrying out of that activity on the enforcement notice land.

There are penalties for non-compliance with a SN.

Local planning authorities are encouraged to carry out a cost / benefit assessment before serving a SN.

There is no right of appeal against a SN. The appeal is in respect of the associated EN.

In certain circumstances the local planning authority may be liable for compensation in consequence of a SN.

The Breach of Conditions Notice (BCN)

The BCN is mainly intended as an alternative to any EN for remedying a breach of planning control arising from failure to comply with any planning condition or limitation. But it may also be served in addition to the issue of an EN, perhaps as an alternative to a SN, where the local planning authority consider it expedient to stop the breach quickly and before any appeal against the EN is determined.

There are penalties for contravening a BCN.

There is no right of appeal against a BCN.

Injunction Proceedings

Section 187B of the Act enables a local planning authority where they consider it expedient for any actual or apprehended breach of planning control to be restrained, to apply to the High Court or County Court for an injunction. As such applications can be made whether or not the local planning authority have exercised, or proposed to exercise, any of their other powers to enforce planning control.

Section 215 Notices

This section of the Act provides a local planning authority with the power to take steps requiring land to be cleaned up when its condition affects the amenity of the area.

The use of Section 215 Notices is discretionary. It is for local planning authorities to decide whether a notice under these provisions would be appropriate in a particular case.

Appeals against Section 215 Notices are to the Magistrates Court.