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Land at 4a Wiswell Lane, Whalley, BB7 9AF

Appeal Against Enforcement Notice dated 3 April 2025

STATEMENT OF CASE ON BEHALF OF THE APPELLANT
July 2025

REPORT CONTROL

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/1 INTRODUCTION

- 1.1. PWA Planning is retained by John Atherton ('the Appellant') to lodge an appeal against an Enforcement Notice (dated 3rd April 2025) (Appendix 1), which relates to the erection of a dwellinghouse and the material change of use of the land consisting of the unauthorised use of a building as a dwellinghouse at Land at 4a Wiswell Lane, Whalley BB7 9AF ('the appeal site') by Ribble Valley Borough Council ('the Council' or 'LPA').
- 1.2. The grounds of appeal were submitted on 2nd May 2025, and a start letter confirming the appeal was valid was received on 30th May 2025. Copies of the LPA's completed appeal questionnaire and supporting documents were received on the 4th June 2025.
- 1.3. This planning appeal is linked to an appeal (Ref: APP/T2350/W/25/3365028) against a refusal to grant planning permission for the same works which relate to this enforcement notice appeal.
- 1.4. The Enforcement Notice alleged the following breach of planning control:

"(a) Without planning permission, carried out the erection of an unauthorised dwellinghouse and decking

(b) Without planning permission, a material change in the use of the land consisting in the unauthorised use of the building as a dwellinghouse and the use of other parts of the land for incidentals purposes"

- 1.5. The Enforcement Notice also cites the following reasons for issuing the notice:

"In respect to (a) above, it appears to the Council that the above breach of planning control has occurred within the last four years.

- *A Planning Contravention Notice (PCN) was served on Mr John Stephen Atherton on 5 October 2022 referring the dwellinghouse as a lodge/chalet. In a reply dated 19 October 2022, Mr Atherton made the following statement in respect of the lodge/chalet:*
 - *the construction of the lodge/chalet has been completed in October 2021,*
 - *the lodge/chalet had been occupied since October 2021, and*

- *the lodge/chalet was used as an annex accommodation and incidental to the use of the main house.*

In respect of (b) above, it appears to the Council that the above breach of planning control has occurred within the last ten years:

- *The dwellinghouse by virtue of its design, external appearance, materiality and site configuration, fails to respond positively to the inherent pattern of development or character of nearby dwellings found within the vicinity, and results in significant adverse impacts upon the character and visual amenities of the area. The dwellinghouse results in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy.*
- *The dwellinghouse is reliant on the existing access onto Wiswell Lane which is of substandard width and has limited visibility. Use of the dwellinghouse results in additional cumulative vehicular movements using the existing access and internal access track which is detrimental to the safe operation of the immediate highway. The dwellinghouse results in direct conflict with Key Statement DMI2 and Policy DMG3 of the Ribble Valley Core Strategy.*

1.6. The Appellant appeals the Enforcement Notice on grounds (d) and (g) of Section 174(2) of the Town and Country Planning Act 1990. These were originally outlined within the appeal form submitted on 2nd May 2025. It is submitted on the basis of the below order for consideration:

1.7. **Ground D:**

"that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters"

1.8. **Ground G:**

"Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should be reasonably be allowed."

/2 SITE DESCRIPTION AND CONTEXT

- 2.1. The appeal site, which measures approximately 0.05ha, is located on a parcel of land accessed off a secondary road from Wiswell Lane (located to the northwest of the site). The site comprises a single storey dwelling with associated garden and hardstanding used for parking.



Figure 1 – Aerial view of the site, outlined in red (Source: Google Maps)

- 2.2. The site sits adjacent to two existing residential properties to the west (4a and 4 Wiswell Lane) and areas of hardstanding (in the applicant's ownership) to the south. Also, to the southeast lies a site (4b Wiswell Lane) where planning permission (Ref:3/2020/006) was granted for a single storey dwelling.
- 2.3. The construction of this dwelling at 4b Wiswell Lan has been subject to an enforcement notice appeals (Ref: APP/T2350/C/24/3346392 and APP/T2350/C/24/334639) which was dismissed in April 2025 2025. Whilst it is appreciated that the actions required by the enforcement notice are now required, it is understood that the landowner seeks to resolve the issues raised by the Inspector. As confirmed by the Inspector report, this is a live permission which can still implemented.

- 2.4. Directly to the north and west of the site lie gardens associated with residential properties. Overall, in contextual terms, the site is located within a residential area.
- 2.5. The site is accessed from a secondary access road to the west, which then links up to Wiswell Lane. This secondary access is also used by 5 other properties (see Transport Note). The closest bus stops are located 300m away on Clitheroe Road and provide services in both directions. Circa 500m to the southwest of the site lies the centre of Whalley village which includes a number of shops and amenities, whilst 5km to the north sits the larger Clitheroe town centre. Both these settlements have train stations connecting them to the larger towns of Blackburn and Burnley and the cities of Preston and Manchester.
- 2.6. The site is not located within a Conservation Area, nor are there any statutory or locally listed buildings located within or adjacent to the site.
- 2.7. There are no ecological constraints associated with the site itself. The site is not within an area identified by the Environment Agency's flood risk map as being subject to flooding; located wholly within Flood Zone 1.

Planning History and Context

- 2.8. Following a review of the LPA's online Planning search tool, it is considered that the below planning records are relevant to the site:

4 Wiswell Lane

- **3/2006/0570** - Creation of attached granny annex accommodation and slight adjustment to residential curtilage (Approved October 2006)
- **3/2013/0150** - Application to remove condition no. 3 (occupancy) of planning permission 3/2006/0570P to allow greater flexibility of use. (Approved March 2013)
- **3/2017/0556** - Application for a lawful development certificate to cover for a change of use of land to residential use. (Approved September 2017)
- **3/2017/1159** - Erection of a rear single-storey garden room extension and dormer window loft conversion with new front porch and dormer windows. (Approved January 2018)

4a Wiswell Lane

- **3/2018/0028** - Proposed alterations and extension to existing property and erection of a detached garage. Erection of two four-bed detached dwellings with detached double garages. (Withdrawn)
- **3/2018/1017** - Proposed alterations and extension to existing property and erection of a detached garage. Erection of two four-bed detached dwellings with detached double garages. Resubmission of planning application 3/2018/0028. (Refused February 2019)
- **3/2020/0006** - Proposed extension and erection of new single storey dwelling to replace existing residential caravan. (Approved March 2020)
- **3/2020/1044** - Proposed extension and erection of new single storey dwelling to replace existing residential caravan. (Withdrawn)

4b Wiswell Lane

- **3/2021/0991** - Revisions to the proposed single storey dwelling of the previously approved application (3/2020/0006), amendments include roof overhang to south facing terrace/walkway and west facing patio. Internal reconfigurations, inclusion of study, amendment to entrance lobby, additional rooflight to living room, solar panels located on the roof and inclusion of air source heat recovery system. The application boundary has been revised to exclude the existing bungalow. The proposal also includes the construction of one double garage (Approved November 2021)
- **3/2023/0180** - Erection of single storey dwelling with solar panels on the roof and air source heat system together with landscaped (patio) areas (amendments to planning permission 3/2021/0991). (Refused May 2023)
- Enforcement notice appeals relating to application 3/2021/0991 **APP/T2350/C/24/3346392** and **APP/T2350/C/24/3346393** – dismissed 15 April 2025.

Land adjacent to 4a Wiswell Lane

- **3/2024/0851** - Retrospective planning application for the retention of a single dwelling house and associated parking, soft and hard landscaping and associated works. (Refused 10th January 2025)
- **3/2025/0074** - Certificate of lawfulness for existing dwellinghouse and associated curtilage (garden, driveway and areas of hardstanding) (Refused 26th March 2025)

- 2.9. The land that the dwelling relating to this appeal sits on was granted a certificate of lawfulness on in 2017 (Ref: 3/2017/0556) for residential use. A copy of the site location plan for this application is provided within Appendix 2.
- 2.10. It is also noted that under none of the applications above have permitted development rights been removed from the land.
- 2.11. Whilst the above 2020 application (Ref: 3/2020/0006) does not directly relate to the building subject to this appeal, the proposals within the application (extension to 4a and new dwelling, now sold off) are those which resulted in the Appellant constructing the dwelling in question. The above application was approved in March 2020, with the building work of the dwelling beginning the same month.
- 2.12. The Appellant received letters from the Council's planning enforcement team in July 2020 and October 2021. Following this a Planning Contravention Notice (PCN) was served on the applicant in October 2022 (Appendix 3), and this was responded to in the same month by the Appellant (Appendix 3). Following this, a letter (December 2022) was sent to the Appellant to follow up on this PCN response. Whilst the Appellant had been in continuous engagement with the Council and submitted an application (Ref: 3/2024/0851) to regularise the development (which was refused, decision notice and officers report in Appendix 4), until the issuing of the enforcement notice (3rd April 2025) there had been no further enforcement action following the December 2022 letter.
- 2.13. The Appellant also sought to submit a certificate of lawfulness application (Ref: 3/2025/0074) to confirm that the proposals met the 4-year rule and were therefore lawful by the passage of time. This application (submitted in January 2025) stated that the dwelling was substantially complete by the end of December 2020 and therefore the 4-year rule timeline period for a lawful development certificate should begin on 1 January 2021 and ending on the 1 January 2025.
- 2.14. Nevertheless, the LPA refused (Decision Notice and Officers report in Appendix 5) on the basis that it not been adequately demonstrated that the building operation subject of the application was in place and substantially complete for a period greater than 4 years predating the receipt of the application. A second reason for refusal was also added, which stated that due to the cumulative level of physical and functional change resultant from the works undertaken, it is considered that a material change of use in the land has occurred

and the building as a dwelling cannot be considered lawful given the material change in the use of the land did not occur greater than 10 years pre-dating the receipt of the application.

- 2.15. Both these reasons for refusal form the basis of Enforcement Notice issued by the LPA, and will be responded to in detail within the section below.

/3 CASE FOR APPELLANT

Enforcement Notice (dated 3rd April 2025)

- 3.1. The matters which constitute the breach of planning control are detailed in Paragraph 3 of the enforcement notice, and set out again below for ease of reference:

"(a) Without planning permission, carried out the erection of an unauthorised dwellinghouse and decking

(b) Without planning permission, a material change in the use of the land consisting in the unauthorised use of the building as a dwellinghouse and the use of other parts of the land for incidentals purposes"

- 3.2. This Enforcement Notice is appealed under two grounds D and G of Section 174 of the Town and Country Planning Act 1990.

Ground D: that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters

- 3.3. The ground (d) appeal seeks to respond to both the breaches of planning control (a and b) included within the Enforcement Notice, and that at the time of the issuing of the enforcement was issued, it is considered that no enforcement action should have been taken in respect of these breaches.

Breach of Planning Control (a)

- 3.4. In the first instance it is contended that the works undertaken are lawful under the 4-year rule, and that the works were substantially complete 4 years before the issuing of the enforcement notice (3 April 2021).
- 3.5. Works are required to be "substantially complete" before the 25th April 2025. As set out within the leading case of *Sage v Secretary of State for the Environment, Transport and the Regions* [2003] UKHL 22, "regard should be had to the totality of the operations which the person originally contemplated and intended to carry out" and if a developer has "stopped short of what he contemplated and intended ... the building ... can properly be treated as an uncompleted building against which the four-year period has not yet begun to run".

- 3.6. Further to the above, in the case of *Gravesham Borough Council v Secretary of State for the Environment* (1984) 47 P. & C.R. 142, the key characteristic of a dwelling house is *"its ability to afford to those who use it the facilities required for day-to-day private domestic existence"*. In this instance, if facilities have not yet been installed it is unlikely that the building is substantially complete. However, the case does not suggest that the building needs to be in use, and more that it needs to be capable of use for its intended purpose.
- 3.7. Ground works to the property began in March 2020. Appendix (5) includes an historic timeline of Google Earth aerial photographs dating back to April 2020. The image in April 2020 clearly shows the groundwork undertaken for the development. As shown within these images, first sight of the dwelling and associated landscaping (pond and decking) and hardstanding is seen in the April 2021 image. Whilst there is a gap in the imagery between April 2020 and April 2021, the below correspondence and evidence confirms that the Council were aware that the dwelling was under construction.
- 3.8. The first correspondence received from the Council are letters from the Enforcement Officer in July 2020 (Appendix 6). In these letters, the Officer states that "an alleged new structure" or "mobile home" is under construction at the site, and the Council were therefore aware of the development. Whilst the 24th July 2020 letter shows the Council's position on why they consider the building could not be considered a moveable structure, it highlights a point in time for when the Council knew the structure was under construction.
- 3.9. The second piece of evidence relates to emails sent between the applicant and the Council in August 2020 (Appendix 7). The email (dated 18th August 2020) from the applicant seeks to set out why he considers the structure to be a mobile home and moveable. The responding email from the Council (dated 19th August 2020) continues their position on the structure requiring planning consent. Importantly, the email from the Council describes the development as "primary living accommodation". With this in mind, the Council must have had the view that the structure was at a stage of construction where it could be described as such.
- 3.10. Following the above, a pre-application submission was made in October 2020. Appendix 8 includes the pre-application request form, the Applicant's contextual statement submitted with the pre-application request and the Council's response (dated January 2021).

- 3.11. As set out within the applicant's contextual statement, *"construction of the chalet started in March 2020 and much of the external structure was completed by early June"*. Although within the same statement, the applicant advises *"I still intend to use the new chalet as extra living accommodation as soon as we finish it"*, this related to the final works internally on the structure before it could be lived in. The additional evidence provided within this appeal seeks to provide the date when the internal works on structure were undertaken.
- 3.12. As part of both the reasons for issuing the enforcement notice and the officer's delegated report for the certificate of lawfulness application, the LPA have specifically referred to the responses provided by the Appellant regarding his PCN response in October 2022. As set out within the delegated report from the certificate of lawfulness application 3/2025/0074, the text states:

However, in relation to an outstanding enforcement investigation relating to the structure, the applicant, in responding to a Planning Contravention Notice, has previously responded as follows:

PCN 4.13:

If the answer to 4.12 is that one or more such rooms are bedrooms, please state the name and age of each person who sleeps in such rooms(s), when they commenced such occupation, and the average number of days in each week when they use such room(s) for sleeping.

Applicant Response: Occupied Since October 2021

PCN 4.15:

If the answer to 4.9 is "Yes", for the avoidance of doubt, state whether anyone uses the lodge/chalet as their principal residence, and, if so, please provide their full name(s) and age(s).

Applicant Response: Used as annexe accommodation to main residence.

PCN 4.16:

If the answer to 4.9 is "Yes", please state the date of commencement and completion of the construction or erection of the lodge/chalet, and the identity of the person(s) or company who carried out such construction or erection.

Applicant Response: Commencement Date: March 2020

Completion Date: October 2021

- 3.13. In response to the above PCN answers, the response to PCN 4.13 stated that the dwelling had been occupied since October 2021. This is not inaccurate and related to the date in which the Appellant had fully moved into the property. Nevertheless, the occupation of the dwelling does not relate to when the building was substantially complete, and evidence within this appeal seeks to confirm that this was the case within the 4-year time period before the enforcement notice was issued.
- 3.14. The Appellant recognises that the Answer to PCN 4.15 was inaccurate and at the time of the PCN response (October 2022), the Appellant was using the building as his main residence. Nevertheless, the answer to this question still does not have an impact on when the building was substantially complete.
- 3.15. It is noted that in response to PCN 4.16, the Appellant has advised that the dwelling was complete in October 2021, this related to a period in time when the Appellant had moved into the building permanently, but evidence within this appeal confirms that the building had been substantially complete within the 4 year time period before the enforcement notice was issued.
- 3.16. Further to the above and referenced within the delegated report from the certificate of lawfulness application (Ref: 3/2025/0074), the LPA refer to an email sent by PWA Planning on behalf of the Appellant which sought to address the inconsistencies in dates regarding the application submission and dates included within the PCN response. This stated:

"I have now had a chance to speak to the applicant regarding the October 2021 completion date included within the PCN response in October 2022.

Whilst it is not disputed that this date was included within the response, the October 2021 date refers to the month when his son moved into the main house (following the sale of his own house) and the applicant moved into the development on a permanent basis. This is confirmed in response to question 4.13 of the PCN.

Before this (between January 2021 – October 2021) there was an ad-hoc period where the applicant was moving things over and living between buildings"

- 3.17. The above response is not inaccurate, and there was an ad-hoc period where the Appellant was moving between properties. The important question is when the building was substantially complete.

- 3.18. As part of the application for the certificate a lawfulness, the Appellant advised that from memory the internal fittings had been fit by the end of December 2020, with the Appellant moving into the property at the end of February 2021. At the time of this application and given the internal fittings were considered to be installed by the end of December 2020, it was deemed that the 4- year time period should begin on 1 January 2021. A statutory declaration confirming these events was included within the appendix of the supporting statement (Appendix 9) for the certificate of lawfulness application (Ref: 3/2025/0074). The LPA did not agree with this statement and advised that they have “*photographs of the building without all of the cladding, windows and doors installed 'by the end of December 2020' that suggest it was not substantially complete by this date*” (within delegated report from application 3/2025/0074). It should be noted that these photographs have not been provided as part of the refusal for the certificate of lawfulness or the issuing of the enforcement notice.
- 3.19. As part of the delegated report for the certificate of lawfulness application (Ref: 3/2025/0074) the LPA set out a table (below) regarding the inconsistencies between the evidence that they have and the informaiton provided by the Appellant within enforcement responses, planning applications submitted and through agent correspondence.

TIMELINE	LPA EVIDENCE	PCN RESPONSE (19 TH OCTOBER 2022)	APPLICATION FORM 3/2024/0851 (11/10/2024)	EMAIL FROM AGENT (24 TH MARCH 2025)	PLANNING STATEMENT (JANUARY 2025)
COMMENCEMENT	X	March 2020: Commencement Date	15/03/2020	X	X
STRUCTURE ON SITE:	Nov 2020: No windows 24 Feb 2021: Windows installed	X		X	June 2020: First parts of structure erected
SUBSTANTIALLY COMPLETE:	24 Feb 2021: Windows installed therefore not before this date	October 2021: Completion	30/06/2020 Completed	X	December 2020: Complete
OCCUPATION:	X	October 2021: Occupied as Annexe		October 2021: Permanent occupation commenced (occupied as ad- hoc annexe since January 2021)	February 2021: Occupation as Permanent dwelling commenced

Figure 2 – Table from 3/2025/0074 delegated report

- 3.20. Importantly, within the LPA evidence ‘substantially complete’ section of the table, the LPA state that the windows were installed on the 24th February 2021, and therefore the substantial completion could not be before this date. This again provides a point in time for the construction of the building.

- 3.21. Following on from the above, since the certificate of lawfulness, evidence from the Appellant's building contractor confirms that the kitchen and bathroom fittings were installed in March 2021 (photos from the 12th and 21st March 2021) and included within Appendix 10. If this evidence was available at the time of the certificate of lawfulness application, it would have been submitted.
- 3.22. The inclusion of the photographs from March 2021 again shown a clear point in time, where in reference to the case of *Gravesham Borough Council v Secretary of State*, facilities required for the day-to-day private domestic existence were installed.
- 3.23. On the basis of the above evidence, the building subject to this appeal is considered to be "substantially complete" prior to 4 years before the issuing of the enforcement notice (3 April 2025), and therefore has become lawful, meaning that no further enforcement action can be taken against the development.
- 3.24. Before responding to breach of planning control (b) within the enforcement notice, the Appellant also wishes to address the 'potential concealment' section within the certificate of lawfulness application (Ref: 3/2025/0074) delegated report. In this respect, the LPA have stated:

The applicant, within their supporting information, has stated that the timeframes for substantial completion and subsequent permanent occupation as a 'dwellinghouse' are as follows:

- *December 2020: Substantial completion of building*
- *February 2021: Applicant commenced permanent occupation of the building*

However, in response to a Planning Contravention Notice issued by the authority, the applicant has stated that the timeframes for substantial completion and the nature of the initial occupation are as follows:

- *October 2021: Substantial completion of building*
- *October 2021: Building occupied as 'annexe accommodation' to the 'main residence'.*

Taking account of the above discrepancies, it is clear that the building operations relating to the structure would benefit from enforcement immunity should the timescales within the supporting information associated with the applicant be correct. However, should the timescales for 'substantial completion' as contained within the response to the Planning Contravention Notice be correct, the building would not benefit from enforcement immunity. Particularly insofar that the building operations subject to this application were not in place and substantially complete

for a period greater than 4 years pre-dating the receipt of the application. It is further worthy of noting that the applicant originally claimed that the structure was occupied as 'annexe accommodation' to the 'main residence' and was not occupied as an independent single dwellinghouse.

Taking account of the above, there are clear identified inconsistencies in information having been submitted by the applicant, not only in relation to timescales for substantial completion and occupation but also in relation to the nature of the occupation itself.

As such the authority considers that the building could not benefit from immunity from enforcement action when taking account of the 'Welwyn Principle' insofar that where there is evidence of clear 'positive deception' or intentional factual omission immunity from enforcement action cannot be afforded pursuant to Section 171(B) of the Town & Country Planning Act.

- 3.25. As set out within this statement of case, it is considered that the Appellant's responses to the original PCN have been explained, and it is not considered that the Appellant has sought to be deceptive or intentionally omitted factual information. They always engaged with the LPA following letter correspondence and sought to rectify the planning breach with a planning application and certificate of lawfulness. These applications were refused by the LPA, and it is down to the Planning Inspectorate to make the final decision. Nevertheless, for breach of planning control (a), the fundamental question for the Inspector is whether the building was substantially complete before 4 years from the issuing of the enforcement notice, and given the photographs from March 2021 referenced above, this is considered to be the case.

Breach of Planning Control (b)

- 3.26. The second breach of planning control (b) concerns a material change in use of the land, consisting in the unauthorised use of the building as a dwellinghouse and the use of other parts of the land for incidentals purposes.
- 3.27. Firstly, in respect of the reasons associated with this breach of planning control, the Enforcement notice states the following:

The dwellinghouse by virtue of its design, external appearance, materiality and site configuration, fails to respond positively to the inherent pattern of development or character of nearby dwellings found within the vicinity, and results in significant adverse impacts upon the character and visual amenities of the area. The

dwellinghouse results in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy.

The dwellinghouse is reliant on the existing access onto Wiswell Lane which is of substandard width and has limited visibility. Use of the dwellinghouse results in additional cumulative vehicular movements using the existing access and internal access track which is detrimental to the safe operation of the immediate highway. The dwellinghouse results in direct conflict with Key Statement DM12 and Policy DMG3 of the Ribble Valley Core Strategy

- 3.28. The above reasons are associated with the overall design and appearance of the dwelling and how it will be accessed. Both these matters were responded to as part of the linked planning appeal (Ref: APP/T2350/W/25/3365028) associated with the refused application 3/2024/0851 for planning permission. Therefore, for responses to the above two reasons we would refer the Inspector to the Statement of Case submitted with that appeal.
- 3.29. In terms of what breach of planning control (b) refers to, it is understood that it relates to a material change in use of the land which occurred within the last 10 years. Although it has not been clearly set out within the enforcement notice, it is considered that the delegated report from the certificate of lawfulness (Ref: 2025/0074) refusal provides a clearer overview of this breach of planning control.
- 3.30. Within the delegated report, the LPA reference *Welwyn Hatfield Council v SSCLG [2011] UKSC 15 2 AC 304*, and state "*as the building was erected and subsequently occupied from the start as a dwelling, then it is necessary to consider whether a material change in the use of the land for residential purposes has occurred which arises from the erected building being used as a dwelling*".
- 3.31. The LPA also state:

Section 55 of the Town and Country Planning Act 1990 states that:

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land:

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of

the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class’.

- 3.32. The above two references are not disputed by the Appellant. The LPA also set out the below which relates to the use of the planning unit:

It is recognised that the entirety of the planning unit identified in this application was utilised for the purposes of C3 residential occupation, with the garden area being utilised incidental to the enjoyment of the original primary dwellinghouse, save for the access serving the primary dwellinghouse and other neighbouring properties. The siting of the structure as a ‘dwellinghouse’ continues that C3 use, albeit resulting in the creation of an independent residential planning unit.

Whilst this has not resulted in the use of the land changing ‘within a class’, there is no statutory definition of ‘material change of use’ -however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and is determined on the individual merits of each case.

- 3.33. Again, the Appellant does not disagree with the above statement. Specifically, reference has been made to all of the planning unit being in a lawful C3 residential occupation. This is correct and associated with the certificate of lawfulness of approval in 2017 (Ref: 3/2017/0556). Furthermore, as again correctly set out, the siting of the structure as a ‘dwellinghouse’ continues this C3 use. Whilst the LPA confirm that the building has not resulted in the use of the land changing within the class, they consider that a ‘material change of use’ has occurred which relates to the significance of a change and the resulting impact on the use of land and buildings.

- 3.34. Further on within the delegated report, the LPA set out the works which had been undertaken on the land and why a material change of use had therefore occurred on the land:

In respect of this matter, the works undertaken to the land, including the siting of a building and the resultant site configuration consists of the following:

- *Erection of building with new independent residential use unrelated to any existing dwelling*
- *Creation of new car-parking areas associated with the building*

- *Creation of associated hardstanding and decking*
- *Use of separate parcel of land as an independent residential curtilage with associated domestic paraphernalia*
- *Creation of 'Pond' associated with the building*

It is further worthy to note that the footprint of the building that has been sited on the land is also significantly larger than that of the footprint of the original primary dwelling to which the structure was originally claimed to be 'ancillary to'. Taking this into account and taking account of the cumulative level of physical and functional change that has occurred, it is considered that the character of the land has significantly and materially changed resulting in a material change of use.

As such it is not considered that its use as a dwelling can be considered lawful nor benefit from immunity from enforcement action given the material change in the use of the land did not occur greater than 10 years pre-dating the receipt of the application and as such they cannot be considered lawful by virtue of section (3) of 171(B) of the Town and Country Planning Act 1990

- 3.35. Firstly, the Appellant does not dispute the list of works which have been set out by the LPA and consider them to be a correct reflection of the works on site.
- 3.36. Nevertheless, contention is found with the LPA's assessment of how the building has resulted in a level of change that is considered to change the character of the land significantly.
- 3.37. Firstly, whilst it not considered that a comparison between the appeal development and the dwelling at 4a Wiswell Lane is relevant to the material change of use argument, it should be noted that the LPA approved a planning permission (Ref: 3/2020/0006) which partly related to the extension of this dwelling and also the development at 4b Wiswell Lane. Given that this is a permission which has been commenced (as confirmed by appeals APP/T2350/C/24/3346392 and APP/T2350/C/24/3346393) it is intended that the extension to no.4a will be built in the future. This would result in a dwelling that has a total size of 129.9sqm and therefore would be larger than the building associated with this appeal. Nevertheless, even with the extension added to 4a Wiswell Lane, it still considered that the plot of land is large enough to accommodate this, the development associated with this appeal and the building at 4b Wiswell Lane.

- 3.38. Notwithstanding the above, it is noted the extension has not been built yet, and the existing dwelling at 4a Wiswell Lane has a footprint of 79.3sqm. In comparison to this, the building associated with this appeal has a total footprint of 91.1sqm. In this respect, there is a difference of 11.8sqm, which in our opinion can't be considered as 'significantly larger'. Further to the above, it is not considered that the size of the Appellants single storey building within a relatively large plot (which still has open areas to the west and south) results in a detrimental cumulative level of physical and functional change within this residential area. Screening in the form of fencing and vegetation on the boundaries of the plot further limit external views. It should also be noted that the all the buildings surrounding the appeal site are larger in scale and therefore the appeal building does not compete with these existing built forms.
- 3.39. In terms of the works associated within the appeal building (car parking area, hardstanding, decking and pond), these are all relatively small in scale and correspond with the scale of the built form which they are associated with. They are also generally screened from external views by boundary fencing and vegetation.
- 3.40. For a more detailed assessment of how the design sits within the pattern of development and character of nearby dwellings, please refer to the response to Reason for Refusal 1 (Paragraphs 5.21 – 5.47) in the linked appeal's Statement of Case.
- 3.41. Overall, it is considered that the works undertaken do not result in a cumulative level of physical and functional change that would result in the land significantly and materially changing and resulting in a material change of use. The works are small in scale in relation to the plot they sit within and respect the adjacent dwellings in scale and nature. Therefore, it is not considered that the LPA's material change of use arguments is valid and relevant to this case.

Ground G: Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should be reasonably be allowed.

- 3.42. Should the above grounds of appeal fail, the time for compliance should be extended to six months to allow time to comply with the requirements. This would allow time for the Appellant to find other primary living accommodation suitable for their needs.

/4 CONCLUSION

4.1. This enforcement notice has been appealed on two grounds:

- Ground D:
 - “that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters”
- Ground G:
 - Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should be reasonably be allowed.”

4.2. As set out within this Statement of Case, it is considered that the works associated with the enforcement notice, were substantially complete in the 4-year period prior to the issuing of the enforcement notice (dated 3 April 2025). Furthermore, given the nature and scale of the works, it is not considered that a material change in use of the land has occurred.

4.3. The Inspector is respectfully requested to allow the appeal under ground (d). Should this fail, the Inspector is respectfully requested to allow ground (g). The Enforcement Notice should be quashed.

Appendix 1 – Enforcement Notice



RIBBLE VALLEY BOROUGH COUNCIL

please ask for: STEPHEN BARKER
direct line: 01200 413216
e-mail: stephen.barker@ribblevalley.gov.uk
my ref: SB/CMS
your ref:
date: 3 April 2025

Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

01200 425111
www.ribblevalley.gov.uk

Dear Mr Atherton

RE: BREACH OF PLANNING CONTROL ON LAND AT 4A WISWELL LANE,
WHALLEY, CLITHEROE, BB7 9AF ("THE LAND")

Ribble Valley Borough Council ("the Council") is the Local Planning Authority in respect of the Ribble Valley area in which the Land is situated.

You are the registered owner of the Land. The Council has issued an Enforcement Notice relating to the Land ("the Notice"). I now serve a copy of the Notice on you as owner of the Land.

If you do not appeal against the Notice, it will take effect on 8 May 2025, and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the Notice. Failure to comply with the Notice, once it has taken effect, can result in prosecution and/or remedial action by the Council.

If you wish to appeal against the Notice, the steps which you must take and the grounds upon which you may appeal, are set out in the Annex to the Notice and the supporting documents.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Barker'.

STEPHEN BARKER
SOLICITOR

Mr JS Atherton
4A Wiswell Lane
Whalley
CLITHEROE
Lancashire
BB7 9AF

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990

ENFORCEMENT NOTICE

ISSUED BY RIBBLE VALLEY BOROUGH COUNCIL

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a), section 171A of the Town and Country Planning Act 1990, at the land described below. It is considered expedient to issue this Notice, having regard to the provisions of the development plan and all other material planning considerations.

The Annex at the end of the Notice and the enclosures to which it refers contain important additional information.

2. **THE LAND AFFECTED**

Land at 4a Wiswell Lane, Whalley, Clitheroe BB7 9AF shown edged red on the attached plan

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

- (a) Without planning permission, carried out the erection of an unauthorised dwellinghouse and decking
- (b) Without planning permission, a material change in the use of the land consisting in the unauthorised use of the building as a dwellinghouse and the use of other parts of the land for incidental purposes

4. **REASONS FOR ISSUING THIS NOTICE**

In respect to (a) above, it appears to the Council that the above breach of planning control has occurred within the last four years.

- A Planning Contravention Notice (PCN) was served on Mr John Stephen Atherton on 5 October 2022 referring the dwellinghouse as a lodge/chalet. In a reply dated 19 October 2022, Mr Atherton made the following statement in respect of the lodge/chalet:
 - the construction of the lodge/chalet had been completed in October 2021,
 - the lodge/chalet had been occupied since October 2021, and
 - the lodge/ chalet was used as annex accommodation and incidental to the use of the main house.

Copies of the PCN and reply are attached.

In respect to (b) above, it appears to the Council that the above breach of planning control has occurred within the last ten years.

- The dwellinghouse by virtue of its design, external appearance, materiality and site configuration, fails to respond positively to the inherent pattern of development or character of nearby dwellings found in the vicinity, and results in significant adverse impacts upon the character and visual amenities of the area. The dwellinghouse results in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy.
- The dwellinghouse is reliant on the existing access onto Wiswell Lane which is of substandard width and has limited visibility. Use of the dwellinghouse results in additional cumulative vehicular movements using the existing access and internal access track which is detrimental to the safe operation of the immediate highway. The dwellinghouse results in direct conflict with Key Statement DM12 and Policy DMG3 of the Ribble Valley Core Strategy.

5. WHAT YOU ARE REQUIRED TO DO

Remove the dwellinghouse and decking and all materials from site and restore the land to its previous condition.

6. TIME FOR COMPLIANCE

4 months from the date this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 8 May 2025 unless an appeal is made against it beforehand.

Dated: 3 April 2025

Signed NL
Nicola Hopkins
Designation: Director of Economic Development and Planning
(The Council's authorised officer)

Address to which all communications should be sent:

Ribble Valley Borough Council
Development Control Department
Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA

ANNEX

Ribble Valley Borough Council has issued an enforcement notice relating to land at 4A Wiswell Lane, Whalley, Clitheroe, BB7 9AF and shown edged red on the attached plan and you are served with a copy of that notice as you have an interest in the Land. Copies of notice have also been served on the parties listed at the end of this Annex.

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be received by the Planning Inspectorate (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the Planning Inspectorate) before the date specified in paragraph 7 of the notice.

If you want to appeal against this enforcement notice you can do it:

- Online at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs).
- By getting enforcement appeal forms from the Planning Inspectorate on 0117 372 6372 or by e-mailing the Planning Inspectorate at enquiries@pins.gsi.gov.uk.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:
The name of the local planning authority.

- The site address.
- Your address.
- The effective date of the enforcement notice.

This should **immediately** be followed by your completed appeal forms.

The Planning Inspectorate's address and contact details are as follows:

The Planning Inspectorate
CST Room 3/05
Temple Quay House
2 The Square
BRISTOL BS1 6PN

Direct line: 0117 372 6372
Fax number: 0117 372 8782

Under section 174 of the TCPA 1990 you may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.
- Those matters have not occurred.
- Those matters (if they have occurred) do not constitute a breach of planning control.
- At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990.
- The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted

by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach.

- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under ground (a) of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £1156.00. You should pay the fee to Ribble Valley Borough Council.

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 are attached for your information.

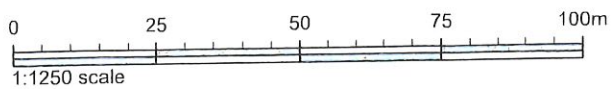
WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Persons served with a copy of this enforcement notice are as follows:

John Stephen Atherton
4a Wiswell Lane
Whalley
Clitheroe
BB7 9AF

Aldermore Bank PLC
Apex Plaza
Forbury Road
Reading
RG1 1AX



This drawing is to be read in conjunction with all relevant Architect, consultants' and specialists' drawings and specifications. The Architect is to be notified of any discrepancies before proceeding. All dimensions and levels are to be checked on site. This drawing is subject to copyright. All work carried out before Planning and Building Permission has been granted is at the contractor/clients risk.

Note: proposed drawing based on OS dvig information. All illustrated dimensions are approximate and all site dimensions are to be checked on site and subject to site survey.

Rev A - 24.09.2024 - Building Location Amended
Rev B - 02.10.2024 - Red Line Amended
Rev C - 03.10.2024 - "Do not scale" removed
Rev D - 22.10.2024 - Red Line Amended
Rev E - 22.10.2024 - Red Line Amended



Mapping contents (c) Crown copyright and database rights 2020 Ordnance Survey 100035207

LOCATION PLAN SCALE 1:1250

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY



Ribble Valley
Borough Council
www.ribblevalley.gov.uk

**TOWN AND COUNTRY PLANNING ACT 1990 ("TCPA 1990")
PLANNING CONTRAVENTION NOTICE**

Served by: The Ribble Valley Borough Council ("**the Council**").

To: Mr John Stephen Atherton of 4a Wiswell Lane, Whalley, Clitheroe, BB7 9AF and
Aldermore Bank plc (co. regn. no. 947662) of Apex Plaza, Forbury Road, Reading,
RG1 1AX

1. PLANNING CONTRAVENTION NOTICE

This is a formal notice served by the Council because it appears that there may have been a breach of planning control, within section 171A (1) of the TCPA 1990, at the land described below. It is served on you as person's who appears to be the owner or occupier of the land or has another interest in it, or who is carrying out operations, in, on, over, or under the land or is using it for any purpose. The Council require you, in exercise of their powers under section 171C(2) and (3) of the TCPA 1990, so far as you are able, to provide certain information about interest in, and activities on, the land.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at 4a Wiswell Lane, Whalley, Clitheroe, Lancashire, BB7 9AF shown edged red on the attached plan ("**the Land**").

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

The Council considers that there may have been a breach of planning control in respect of the Land in that, without planning permission a single storey building, described as a chalet or a lodge, has been erected on the land in the approximate position shown on the attached plan.

4. WHAT YOU ARE REQUIRED TO DO

You must provide, in writing, information in response to the following questions, so far as you are able to answer them.

- 4.1 What is your interest in the Land?
- 4.2 When did you purchase/acquire the Land?
- 4.3 Does any other person have any interest in the Land
- 4.4 If the answer is "Yes" to question 4.3, what are the name(s) and normal address(es) or registered office of any person or company known to you, who has an interest in the Land?
- 4.5 Have you conducted any engineering works and or development on the Land?
- 4.6 If the answer is "Yes" to 4.5, what engineering works and or development have you carried out on the Land, and when were such works or development carried out?
- 4.7 Did you seek any type of permission to carry out any works or development on the Land?
- 4.8 If the answer is "Yes" to question 4.7 who gave such permission to carry out development and what sort of permission was obtained for the Land?
- 4.9 Have you constructed or erected a lodge/chalet on the land in the approximate position shown on the attached plan?
- 4.10 If the answer to question 4.9 is "Yes" please advise whether planning permission has been granted by the Council for the erection of the lodge/chalet on the land and, if so, identify the planning reference number for such permissions; if planning permission has not been granted, please explain the basis upon which it is contended that permission from the council is not required or that some other form of permission is applicable in this case.?
- 4.11 If the answer to 4.9 is "Yes", please state the overall outside dimensions and use of the lodge/chalet.
- 4.12 If the answer to 4.9 is "Yes", please state the number of rooms in the lodge/chalet, and the use and internal dimensions of each room.
- 4.13 If the answer to 4.12 is that one or more such rooms are bedrooms, please state the name and age of each person who sleeps in such rooms(s), when they commenced such occupation, and the average number of days in each week when they use such room(s) for sleeping.
- 4.14 If the answer to 4.9 is "Yes", please state whether any person has resided in the lodge/chalet and no longer does so, providing details of their name and age.

- 4.15 If the answer to 4.9 is "Yes", for the avoidance of doubt, state whether anyone uses the lodge/chalet as their principal residence, and, if so, please provide their full name(s) and age(s).
- 4.16 If the answer to 4.9 is "Yes", please state the date of commencement and completion of the construction or erection of the lodge/chalet, and the identity of the person(s) or company who carried out such construction or erection.
- 4.17 If the answer to 4.9 is "Yes", and the erection or construction consisted of assembling a number of sections, please state how many sections were involved in the assembly, including any decking.
- 4.18 If the answer to 4.9 is "Yes", please state how the lodge/chalet is fixed to the ground.
- 4.19 If the answer to 4.9 is "Yes", please state whether any utilities are connected to the lodge/chalet, and for each such utility state the type of utility, the name of the supplier, the date of connection, and the billing address and payer for the relevant bills.
- 4.20 If the answer to 4.9 is "Yes", please state whether the lodge/chalet has been relocated within the land on any occasion(s) and , if so the date of movement to and from any location, and where on the land the lodge/chalet was moved from and to. Please state the name and age of each occupier of 4a Wiswell Lane, Whalley, Clitheroe, BB7 9AF, and the date upon which they commenced such occupation.
- 4.21 If the answer to 4.9 is "Yes", please state the nature and size of any equipment or plant used in the erection, construction, and relocation of the lodge/chalet.
- 4.22 If the answer to 4.9 is "Yes", please state whether the lodge/chalet was initially transported to the land in assembled form, or in kit form, and the means of transport used to bring the assembled lodge/chalet or kit/materials on to the land.
- 4.23 If the answer to 4.22 is "in kit form", by whom was the lodge/chalet assembled and when?
- 4.24 **In addition, please provide any further information you may have, which hasn't been included in your answers above, about:**
- a. **the operations being carried out on the Land, the use of the Land and any other activities being carried out on the Land; and**
 - b. **any matter relating to the conditions or limitations subject to which any planning permission in respect of the Land has been granted.**

All of the above **information must be provided within twenty-one days**, beginning with the day on which this notice is served on you.

5. **WARNING**

It is an offence to fail, without reasonable excuse, to comply with any requirements of this notice within twenty-one days beginning with the day on which it was served on you. The maximum penalty on conviction of this offence is a fine of £1,000. Continuing failure to comply following a conviction will constitute a further offence.

It is also an offence knowingly or recklessly to give information, in response to this notice, which is false or misleading in a material particular. The maximum penalty on conviction of this offence is a fine of £5,000.

6. **ADDITIONAL INFORMATION**

If you fail to respond to this notice, the Council may take further action in respect of the suspected breach of planning control. In particular, they may issue an enforcement notice, under section 172 of the TCPA 1990, requiring the breach, or any injury to amenity caused by it, to be remedied.

If the Council serve a stop notice, under section 183 of the TCPA 1990, section 186(5)(b) of the TCPA 1990 provides that should you otherwise become entitled to compensation for loss or damage attributable to that notice, under section 186 of the TCPA 1990, no such compensation will be payable in respect of any loss or damage which could have been avoided had you given the Council the information required by this notice, or had you otherwise co-operated with the Council when responding to it.

Dated: 05th October 2022

7.

Signed:



Nicola Hopkins, Director of Planning and Economic Development

On behalf of: Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, BB7 2RA

19th October 2022

Mr. S Maggs
Enforcement Officer
Ribbles Valley Borough Council
Council Offices
Church Walk
Clitheroe
BB7 2RA

Dear Mr. Maggs,

Re: Land at 4a Wiswell Lane, Whalley BB7 9AF

Thank you for your letter dated 5th October 2022, enclosing the Planning Contravention Notice concerning the above property.

In response to the questions raised, I now address them as per your numbered paragraphs:

- 4.1: Owner.
- 4.2: 2007.
- 4.3: No.
- 4.4: N/A.
- 4.5: No. It is neither operational development (as defined by Section 55(1) of The Town & Country Planning Act, 1990) nor a material change of use of land, requiring planning permission (as clarified by Section 52 (2, d) of the same Act.
- 4.6: N/A.
- 4.7: No.
- 4.8: N/A.
- 4.9: Yes.
- 4.10: The construction and occupation of the chalet is in accordance with the regulations and definition of a mobile home, as defined by Section 13 of The Caravan Sites Act, 1968 and Schedule I of The Caravan Sites and Development Act, 1960.
- 4.11: The overall outside dimensions of the chalet are:
Length – 20.0m;
Width – 6.8m;
Overall height – 3.05m, measured from the floor at the lowest level to the ceiling at the highest point.
- 4.12: The chalet comprises:
- | | |
|------------------------|-------------|
| Kitchen / living area: | 6.2m x 5.2m |
| Hallway: | 3.8m x 2.4m |
| Bathroom: | 2.9m x 2.4m |
| Office: | 2.6m x 2.4m |
| Bedroom 1: | 7.1m x 2.7m |
| Bedroom 2: | 4.1m x 2.3m |
- 4.13: Bedroom 1: John Atherton (aged 57) – most nights.
Bedroom 2: Visiting family members: Mollie Atherton (aged 29) and Megan Atherton (aged 28).

Occupied since October 2021.

4.14: N/A.

4.15: Used as annex accommodation to the main residence by John Atherton (aged 57) and other family members (as above), plus James Atherton (aged 26) and his fiancée Katie Gaffing (aged 25) – the latter two usually sleep in the main residence, but use the annexe as and when they have guests.

4.16: Commencement date: March 2020.

Completion date: October 2021.

The chalet was constructed by myself and a friend, Ken Norris.

4.17: The chalet is constructed in two sections, is divisible into two and is assembled by means of bolts in compliance with the twin-unit construction, as defined by The Caravan Act, 1968. Two metres of decking were added on completion of the structure.

4.18: It rests on concrete plinths.

4.19: Mains electricity, water and sewage are connected via the main residence. Electricity is supplied by North-West Electricity and other services via Utility Warehouse. The bill payer is myself, John Atherton of 4a Wiswell Lane, Whalley BB7 9AF (the main residence). The date of connection was approximately 2007.

4.20: There have been no relocations of the chalet. The occupiers of the property are as above – it has been the family home since 2007.

4.21: A mini digger was used for ground preparation; other than that, there was no plant or machinery used.

4.22: The chalet was assembled and constructed on site by hand. Timber was brought on site by the timber supplier's lorry.

4.23: N/A.

4.24: The land is used as garden land for all the occupiers of 4a Wiswell Lane. The two structures are used jointly by family members and the chalet is incidental to the use of the main house (shared meals etc).

I have tried to answer all questions as fully as possible. Please let me know if you need further information on any point.

Yours faithfully,

John Atherton

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@planninginspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VII

ENFORCEMENT

^{F1}[Introductory

^{F1}[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—
 - [the issue of an enforcement warning notice in relation to land in England under ^{F2}(za) section 172ZA;]
 - (a) the issue of an enforcement notice (defined in section 172);
 - [the issue of an enforcement warning notice [^{F4}in relation to land in Wales ^{F3}(aa) under section 173ZA;] 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.]

Textual Amendments

- F1** Ss. 171A, 171B inserted (2.1.1992 for certain purposes and otherwise 27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 4(1) (with s. 84(5)); S.I. 1991/2905, art.3 (subject to art. 5); S.I. 1992/1630, art. 2 (with art. 3(1))

Changes to legislation: Town and Country Planning Act 1990, Section 171A is up to date with all changes known to be in force on or before 04 May 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) View outstanding changes

- F2** S. 171A(2)(za) inserted (25.4.2024) by **Levelling-up and Regeneration Act 2023 (c. 55), ss. 117(2)(a), 255(3)(b)** (with s. 247); S.I. 2024/452, reg. 3(d)
- F3** S. 171A(2)(aa) inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by **Planning (Wales) Act 2015 (anaw 4), ss. 43(3), 58(2)(b)(4)(b)**; S.I. 2016/52, art. 5(c)
- F4** Words in s. 171A(2)(aa) substituted (25.4.2024) by **Levelling-up and Regeneration Act 2023 (c. 55), ss. 117(2)(b), 255(3)(b)** (with s. 247); S.I. 2024/452, reg. 3(d)

Changes to legislation:

Town and Country Planning Act 1990, Section 171A is up to date with all changes known to be in force on or before 04 May 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by 2023 asc 3 s. 79(2)
- Act applied by 2023 asc 3 s. 83(4)
- Act excluded by 2023 asc 3 s. 140(4)(b)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3) inserted by 2023 c. 55 Sch. 17 para. 2(2)
- s. 7A(6) inserted by 2023 c. 55 Sch. 17 para. 2(4)
- s. 7ZA inserted by 2023 c. 55 Sch. 17 para. 2(3)
- s. 58B and cross-heading inserted by 2023 c. 55 s. 102(1)
- s. 59A(3)(ba) inserted by 2023 c. 55 Sch. 8 para. 4(b)
- s. 62B(5)(ca) inserted by 2023 c. 55 Sch. 17 para. 2(5)
- s. 70(2)(azb) inserted by 2023 c. 55 Sch. 6 para. 3(a)
- s. 70(3)(ca) inserted in earlier affecting provision 2016 c. 22, s. 5(8) by 2023 asc 3 Sch. 13 para. 194
- s. 70(3A) inserted by 2017 c. 20 Sch. 3 para. 2
- s. 70A(5A) inserted by 2023 c. 55 Sch. 6 para. 4(a)
- s. 70A(10)(11) inserted by 2023 c. 55 s. 110(4)(b)
- s. 70B(5A)(5B) inserted by 2023 c. 55 s. 110(5)(b)
- s. 73B inserted by 2023 c. 55 s. 110(2)
- s. 74(1C)(aa) inserted by 2023 c. 55 Sch. 6 para. 5(b)
- s. 75ZA and cross-heading inserted by 2016 c. 22 s. 155
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by 2011 c. 20 Sch. 8 para. 14(4)(5)Sch. 25 Pt. 16
- s. 83(1A)-(1C) inserted by 2004 c. 5 s. 45(2)
- s. 83(2)-(2B) amendment to earlier affecting provision 2004 c. 5, s. 45(3) by 2011 c. 20 Sch. 8 para. 14(4)(5)Sch. 25 Pt. 16
- s. 83(2)-(2B) substituted for s. 83(2) by 2004 c. 5 s. 45(3)
- s. 83(4) inserted by 2004 c. 5 s. 45(4)
- s. 85(1A) inserted by 2004 c. 5 s. 45(6)
- s. 93(5)(6) inserted by 2017 c. 20 Sch. 3 para. 6
- s. 94(1)(e) and word inserted by 2023 c. 55 Sch. 9 para. 1(15)
- s. 102(1A) inserted by 2023 c. 55 Sch. 6 para. 9(b)
- s. 106A(9A) inserted by 2023 c. 55 s. 125
- s. 106ZA inserted by 2016 c. 22 s. 158(1)
- s. 106ZB inserted by 2016 c. 22 s. 159(1)
- s. 106ZB(2)(a) omitted by 2023 c. 55 s. 130(3)(b)
- s. 108(1A)(1B) inserted by 2015 c. 7 Sch. 4 para. 15(4)
- s. 108(3A) inserted by 2004 c. 5 Sch. 6 para. 6
- s. 108(3B)(ba) inserted by 2015 c. 7 Sch. 4 para. 15(6)
- s. 108(3B)(ba) word omitted by 2023 c. 55 Sch. 9 para. 1(16)(d)(i)
- s. 108(3B)(bb) inserted by 2023 c. 55 Sch. 9 para. 1(16)(d)(ii)
- s. 108(3DA) inserted by 2015 c. 7 Sch. 4 para. 15(7)
- s. 108(3DB) inserted by 2023 c. 55 Sch. 9 para. 1(16)(e)
- s. 141(6) inserted by 2017 c. 20 Sch. 3 para. 7
- s. 169(1)(a) words renumbered as s. 169(1)(a) by 2017 c. 20 s. 26(5)(a)
- s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
- s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
- s. 174(2AA)(b) words substituted by 2023 c. 55 s. 113(6)
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)

- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VII

ENFORCEMENT

^{F1}[Introductory

^{F1}[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—

- [in the case of a breach of planning control in England, ten years beginning
^{F2}(a) with the date on which the operations were substantially completed, and
(b) in the case of a breach of planning control in Wales, 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—

- [in the case of a breach of planning control in England, ten years beginning
^{F3}(a) with the date of the breach, and
(b) in the case of a breach of planning control in Wales, four years beginning with the date of the breach.]

- [There is no restriction on when enforcement action may be taken in relation to a
^{F4}(2A) breach of planning control in respect of relevant demolition (within the meaning of section 196D).]

- (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—

Changes to legislation: Town and Country Planning Act 1990, Section 171B is up to date with all changes known to be in force on or before 05 May 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) View outstanding changes

- (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.]

Textual Amendments

- F1** Ss. 171A, 171B inserted (2.1.1992 for certain purposes and otherwise 27.7.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [s. 4\(1\)](#) (with [s. 84\(5\)](#)); [S.I. 1991/2905](#), [art.3](#) (subject to [art. 5](#)); [S.I. 1992/1630](#), [art. 2](#) (with [art. 3\(1\)](#))
- F2** S. 171B(1)(a)(b) substituted for words in s. 171B(1) (25.4.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 115\(1\), 255\(3\)\(b\)](#) (with [s. 247](#)); [S.I. 2024/452](#), [reg. 3\(b\)](#) (with [reg. 5](#))
- F3** S. 171B(2)(a)(b) substituted for words in s. 171B(2) (25.4.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [ss. 115\(2\), 255\(3\)\(b\)](#) (with [s. 247](#)); [S.I. 2024/452](#), [reg. 3\(b\)](#) (with [reg. 5](#))
- F4** S. 171B(2A) inserted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [s. 103\(3\)](#), [Sch. 17 para. 4](#); [S.I. 2013/2227](#), [art. 2\(m\)](#)

Modifications etc. (not altering text)

- C1** S. 171B(2A) transitional provisions for effects of 2003 c. 24, s. 63, Sch. 17 paras. 1-6 (2.10.2013) by [The Town and Country Planning \(Isles of Scilly\) Order 2013 \(S.I. 2013/2148\)](#), [arts. 1\(1\), 5\(4\)\(b\)](#)

Changes to legislation:

Town and Country Planning Act 1990, Section 171B is up to date with all changes known to be in force on or before 05 May 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by 2023 asc 3 s. 79(2)
- Act applied by 2023 asc 3 s. 83(4)
- Act excluded by 2023 asc 3 s. 140(4)(b)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3) inserted by 2023 c. 55 Sch. 17 para. 2(2)
- s. 7A(6) inserted by 2023 c. 55 Sch. 17 para. 2(4)
- s. 7ZA inserted by 2023 c. 55 Sch. 17 para. 2(3)
- s. 58B and cross-heading inserted by 2023 c. 55 s. 102(1)
- s. 59A(3)(ba) inserted by 2023 c. 55 Sch. 8 para. 4(b)
- s. 62B(5)(ca) inserted by 2023 c. 55 Sch. 17 para. 2(5)
- s. 70(2)(azb) inserted by 2023 c. 55 Sch. 6 para. 3(a)
- s. 70(3)(ca) inserted in earlier affecting provision 2016 c. 22, s. 5(8) by 2023 asc 3 Sch. 13 para. 194
- s. 70(3A) inserted by 2017 c. 20 Sch. 3 para. 2
- s. 70A(5A) inserted by 2023 c. 55 Sch. 6 para. 4(a)
- s. 70A(10)(11) inserted by 2023 c. 55 s. 110(4)(b)
- s. 70B(5A)(5B) inserted by 2023 c. 55 s. 110(5)(b)
- s. 73B inserted by 2023 c. 55 s. 110(2)
- s. 74(1C)(aa) inserted by 2023 c. 55 Sch. 6 para. 5(b)
- s. 75ZA and cross-heading inserted by 2016 c. 22 s. 155
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by 2011 c. 20 Sch. 8 para. 14(4)(5) Sch. 25 Pt. 16
- s. 83(1A)-(1C) inserted by 2004 c. 5 s. 45(2)
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- s. 83(2)-(2B) substituted for s. 83(2) by 2004 c. 5 s. 45(3)
- s. 83(4) inserted by 2004 c. 5 s. 45(4)
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- s. 93(5)(6) inserted by 2017 c. 20 Sch. 3 para. 6
- s. 94(1)(e) and word inserted by 2023 c. 55 Sch. 9 para. 1(15)
- s. 102(1A) inserted by 2023 c. 55 Sch. 6 para. 9(b)
- s. 106A(9A) inserted by 2023 c. 55 s. 125
- s. 106ZA inserted by 2016 c. 22 s. 158(1)
- s. 106ZB inserted by 2016 c. 22 s. 159(1)
- s. 106ZB(2)(a) omitted by 2023 c. 55 s. 130(3)(b)
- s. 108(1A)(1B) inserted by 2015 c. 7 Sch. 4 para. 15(4)
- s. 108(3A) inserted by 2004 c. 5 Sch. 6 para. 6
- s. 108(3B)(ba) inserted by 2015 c. 7 Sch. 4 para. 15(6)
- s. 108(3B)(ba) word omitted by 2023 c. 55 Sch. 9 para. 1(16)(d)(i)
- s. 108(3B)(bb) inserted by 2023 c. 55 Sch. 9 para. 1(16)(d)(ii)
- s. 108(3DA) inserted by 2015 c. 7 Sch. 4 para. 15(7)
- s. 108(3DB) inserted by 2023 c. 55 Sch. 9 para. 1(16)(e)
- s. 141(6) inserted by 2017 c. 20 Sch. 3 para. 7
- s. 169(1)(a) words renumbered as s. 169(1)(a) by 2017 c. 20 s. 26(5)(a)
- s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
- s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
- s. 174(2AA)(b) words substituted by 2023 c. 55 s. 113(6)
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)

- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
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- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
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- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VII

ENFORCEMENT

Enforcement notices

[^{F1}172 Issue of enforcement notice.

- (1) The local planning authority may issue a notice (in this Act referred to as an “enforcement notice”) where it appears to them—
 - (a) that there has been a breach of planning control; and
 - (b) that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- (2) A copy of an enforcement notice shall be served—
 - (a) on the owner and on the occupier of the land to which it relates; and
 - (b) on any other person having an interest in the land, being an interest which, in the opinion of the authority, is materially affected by the notice.
- (3) The service of the notice shall take place—
 - (a) not more than twenty-eight days after its date of issue; and
 - (b) not less than twenty-eight days before the date specified in it as the date on which it is to take effect.]

Textual Amendments

- F1** Ss. 172-173A substituted for ss. 172, 173 (25.11.1991 for certain purposes and otherwise 2.1.1992) by 1991 c. 34, s. 5(1) (with s. 84(5)); S.I. 1991/2728, art.2; S.I. 1991/2905, art.3 (subject to art. 5)

Modifications etc. (not altering text)

- C1** S. 172: power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, art. 3

Changes to legislation: Town and Country Planning Act 1990, Section 172 is up to date with all changes known to be in force on or before 07 May 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) [View outstanding changes](#)

- C2** S. 172: functions of local authority not to be responsibility of an executive of the authority (E.)
(16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), **Sch. 1**

Changes to legislation:

Town and Country Planning Act 1990, Section 172 is up to date with all changes known to be in force on or before 07 May 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 172(1)(b) words substituted by 2023 c. 55 Sch. 6 para. 10

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by 2023 asc 3 s. 79(2)
- Act applied by 2023 asc 3 s. 83(4)
- Act excluded by 2023 asc 3 s. 140(4)(b)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3) inserted by 2023 c. 55 Sch. 17 para. 2(2)
- s. 7A(6) inserted by 2023 c. 55 Sch. 17 para. 2(4)
- s. 7ZA inserted by 2023 c. 55 Sch. 17 para. 2(3)
- s. 58B and cross-heading inserted by 2023 c. 55 s. 102(1)
- s. 59A(3)(ba) inserted by 2023 c. 55 Sch. 8 para. 4(b)
- s. 62B(5)(ca) inserted by 2023 c. 55 Sch. 17 para. 2(5)
- s. 70(2)(azb) inserted by 2023 c. 55 Sch. 6 para. 3(a)
- s. 70(3)(ca) inserted in earlier affecting provision 2016 c. 22, s. 5(8) by 2023 asc 3 Sch. 13 para. 194
- s. 70(3A) inserted by 2017 c. 20 Sch. 3 para. 2
- s. 70A(5A) inserted by 2023 c. 55 Sch. 6 para. 4(a)
- s. 70A(10)(11) inserted by 2023 c. 55 s. 110(4)(b)
- s. 70B(5A)(5B) inserted by 2023 c. 55 s. 110(5)(b)
- s. 73B inserted by 2023 c. 55 s. 110(2)
- s. 74(1C)(aa) inserted by 2023 c. 55 Sch. 6 para. 5(b)
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- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by 2011 c. 20 Sch. 8 para. 14(4)(5) Sch. 25 Pt. 16
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- s. 93(5)(6) inserted by 2017 c. 20 Sch. 3 para. 6
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- s. 106A(9A) inserted by 2023 c. 55 s. 125
- s. 106ZA inserted by 2016 c. 22 s. 158(1)
- s. 106ZB inserted by 2016 c. 22 s. 159(1)
- s. 106ZB(2)(a) omitted by 2023 c. 55 s. 130(3)(b)
- s. 108(1A)(1B) inserted by 2015 c. 7 Sch. 4 para. 15(4)
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- s. 108(3B)(ba) word omitted by 2023 c. 55 Sch. 9 para. 1(16)(d)(i)
- s. 108(3B)(bb) inserted by 2023 c. 55 Sch. 9 para. 1(16)(d)(ii)
- s. 108(3DA) inserted by 2015 c. 7 Sch. 4 para. 15(7)
- s. 108(3DB) inserted by 2023 c. 55 Sch. 9 para. 1(16)(e)
- s. 141(6) inserted by 2017 c. 20 Sch. 3 para. 7
- s. 169(1)(a) words renumbered as s. 169(1)(a) by 2017 c. 20 s. 26(5)(a)

- s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
- s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
- s. 174(2AA)(b) words substituted by 2023 c. 55 s. 113(6)
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)
- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
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- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
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- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VII

ENFORCEMENT

Enforcement notices

173 ^{F1}Contents and effect of notice.

- (1) An enforcement notice shall state—
 - (a) the matters which appear to the local planning authority to constitute the breach of planning control; and
 - (b) the paragraph of section 171A(1) within which, in the opinion of the authority, the breach falls.
- (2) A notice complies with subsection (1)(a) if it enables any person on whom a copy of it is served to know what those matters are.
- (3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
- (4) Those purposes are—
 - (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
 - (b) remedying any injury to amenity which has been caused by the breach.
- (5) An enforcement notice may, for example, require—
 - (a) the alteration or removal of any buildings or works;
 - (b) the carrying out of any building or other operations;
 - (c) any activity on the land not to be carried on except to the extent specified in the notice; or

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- (d) the contour of a deposit of refuse or waste materials on land to be modified by altering the gradient or gradients of its sides.
- (6) Where an enforcement notice is issued in respect of a breach of planning control consisting of demolition of a building, the notice may require the construction of a building (in this section referred to as a “replacement building”) which, subject to subsection (7), is as similar as possible to the demolished building.
- (7) A replacement building—
 - (a) must comply with any requirement imposed by any enactment applicable to the construction of buildings;
 - (b) may differ from the demolished building in any respect which, if the demolished building had been altered in that respect, would not have constituted a breach of planning control;
 - (c) must comply with any regulations made for the purposes of this subsection (including regulations modifying paragraphs (a) and (b)).
- (8) An enforcement notice shall specify the date on which it is to take effect and, subject to sections 175(4) and 289(4A), shall take effect on that date.
- (9) An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased and may specify different periods for different steps or activities; and, where different periods apply to different steps or activities, references in this Part to the period for compliance with an enforcement notice, in relation to any step or activity, are to the period at the end of which the step is required to have been taken or the activity is required to have ceased.
- (10) An enforcement notice shall specify such additional matters as may be prescribed, and regulations may require every copy of an enforcement notice served under section 172 to be accompanied by an explanatory note giving prescribed information as to the right of appeal under section 174.
- (11) Where—
 - (a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and
 - (b) all the requirements of the notice have been complied with,
 then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities.
- (12) Where—
 - (a) an enforcement notice requires the construction of a replacement building; and
 - (b) all the requirements of the notice with respect to that construction have been complied with,
 planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of that construction.

Changes to legislation: Town and Country Planning Act 1990, Section 173 is up to date with all changes known to be in force on or before 07 May 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) View outstanding changes

Textual Amendments

- F1** Ss. 172-173A substituted for ss. 172, 173 (25.11.1991 for certain purposes and otherwise 2.1.1992) by 1991 c. 34, s. **5(1)** (with s. 84(5)); S.I. 1991/2728, **art.2**; S.I. 1991/2905, **art.3** (subject to art. 5)

Modifications etc. (not altering text)

- C1** S. 173: power to apply conferred (10.11.1993) by 1993 c. 28, s. **171(4)(a)**; S.I. 1993/2762, **art. 3**
- C2** S. 173(10) applied (with modifications) (27.7.1992) by S.I. 1992/1562, reg. 2, **Sch.**

Changes to legislation:

Town and Country Planning Act 1990, Section 173 is up to date with all changes known to be in force on or before 07 May 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.

View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by 2023 asc 3 s. 79(2)
- Act applied by 2023 asc 3 s. 83(4)
- Act excluded by 2023 asc 3 s. 140(4)(b)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3) inserted by 2023 c. 55 Sch. 17 para. 2(2)
- s. 7A(6) inserted by 2023 c. 55 Sch. 17 para. 2(4)
- s. 7ZA inserted by 2023 c. 55 Sch. 17 para. 2(3)
- s. 58B and cross-heading inserted by 2023 c. 55 s. 102(1)
- s. 59A(3)(ba) inserted by 2023 c. 55 Sch. 8 para. 4(b)
- s. 62B(5)(ca) inserted by 2023 c. 55 Sch. 17 para. 2(5)
- s. 70(2)(azb) inserted by 2023 c. 55 Sch. 6 para. 3(a)
- s. 70(3)(ca) inserted in earlier affecting provision 2016 c. 22, s. 5(8) by 2023 asc 3 Sch. 13 para. 194
- s. 70(3A) inserted by 2017 c. 20 Sch. 3 para. 2
- s. 70A(5A) inserted by 2023 c. 55 Sch. 6 para. 4(a)
- s. 70A(10)(11) inserted by 2023 c. 55 s. 110(4)(b)
- s. 70B(5A)(5B) inserted by 2023 c. 55 s. 110(5)(b)
- s. 73B inserted by 2023 c. 55 s. 110(2)
- s. 74(1C)(aa) inserted by 2023 c. 55 Sch. 6 para. 5(b)
- s. 75ZA and cross-heading inserted by 2016 c. 22 s. 155
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by 2011 c. 20 Sch. 8 para. 14(4)(5) Sch. 25 Pt. 16
- s. 83(1A)-(1C) inserted by 2004 c. 5 s. 45(2)
- s. 83(2)-(2B) amendment to earlier affecting provision 2004 c. 5, s. 45(3) by 2011 c. 20 Sch. 8 para. 14(4)(5) Sch. 25 Pt. 16
- s. 83(2)-(2B) substituted for s. 83(2) by 2004 c. 5 s. 45(3)
- s. 83(4) inserted by 2004 c. 5 s. 45(4)
- s. 85(1A) inserted by 2004 c. 5 s. 45(6)
- s. 93(5)(6) inserted by 2017 c. 20 Sch. 3 para. 6
- s. 94(1)(e) and word inserted by 2023 c. 55 Sch. 9 para. 1(15)
- s. 102(1A) inserted by 2023 c. 55 Sch. 6 para. 9(b)
- s. 106A(9A) inserted by 2023 c. 55 s. 125
- s. 106ZA inserted by 2016 c. 22 s. 158(1)
- s. 106ZB inserted by 2016 c. 22 s. 159(1)
- s. 106ZB(2)(a) omitted by 2023 c. 55 s. 130(3)(b)
- s. 108(1A)(1B) inserted by 2015 c. 7 Sch. 4 para. 15(4)
- s. 108(3A) inserted by 2004 c. 5 Sch. 6 para. 6
- s. 108(3B)(ba) inserted by 2015 c. 7 Sch. 4 para. 15(6)
- s. 108(3B)(ba) word omitted by 2023 c. 55 Sch. 9 para. 1(16)(d)(i)
- s. 108(3B)(bb) inserted by 2023 c. 55 Sch. 9 para. 1(16)(d)(ii)
- s. 108(3DA) inserted by 2015 c. 7 Sch. 4 para. 15(7)
- s. 108(3DB) inserted by 2023 c. 55 Sch. 9 para. 1(16)(e)
- s. 141(6) inserted by 2017 c. 20 Sch. 3 para. 7
- s. 169(1)(a) words renumbered as s. 169(1)(a) by 2017 c. 20 s. 26(5)(a)
- s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
- s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
- s. 174(2AA)(b) words substituted by 2023 c. 55 s. 113(6)
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)

- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VII

ENFORCEMENT

Enforcement notices

173A ^{F1}**Variation and withdrawal of enforcement notices.**

- (1) The local planning authority may—
 - (a) withdraw an enforcement notice issued by them; or
 - (b) waive or relax any requirement of such a notice and, in particular, may extend any period specified in accordance with section 173(9).
- (2) The powers conferred by subsection (1) may be exercised whether or not the notice has taken effect.
- (3) The local planning authority shall, immediately after exercising the powers conferred by subsection (1), give notice of the exercise to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of it.
- (4) The withdrawal of an enforcement notice does not affect the power of the local planning authority to issue a further enforcement notice.

Textual Amendments

- F1** Ss. 172-173A substituted for ss. 172, 173 (25.11.1991 for certain purposes and otherwise 2.1.1992) by 1991 c. 34, s. 5(1) (with s. 84(5)); S.I. 1991/2728, art.2; S.I. 1991/2905, art. 3 (subject to art. 5)

Modifications etc. (not altering text)

- C1** S. 173A applied (with modifications) (27.7.1992) by S.I. 1992/1562, reg. 2, Sch.
S. 173A: power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, art. 3

Changes to legislation:

Town and Country Planning Act 1990, Section 173A is up to date with all changes known to be in force on or before 07 May 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by 2023 asc 3 s. 79(2)
- Act applied by 2023 asc 3 s. 83(4)
- Act excluded by 2023 asc 3 s. 140(4)(b)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3) inserted by 2023 c. 55 Sch. 17 para. 2(2)
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- s. 7ZA inserted by 2023 c. 55 Sch. 17 para. 2(3)
- s. 58B and cross-heading inserted by 2023 c. 55 s. 102(1)
- s. 59A(3)(ba) inserted by 2023 c. 55 Sch. 8 para. 4(b)
- s. 62B(5)(ca) inserted by 2023 c. 55 Sch. 17 para. 2(5)
- s. 70(2)(azb) inserted by 2023 c. 55 Sch. 6 para. 3(a)
- s. 70(3)(ca) inserted in earlier affecting provision 2016 c. 22, s. 5(8) by 2023 asc 3 Sch. 13 para. 194
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- s. 70A(10)(11) inserted by 2023 c. 55 s. 110(4)(b)
- s. 70B(5A)(5B) inserted by 2023 c. 55 s. 110(5)(b)
- s. 73B inserted by 2023 c. 55 s. 110(2)
- s. 74(1C)(aa) inserted by 2023 c. 55 Sch. 6 para. 5(b)
- s. 75ZA and cross-heading inserted by 2016 c. 22 s. 155
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by 2011 c. 20 Sch. 8 para. 14(4)(5) Sch. 25 Pt. 16
- s. 83(1A)-(1C) inserted by 2004 c. 5 s. 45(2)
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- s. 83(2)-(2B) substituted for s. 83(2) by 2004 c. 5 s. 45(3)
- s. 83(4) inserted by 2004 c. 5 s. 45(4)
- s. 85(1A) inserted by 2004 c. 5 s. 45(6)
- s. 93(5)(6) inserted by 2017 c. 20 Sch. 3 para. 6
- s. 94(1)(e) and word inserted by 2023 c. 55 Sch. 9 para. 1(15)
- s. 102(1A) inserted by 2023 c. 55 Sch. 6 para. 9(b)
- s. 106A(9A) inserted by 2023 c. 55 s. 125
- s. 106ZA inserted by 2016 c. 22 s. 158(1)
- s. 106ZB inserted by 2016 c. 22 s. 159(1)
- s. 106ZB(2)(a) omitted by 2023 c. 55 s. 130(3)(b)
- s. 108(1A)(1B) inserted by 2015 c. 7 Sch. 4 para. 15(4)
- s. 108(3A) inserted by 2004 c. 5 Sch. 6 para. 6
- s. 108(3B)(ba) inserted by 2015 c. 7 Sch. 4 para. 15(6)
- s. 108(3B)(ba) word omitted by 2023 c. 55 Sch. 9 para. 1(16)(d)(i)
- s. 108(3B)(bb) inserted by 2023 c. 55 Sch. 9 para. 1(16)(d)(ii)
- s. 108(3DA) inserted by 2015 c. 7 Sch. 4 para. 15(7)
- s. 108(3DB) inserted by 2023 c. 55 Sch. 9 para. 1(16)(e)
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- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
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- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
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- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VII

ENFORCEMENT

Enforcement notices

174 Appeal against enforcement notice.

- (1) A person having an interest in the land to which an enforcement notice relates or a relevant occupier may appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

[^{F1}(2) An appeal may be brought on any of the following grounds—

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

[^{F2}(2A) An appeal may not be brought on the ground specified in subsection (2)(a) if—

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- (a) the land to which the enforcement notice relates is in England, and
- (b) the enforcement notice was issued at a time after the making of an application for planning permission that was related to the enforcement notice.

(2AA) For the purposes of subsection (2A)—

- (a) an application for planning permission for the development of any land is related to an enforcement notice if granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control;
- (b) an application for planning permission that the local planning authority or the Secretary of State declined to determine under section 70A, 70B or 70C is to be ignored.

(2AB) But subsection (2A) does not apply if—

- (a) the application for planning permission has ceased to be under consideration, and
- (b) the enforcement notice was issued after the end of the period of two years beginning with the day on which the application ceased to be under consideration.

(2AC) For the purposes of subsection (2AB), an application for planning permission has ceased to be under consideration if—

- (a) the application was refused, or granted subject to conditions, and, in the case of an application determined by the local planning authority, the applicant did not appeal under section 78(1)(a);
- (b) the applicant did not appeal in the circumstances mentioned in section 78(2) and the application was not subsequently refused;
- (c) the applicant appealed under section 78(1)(a) or section 78(2) and—
 - (i) the appeal was dismissed,
 - (ii) the application was on appeal granted subject to conditions, or subject to different conditions, or
 - (iii) the Secretary of State declined under section 79(6) to determine the appeal.

(2B) For the purposes of subsection (2AB), the day on which the application ceased to be under consideration is—

- (a) in a case within subsection (2AC)(a), the day on which the right to appeal arose;
- (b) in a case within subsection (2AC)(b), the day after the end of the prescribed period referred to in section 78(2);
- (c) in a case within subsection (2AC)(c)(i), the day on which the appeal was dismissed;
- (d) in a case within subsection (2AC)(c)(ii), the day on which the appeal was determined;
- (e) in a case within subsection (2AC)(c)(iii) relating to an appeal under section 78(1)(a), the day on which the right to appeal arose;
- (f) in a case within subsection (2AC)(c)(iii) relating to an appeal under section 78(2), the day after the end of the prescribed period referred to in section 78(2).]

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[Where any breach of planning control constituted by the matters stated in the notice^{F3}(2C) relates to relevant demolition (within the meaning of section 196D), an appeal may also be brought on the grounds that—

- (a) the relevant demolition was urgently necessary in the interests of safety or health;
- (b) it was not practicable to secure safety or health by works of repair or works for affording temporary support or shelter; and
- (c) the relevant demolition was the minimum measure necessary.]

[An appeal against an enforcement notice may not be brought on the ground that^{F4}(2D) planning permission ought to be granted in respect of a breach of planning control constituted by a matter stated in the notice, as specified in subsection (2)(a), if—

- (a) the land to which the enforcement notice relates is in Wales, and
- (b) the enforcement notice was issued after a decision to refuse planning permission for a related development was upheld on an appeal under section 78 (and for this purpose development is “related” if granting planning permission for it would involve granting planning permission in respect of the matter concerned).

(2E) An appeal may not be brought on the ground that a condition or limitation ought to be discharged, as specified in subsection (2)(a), if—

- (a) the land to which the enforcement notice relates is in Wales, and
- (b) the enforcement notice was issued after a decision to grant planning permission subject to the condition or limitation was upheld on an appeal under section 78.

(2F) For the purposes of subsections (2D) and (2E), references to a decision that has been upheld on an appeal include references to a decision in respect of which—

- (a) the Welsh Ministers have, under section 79(6), declined to determine an appeal or to proceed with the determination of an appeal;
- (b) an appeal has been dismissed under section 79(6A).]

(3) An appeal under this section shall be made^{F5}. . . —

- (a) by giving written notice of the appeal to the Secretary of State before the date specified in the enforcement notice as the date on which it is to take effect; or
- (b) by sending such notice to him in a properly addressed and pre-paid letter posted to him at such time that, in the ordinary course of post, it would be delivered to him before that date [^{F6}; or
- (c) by sending such notice to him using electronic communications at such time that, in the ordinary course of transmission, it would be delivered to him before that date.]]

(4) A person who gives notice under subsection (3) shall submit to the Secretary of State, either when giving the notice or within the prescribed time, a statement in writing—

- (a) specifying the grounds on which he is appealing against the enforcement notice; and
- (b) giving such further information as may be prescribed.

(5) If, where more than one ground is specified in that statement, the appellant does not give information required under subsection (4)(b) in relation to each of those grounds within the prescribed time, the Secretary of State may determine the appeal without

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considering any ground as to which the appellant has failed to give such information within that time.

(6) In this section “relevant occupier” means a person who—

- (a) on the date on which the enforcement notice is issued occupies the land to which the notice relates by virtue of a licence ^{F7}. . .; and
- (b) continues so to occupy the land when the appeal is brought.

Textual Amendments

- F1** S. 174(2)(3) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **s. 6(1)** (with **s. 84(5)**); **S.I. 1991/2905, art.3** (subject to **art. 5**)
- F2** S. 174(2A)-(2B) substituted for s. 174(2A)(2B) (25.4.2024) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 118, 255(3)(b)** (with **s. 247**); **S.I. 2024/452, reg. 3(e)** (with **reg. 7**)
- F3** S. 174(2C) inserted (1.10.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **s. 103(3)**, **Sch. 17 para. 5**; **S.I. 2013/2227, art. 2(m)**
- F4** **S. 174(2D)-(2F)** inserted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 46, 58(2)(b)(4)(b)**; **S.I. 2016/52, art. 5(c)** (with **art. 14**)
- F5** Word in s. 174(3) repealed (E.) (31.3.2003) by [The Town and Country Planning \(Electronic Communications\) \(England\) Order 2003 \(S.I. 2003/956\)](#), **art. 3** and (W.) (1.1.2005) by [The Town and Country Planning \(Electronic Communications\) \(Wales\) Order 2004 \(S.I. 2004/3156\)](#), **arts. 3, 14**
- F6** Word and s. 174(3)(c) inserted (E.) (31.3.2003) by [The Town and Country Planning \(Electronic Communications\) \(England\) Order 2003 \(S.I. 2003/956\)](#), **art. 3** and added (W.) (1.1.2005) by [The Town and Country Planning \(Electronic Communications\) \(Wales\) Order 2004 \(S.I. 2004/3156\)](#), **arts. 3, 14**
- F7** Words in s. 174(6) omitted (2.1.1992) by virtue of [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), **s. 32, Sch. 7 para. 22** (with **s. 84(5)**); **S.I. 1991/2905, art.3, Sch. 1** (subject to **art. 5**)

Modifications etc. (not altering text)

- C1** S. 174: power to apply conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\)](#), **s. 25(1)(b)**; **S.I. 1992/725, arts. 2, 3**
- C2** S. 174 applied (with modifications) (1.6.1992) by **S.I. 1992/656, reg. 18(1)**, **Sch. 4 Pt. I**
S. 174: power to apply conferred (10.11.1993) by **1993 c. 28, s. 171(4)(a)**; **S.I. 1993/2762, art. 3**
- C3** S. 174 applied (with modifications) (E.) (1.6.2015) by [The Planning \(Hazardous Substances\) Regulations 2015 \(S.I. 2015/627\)](#), **regs. 1(1), 15, Sch. 4 Pt. 1** (with **reg. 34**)
- C4** S. 174(1)(2) applied (with modifications) (W.) (4.9.2015) by [The Planning \(Hazardous Substances\) \(Wales\) Regulations 2015 \(S.I. 2015/1597\)](#), **regs. 1(1), 16, Sch. 4 Pt. 1** (with **reg. 36**)
- C5** S. 174(2C) transitional provisions for effects of 2003 c. 24, s. 63, Sch. 17 paras. 1-6 (2.10.2013) by [The Town and Country Planning \(Isles of Scilly\) Order 2013 \(S.I. 2013/2148\)](#), **arts. 1(1), 5(4)(b)**
- C6** S. 174(3)-(6) applied (with modifications) (W.) (4.9.2015) by [The Planning \(Hazardous Substances\) \(Wales\) Regulations 2015 \(S.I. 2015/1597\)](#), **regs. 1(1), 16, Sch. 4 Pt. 1** (with **reg. 36**)

Changes to legislation:

Town and Country Planning Act 1990, Section 174 is up to date with all changes known to be in force on or before 07 May 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2023 asc 3 s. 79\(2\)](#)
- Act applied by [2023 asc 3 s. 83\(4\)](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(b\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3) inserted by [2023 c. 55 Sch. 17 para. 2\(2\)](#)
- s. 7A(6) inserted by [2023 c. 55 Sch. 17 para. 2\(4\)](#)
- s. 7ZA inserted by [2023 c. 55 Sch. 17 para. 2\(3\)](#)
- s. 58B and cross-heading inserted by [2023 c. 55 s. 102\(1\)](#)
- s. 59A(3)(ba) inserted by [2023 c. 55 Sch. 8 para. 4\(b\)](#)
- s. 62B(5)(ca) inserted by [2023 c. 55 Sch. 17 para. 2\(5\)](#)
- s. 70(2)(azb) inserted by [2023 c. 55 Sch. 6 para. 3\(a\)](#)
- s. 70(3)(ca) inserted in earlier affecting provision [2016 c. 22, s. 5\(8\)](#) by [2023 asc 3 Sch. 13 para. 194](#)
- s. 70(3A) inserted by [2017 c. 20 Sch. 3 para. 2](#)
- s. 70A(5A) inserted by [2023 c. 55 Sch. 6 para. 4\(a\)](#)
- s. 70A(10)(11) inserted by [2023 c. 55 s. 110\(4\)\(b\)](#)
- s. 70B(5A)(5B) inserted by [2023 c. 55 s. 110\(5\)\(b\)](#)
- s. 73B inserted by [2023 c. 55 s. 110\(2\)](#)
- s. 74(1C)(aa) inserted by [2023 c. 55 Sch. 6 para. 5\(b\)](#)
- s. 75ZA and cross-heading inserted by [2016 c. 22 s. 155](#)
- s. 83(1A)-(1C) amendment to earlier affecting provision [2004 c. 5, s. 45\(2\)](#) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(1A)-(1C) inserted by [2004 c. 5 s. 45\(2\)](#)
- s. 83(2)-(2B) amendment to earlier affecting provision [2004 c. 5, s. 45\(3\)](#) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(2)-(2B) substituted for s. 83(2) by [2004 c. 5 s. 45\(3\)](#)
- s. 83(4) inserted by [2004 c. 5 s. 45\(4\)](#)
- s. 85(1A) inserted by [2004 c. 5 s. 45\(6\)](#)
- s. 93(5)(6) inserted by [2017 c. 20 Sch. 3 para. 6](#)
- s. 94(1)(e) and word inserted by [2023 c. 55 Sch. 9 para. 1\(15\)](#)
- s. 102(1A) inserted by [2023 c. 55 Sch. 6 para. 9\(b\)](#)
- s. 106A(9A) inserted by [2023 c. 55 s. 125](#)
- s. 106ZA inserted by [2016 c. 22 s. 158\(1\)](#)
- s. 106ZB inserted by [2016 c. 22 s. 159\(1\)](#)
- s. 106ZB(2)(a) omitted by [2023 c. 55 s. 130\(3\)\(b\)](#)
- s. 108(1A)(1B) inserted by [2015 c. 7 Sch. 4 para. 15\(4\)](#)
- s. 108(3A) inserted by [2004 c. 5 Sch. 6 para. 6](#)
- s. 108(3B)(ba) inserted by [2015 c. 7 Sch. 4 para. 15\(6\)](#)
- s. 108(3B)(ba) word omitted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(i\)](#)
- s. 108(3B)(bb) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(ii\)](#)
- s. 108(3DA) inserted by [2015 c. 7 Sch. 4 para. 15\(7\)](#)
- s. 108(3DB) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(e\)](#)
- s. 141(6) inserted by [2017 c. 20 Sch. 3 para. 7](#)
- s. 169(1)(a) words renumbered as s. 169(1)(a) by [2017 c. 20 s. 26\(5\)\(a\)](#)
- s. 169(1)(b) inserted by [2017 c. 20 s. 26\(5\)\(b\)](#)
- s. 170(8BA) inserted by [2017 c. 20 s. 26\(6\)](#)
- s. 174(2AA)(b) words substituted by [2023 c. 55 s. 113\(6\)](#)
- s. 208(5A) inserted by [2008 c. 29 Sch. 10 para. 9\(2\)](#)

- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)



Town and Country Planning Act 1990

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PART VII

ENFORCEMENT

Enforcement notices

175 Appeals: supplementary provisions.

- (1) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under section 174 and, in particular, but without prejudice to the generality of this subsection, may—
 - (a) require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;
 - (b) specify the matters to be included in such a statement;
 - (c) require the authority or the appellant to give such notice of such an appeal as may be prescribed;
 - (d) require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.
 - (2) The notice to be prescribed under subsection (1)(c) shall be such notice as in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated.
 - (3) Subject to section 176(4), the Secretary of State shall, if either the appellant or the local planning authority so desire, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
- [^{F1}(3A) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in England.]

Changes to legislation: Town and Country Planning Act 1990, Section 175 is up to date with all changes known to be in force on or before 07 May 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) View outstanding changes

- [^{F2}(3B) Subsection (3) does not apply to an appeal against an enforcement notice issued by a local planning authority in Wales.]
- (4) Where an appeal is brought under section 174 the enforcement notice shall [^{F3}subject to any order under section 289(4A)] be of no effect pending the final determination or the withdrawal of the appeal.
- (5) Where any person has appealed to the Secretary of State against an enforcement notice, no person shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.
- (6) Schedule 6 applies to appeals under section 174, including appeals under that section as applied by regulations under any other provisions of this Act.
- ^{F4}[(7) Subsection (5) of section 250 of the Local Government Act 1972 (which authorises a Minister holding an inquiry under that section to make orders with respect to the costs of the parties) shall apply in relation to any proceedings [^{F5}in England] before the Secretary of State on an appeal under section 174 as if those proceedings were an inquiry held by the Secretary of State under section 250.]

Textual Amendments

- F1** S. 175(3A) inserted (6.4.2009 for certain purposes and otherwise prosp.) by [Planning Act 2008 \(c. 29\)](#), ss. 196, 241, [Sch. 10 para. 5](#) (with s. 226); S.I. 2009/400, [art. 3](#)
- F2** S. 175(3B) inserted (11.11.2014) by [The Town and Country Planning \(Determination of Procedure\) \(Wales\) Order 2014 \(S.I. 2014/2773\)](#), [art. 1\(2\)](#), [Sch. 1 para. 5](#)
- F3** Words in s. 175(4) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 6(2) (with s. 84(5)); S.I. 1991/2905, [art. 3](#) (subject to [art. 5](#))
- F4** S. 175(7) inserted (temp.) by virtue of [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 6, [Sch. 4 paras. 1, 3](#) (which temp. insertion falls (2.1.1992 and 6.4.2009) for specified purposes only by virtue of [S.I. 1991/2698](#), [art. 3](#) and [S.I. 2009/849](#), [art. 2](#) (with [art. 3](#)))
- F5** Words in s. 175(7) inserted (6.9.2015 for specified purposes, 1.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), s. 58(2)(b)(4)(b), [Sch. 5 para. 9](#); S.I. 2016/52, [art. 4\(a\)](#) (with [art. 17](#))

Modifications etc. (not altering text)

- C1** S. 175: power to apply conferred (10.11.1993) by [1993 c. 28, s. 171\(4\)\(a\)](#); S.I. 1993/2762, [art. 3](#)
- C2** S. 175(1)–(4)(6): power to apply conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\)](#), s. 25(1)(b); S.I. 1992/725, [arts. 2, 3](#)
- C3** S. 175(3)(6) applied (with modifications) (1.6.1992) by [S.I. 1992/656](#), [reg. 18\(1\)](#), [Sch. 4 Pt. I](#)
- C4** S. 175(3) applied (with modifications) (E.) (1.6.2015) by [The Planning \(Hazardous Substances\) Regulations 2015 \(S.I. 2015/627\)](#), [regs. 1\(1\), 15](#), [Sch. 4 Pt. 1](#) (with [reg. 34](#))
- C5** S. 175(3) applied (with modifications) (W.) (4.9.2015) by [The Planning \(Hazardous Substances\) \(Wales\) Regulations 2015 \(S.I. 2015/1597\)](#), [regs. 1\(1\), 16](#), [Sch. 4 Pt. 1](#) (with [reg. 36](#))
- C6** S. 175(5)(7) applied (27.7.1992) by [S.I. 1992/1562](#), [reg. 2](#), [Sch.](#)
- C7** S. 175(6) applied (with modifications) (E.) (1.6.2015) by [The Planning \(Hazardous Substances\) Regulations 2015 \(S.I. 2015/627\)](#), [regs. 1\(1\), 15](#), [Sch. 4 Pt. 1](#) (with [reg. 34](#))
- C8** S. 175(6) applied (with modifications) (W.) (4.9.2015) by [The Planning \(Hazardous Substances\) \(Wales\) Regulations 2015 \(S.I. 2015/1597\)](#), [regs. 1\(1\), 16](#), [Sch. 4 Pt. 1](#) (with [reg. 36](#))

Changes to legislation:

Town and Country Planning Act 1990, Section 175 is up to date with all changes known to be in force on or before 07 May 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2023 asc 3 s. 79\(2\)](#)
- Act applied by [2023 asc 3 s. 83\(4\)](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(b\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3) inserted by [2023 c. 55 Sch. 17 para. 2\(2\)](#)
- s. 7A(6) inserted by [2023 c. 55 Sch. 17 para. 2\(4\)](#)
- s. 7ZA inserted by [2023 c. 55 Sch. 17 para. 2\(3\)](#)
- s. 58B and cross-heading inserted by [2023 c. 55 s. 102\(1\)](#)
- s. 59A(3)(ba) inserted by [2023 c. 55 Sch. 8 para. 4\(b\)](#)
- s. 62B(5)(ca) inserted by [2023 c. 55 Sch. 17 para. 2\(5\)](#)
- s. 70(2)(azb) inserted by [2023 c. 55 Sch. 6 para. 3\(a\)](#)
- s. 70(3)(ca) inserted in earlier affecting provision 2016 c. 22, s. 5(8) by [2023 asc 3 Sch. 13 para. 194](#)
- s. 70(3A) inserted by [2017 c. 20 Sch. 3 para. 2](#)
- s. 70A(5A) inserted by [2023 c. 55 Sch. 6 para. 4\(a\)](#)
- s. 70A(10)(11) inserted by [2023 c. 55 s. 110\(4\)\(b\)](#)
- s. 70B(5A)(5B) inserted by [2023 c. 55 s. 110\(5\)\(b\)](#)
- s. 73B inserted by [2023 c. 55 s. 110\(2\)](#)
- s. 74(1C)(aa) inserted by [2023 c. 55 Sch. 6 para. 5\(b\)](#)
- s. 75ZA and cross-heading inserted by [2016 c. 22 s. 155](#)
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(1A)-(1C) inserted by [2004 c. 5 s. 45\(2\)](#)
- s. 83(2)-(2B) amendment to earlier affecting provision 2004 c. 5, s. 45(3) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(2)-(2B) substituted for s. 83(2) by [2004 c. 5 s. 45\(3\)](#)
- s. 83(4) inserted by [2004 c. 5 s. 45\(4\)](#)
- s. 85(1A) inserted by [2004 c. 5 s. 45\(6\)](#)
- s. 93(5)(6) inserted by [2017 c. 20 Sch. 3 para. 6](#)
- s. 94(1)(e) and word inserted by [2023 c. 55 Sch. 9 para. 1\(15\)](#)
- s. 102(1A) inserted by [2023 c. 55 Sch. 6 para. 9\(b\)](#)
- s. 106A(9A) inserted by [2023 c. 55 s. 125](#)
- s. 106ZA inserted by [2016 c. 22 s. 158\(1\)](#)
- s. 106ZB inserted by [2016 c. 22 s. 159\(1\)](#)
- s. 106ZB(2)(a) omitted by [2023 c. 55 s. 130\(3\)\(b\)](#)
- s. 108(1A)(1B) inserted by [2015 c. 7 Sch. 4 para. 15\(4\)](#)
- s. 108(3A) inserted by [2004 c. 5 Sch. 6 para. 6](#)
- s. 108(3B)(ba) inserted by [2015 c. 7 Sch. 4 para. 15\(6\)](#)
- s. 108(3B)(ba) word omitted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(i\)](#)
- s. 108(3B)(bb) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(ii\)](#)
- s. 108(3DA) inserted by [2015 c. 7 Sch. 4 para. 15\(7\)](#)
- s. 108(3DB) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(e\)](#)
- s. 141(6) inserted by [2017 c. 20 Sch. 3 para. 7](#)
- s. 169(1)(a) words renumbered as s. 169(1)(a) by [2017 c. 20 s. 26\(5\)\(a\)](#)
- s. 169(1)(b) inserted by [2017 c. 20 s. 26\(5\)\(b\)](#)
- s. 170(8BA) inserted by [2017 c. 20 s. 26\(6\)](#)
- s. 174(2AA)(b) words substituted by [2023 c. 55 s. 113\(6\)](#)
- s. 208(5A) inserted by [2008 c. 29 Sch. 10 para. 9\(2\)](#)

- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VII

ENFORCEMENT

Enforcement notices

176 General provisions relating to determination of appeals.

- ^{F1}[(1) On an appeal under section 174 the Secretary of State may—
- (a) correct any defect, error or misdescription in the enforcement notice; or
 - (b) vary the terms of the enforcement notice,
- if he is satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority.
- (2) Where the Secretary of State determines to allow the appeal, he may quash the notice.
- (2A) The Secretary of State shall give any directions necessary to give effect to his determination on the appeal.]
- (3) The Secretary of State—
- (a) may dismiss an appeal if the appellant fails to comply with section 174(4) within the prescribed time; and
 - (b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (a), (b), or (d) of section 175(1) within the prescribed period.
- (4) If [^{F2}section 175(3) would otherwise apply and] the Secretary of State proposes to dismiss an appeal under paragraph (a) of subsection (3) [^{F3}of this section] or to allow an appeal and quash the enforcement notice under paragraph (b) of that subsection, he need not comply with section 175(3).
- (5) Where it would otherwise be a ground for determining an appeal under section 174 in favour of the appellant that a person required to be served with a copy of the

Changes to legislation: Town and Country Planning Act 1990, Section 176 is up to date with all changes known to be in force on or before 07 May 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) View outstanding changes

enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

[^{F4}(6) If at any time before or during the determination of an appeal against an enforcement notice issued by a local planning authority in England it appears to the Secretary of State that the appellant is responsible for undue delay in the progress of the appeal, the Secretary of State may—

- (a) give the appellant notice that the appeal will be dismissed unless the appellant takes, within the period specified in the notice, such steps as are so specified for the expedition of the appeal, and
- (b) if the appellant fails to take those steps within that period, dismiss the appeal accordingly.]

Textual Amendments

- F1** S. 176(1)(2)(2A) substituted (2.1.1992) for s. 176(1)(2) by [Planning and Compensation Act 1991](#) (c. 34, SIF 123:1), s. 32, [Sch. 7 para.23](#) (with s. 84(5)); S.I. 1991/2905, art. 3, [Sch. 1](#) (subject to art. 5)
- F2** Words in s. 176(4) inserted (6.4.2009 for certain purposes and otherwise prosp.) by [Planning Act 2008](#) (c. 29), ss. 196, 241, [Sch. 10 para. 6\(a\)](#) (with s. 226); S.I. 2009/400, art. 3
- F3** Words in s. 176(4) inserted (6.4.2009 for certain purposes and otherwise prosp.) by [Planning Act 2008](#) (c. 29), ss. 196, 241, [Sch. 10 para. 6\(b\)](#) (with s. 226); S.I. 2009/400, art. 3
- F4** S. 176(6) inserted (25.4.2024) by [Levelling-up and Regeneration Act 2023](#) (c. 55), ss. 119(2), 255(3) (b) (with s. 247); S.I. 2024/452, reg. 3(f) (with reg. 8)

Modifications etc. (not altering text)

- C1** Ss. 176, 177: power to apply conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by [Planning \(Hazardous Substances\) Act 1990](#) (c. 10, SIF 123:1), s. 25(1)(b); S.I. 1992/725, arts. 2, 3
- C2** S. 176 applied (with modifications) (1.6.1992) by S.I. 1992/656, reg. 18(1), [Sch. 4 Pt. 1](#)
 S. 176: power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, art. 3
- C3** S. 176 applied (with modifications) (E.) (1.6.2015) by [The Planning \(Hazardous Substances\) Regulations 2015](#) (S.I. 2015/627), regs. 1(1), 15, [Sch. 4 Pt. 1](#) (with reg. 34)
- C4** S. 176 applied (with modifications) (W.) (4.9.2015) by [The Planning \(Hazardous Substances\) \(Wales\) Regulations 2015](#) (S.I. 2015/1597), regs. 1(1), 16, [Sch. 4 Pt. 1](#) (with reg. 36)

Changes to legislation:

Town and Country Planning Act 1990, Section 176 is up to date with all changes known to be in force on or before 07 May 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2023 asc 3 s. 79\(2\)](#)
- Act applied by [2023 asc 3 s. 83\(4\)](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(b\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3) inserted by [2023 c. 55 Sch. 17 para. 2\(2\)](#)
- s. 7A(6) inserted by [2023 c. 55 Sch. 17 para. 2\(4\)](#)
- s. 7ZA inserted by [2023 c. 55 Sch. 17 para. 2\(3\)](#)
- s. 58B and cross-heading inserted by [2023 c. 55 s. 102\(1\)](#)
- s. 59A(3)(ba) inserted by [2023 c. 55 Sch. 8 para. 4\(b\)](#)
- s. 62B(5)(ca) inserted by [2023 c. 55 Sch. 17 para. 2\(5\)](#)
- s. 70(2)(azb) inserted by [2023 c. 55 Sch. 6 para. 3\(a\)](#)
- s. 70(3)(ca) inserted in earlier affecting provision [2016 c. 22, s. 5\(8\)](#) by [2023 asc 3 Sch. 13 para. 194](#)
- s. 70(3A) inserted by [2017 c. 20 Sch. 3 para. 2](#)
- s. 70A(5A) inserted by [2023 c. 55 Sch. 6 para. 4\(a\)](#)
- s. 70A(10)(11) inserted by [2023 c. 55 s. 110\(4\)\(b\)](#)
- s. 70B(5A)(5B) inserted by [2023 c. 55 s. 110\(5\)\(b\)](#)
- s. 73B inserted by [2023 c. 55 s. 110\(2\)](#)
- s. 74(1C)(aa) inserted by [2023 c. 55 Sch. 6 para. 5\(b\)](#)
- s. 75ZA and cross-heading inserted by [2016 c. 22 s. 155](#)
- s. 83(1A)-(1C) amendment to earlier affecting provision [2004 c. 5, s. 45\(2\)](#) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(1A)-(1C) inserted by [2004 c. 5 s. 45\(2\)](#)
- s. 83(2)-(2B) amendment to earlier affecting provision [2004 c. 5, s. 45\(3\)](#) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(2)-(2B) substituted for s. 83(2) by [2004 c. 5 s. 45\(3\)](#)
- s. 83(4) inserted by [2004 c. 5 s. 45\(4\)](#)
- s. 85(1A) inserted by [2004 c. 5 s. 45\(6\)](#)
- s. 93(5)(6) inserted by [2017 c. 20 Sch. 3 para. 6](#)
- s. 94(1)(e) and word inserted by [2023 c. 55 Sch. 9 para. 1\(15\)](#)
- s. 102(1A) inserted by [2023 c. 55 Sch. 6 para. 9\(b\)](#)
- s. 106A(9A) inserted by [2023 c. 55 s. 125](#)
- s. 106ZA inserted by [2016 c. 22 s. 158\(1\)](#)
- s. 106ZB inserted by [2016 c. 22 s. 159\(1\)](#)
- s. 106ZB(2)(a) omitted by [2023 c. 55 s. 130\(3\)\(b\)](#)
- s. 108(1A)(1B) inserted by [2015 c. 7 Sch. 4 para. 15\(4\)](#)
- s. 108(3A) inserted by [2004 c. 5 Sch. 6 para. 6](#)
- s. 108(3B)(ba) inserted by [2015 c. 7 Sch. 4 para. 15\(6\)](#)
- s. 108(3B)(ba) word omitted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(i\)](#)
- s. 108(3B)(bb) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(ii\)](#)
- s. 108(3DA) inserted by [2015 c. 7 Sch. 4 para. 15\(7\)](#)
- s. 108(3DB) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(e\)](#)
- s. 141(6) inserted by [2017 c. 20 Sch. 3 para. 7](#)
- s. 169(1)(a) words renumbered as s. 169(1)(a) by [2017 c. 20 s. 26\(5\)\(a\)](#)
- s. 169(1)(b) inserted by [2017 c. 20 s. 26\(5\)\(b\)](#)
- s. 170(8BA) inserted by [2017 c. 20 s. 26\(6\)](#)
- s. 174(2AA)(b) words substituted by [2023 c. 55 s. 113\(6\)](#)
- s. 208(5A) inserted by [2008 c. 29 Sch. 10 para. 9\(2\)](#)

- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VII

ENFORCEMENT

Enforcement notices

177 Grant or modification of planning permission on appeals against enforcement notices.

- (1) On the determination of an appeal under section 174, the Secretary of State may—
- ^{F1}(a) grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates;]
 - (b) discharge any condition or limitation subject to which planning permission was granted;
 - ^{F2}(c) determine whether, on the date on which the appeal was made, any existing use of the land was lawful, any operations which had been carried out in, on, over or under the land were lawful or any matter constituting a failure to comply with any condition or limitation subject to which planning permission was granted was lawful and, if so, issue a certificate under section 191.
- (1A) The provisions of sections 191 to 194 mentioned in subsection (1B) shall apply for the purposes of subsection (1)(c) as they apply for the purposes of section 191, but as if—
- (a) any reference to an application for a certificate were a reference to the appeal and any reference to the date of such an application were a reference to the date on which the appeal is made; and
 - (b) references to the local planning authority were references to the Secretary of State.
- (1B) Those provisions are: sections 191(5) to (7), 193(4) (so far as it relates to the form of the certificate), (6) and (7) and 194]

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[^{F3}(1C) [^{F4}Subsection] (1)(a) applies only if the statement under section 174(4) specifies the ground mentioned in section 174(2)(a).]

(2) In considering whether to grant planning permission under subsection (1), the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations.

^{F5}[(3) The planning permission that may be granted under subsection (1) is any planning permission that might be granted on an application under Part III.]

(4) Where under subsection (1) the Secretary of State discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.

[^{F6}(4A) Section 100ZA (which makes provision about restrictions on the power to impose conditions or limitations on a grant of planning permission in relation to land in England) applies in relation to conditions substituted under subsection (4) as it applies in relation to conditions imposed on a grant of planning permission to develop land which is granted on an application made under Part 3.]

(5) [^{F7}Where—

- (a) an appeal against an enforcement notice is brought under section 174, and
- (b)] the statement under section 174(4) specifies the ground mentioned in section 174(2)(a),

the appellant shall be deemed to have made an application for planning permission [^{F8}in respect of the matters stated in the enforcement notice as constituting a breach of planning control].

^{F9}[(5A) Where—

- (a) the statement under subsection (4) of section 174 specifies the ground mentioned in subsection (2)(a) of that section;
- (b) any fee is payable under regulations made by virtue of section 303 in respect of the application deemed to be made by virtue of the appeal; and
- (c) the Secretary of State gives notice in writing to the appellant specifying the period within which the fee must be paid,

then, if that fee is not paid within that period, the appeal, so far as brought on that ground, and the application shall lapse at the end of that period.]

(6) Any planning permission granted under subsection (1) on an appeal shall be treated as granted on the application deemed to have been made by the appellant.

(7) In relation to a grant of planning permission or a determination under subsection (1) the Secretary of State's decision shall be final.

(8) For the purposes of section 69 the Secretary of State's decision shall be treated as having been given by him in dealing with an application for planning permission made to the local planning authority.

Textual Amendments

- F1** S. 177(1)(a) substituted (2.1.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 32, Sch. 7 para. 24(1)(a) (with s. 84(5)); S.I. 1991/2905, art. 3, Sch. 1 (subject to art. 5)

Changes to legislation: Town and Country Planning Act 1990, Section 177 is up to date with all changes known to be in force on or before 07 May 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) View outstanding changes

- F2** S. 177(1)(c)(1A)(1B) substituted (27.7.1992) for s. 177(1)(c) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, **Sch. 7 para. 24(1)(b)** (with s. 84(5)); S.I. 1992/1630, art. 2, **Sch. 1** (with art. 3(1))
- F3** S. 177(1C) inserted (6.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 123(5), 240(2)** (with s. 144); S.I. 2012/628, art. 8(b) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)
- F4** Word in s. 177(1C) substituted (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 44(2), 58(2)(b)(4)(b)**; S.I. 2016/52, art. 5(c) (with art. 14)
- F5** S. 177(3) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, **Sch. 7 para. 24(2)** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)
- F6** S. 177(4A) inserted (1.10.2018) by [Neighbourhood Planning Act 2017 \(c. 20\)](#), s. 46(1), **Sch. 3 para. 8**; S.I. 2018/567, reg. 3(b)
- F7** S. 177(5)(a)(b) and word substituted for words (6.9.2015 for specified purposes, 16.3.2016 in so far as not already in force) by [Planning \(Wales\) Act 2015 \(anaw 4\)](#), **ss. 44(3), 58(2)(b)(4)(b)**; S.I. 2016/52, art. 5(c) (with art. 14)
- F8** Words in s. 177(5) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, **Sch. 7 para. 24 (3)** (with s. 84(5)); S.I. 1991/2905, art. 3, **Sch. 1** (subject to art. 5)
- F9** S. 177(5A) inserted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 6(3), (with s. 84(5)); S.I. 1991/2905, art. 3 (subject to art. 5)

Modifications etc. (not altering text)

- C1** Ss. 176, 177: power to apply conferred (11.3.1992 so far as to confer on the Secretary of State a power or impose on him a duty to make regulations, or make provision with respect to the exercise of any such power or duty, 1.6.1992 so far not already in force) by [Planning \(Hazardous Substances\) Act 1990 \(c. 10, SIF 123:1\)](#), s. 25(1)(b); S.I. 1992/725, arts. 2, 3
- C2** S. 177 applied (with modifications) (1.6.1992) by S.I. 1992/656, reg. 18(1), **Sch. 4 Pt. I**
S. 177: power to apply conferred (10.11.1993) by 1993 c. 28, s. 171(4)(a); S.I. 1993/2762, art. 3
- C3** S. 177 applied (with modifications) (E.) (1.6.2015) by [The Planning \(Hazardous Substances\) Regulations 2015 \(S.I. 2015/627\)](#), regs. 1(1), 15, **Sch. 4 Pt. 1** (with reg. 34)
- C4** S. 177 applied (with modifications) (W.) (4.9.2015) by [The Planning \(Hazardous Substances\) \(Wales\) Regulations 2015 \(S.I. 2015/1597\)](#), regs. 1(1), 16, **Sch. 4 Pt. 1** (with reg. 36)
- C5** S. 177(1) excluded (W.) (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017 \(S.I. 2017/567\)](#), regs. 1(2), 44 (with regs. 1(4), 55(2)(3), 63, 65)
- C6** S. 177(1) excluded (E.) (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), 36 (with regs. 47, 70)

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 177(2) substituted by [2023 c. 55 Sch. 6 para. 11](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [2023 asc 3 s. 79\(2\)](#)
- Act applied by [2023 asc 3 s. 83\(4\)](#)
- Act excluded by [2023 asc 3 s. 140\(4\)\(b\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3) inserted by [2023 c. 55 Sch. 17 para. 2\(2\)](#)
- s. 7A(6) inserted by [2023 c. 55 Sch. 17 para. 2\(4\)](#)
- s. 7ZA inserted by [2023 c. 55 Sch. 17 para. 2\(3\)](#)
- s. 58B and cross-heading inserted by [2023 c. 55 s. 102\(1\)](#)
- s. 59A(3)(ba) inserted by [2023 c. 55 Sch. 8 para. 4\(b\)](#)
- s. 62B(5)(ca) inserted by [2023 c. 55 Sch. 17 para. 2\(5\)](#)
- s. 70(2)(azb) inserted by [2023 c. 55 Sch. 6 para. 3\(a\)](#)
- s. 70(3)(ca) inserted in earlier affecting provision 2016 c. 22, s. 5(8) by [2023 asc 3 Sch. 13 para. 194](#)
- s. 70(3A) inserted by [2017 c. 20 Sch. 3 para. 2](#)
- s. 70A(5A) inserted by [2023 c. 55 Sch. 6 para. 4\(a\)](#)
- s. 70A(10)(11) inserted by [2023 c. 55 s. 110\(4\)\(b\)](#)
- s. 70B(5A)(5B) inserted by [2023 c. 55 s. 110\(5\)\(b\)](#)
- s. 73B inserted by [2023 c. 55 s. 110\(2\)](#)
- s. 74(1C)(aa) inserted by [2023 c. 55 Sch. 6 para. 5\(b\)](#)
- s. 75ZA and cross-heading inserted by [2016 c. 22 s. 155](#)
- s. 83(1A)-(1C) amendment to earlier affecting provision 2004 c. 5, s. 45(2) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(1A)-(1C) inserted by [2004 c. 5 s. 45\(2\)](#)
- s. 83(2)-(2B) amendment to earlier affecting provision 2004 c. 5, s. 45(3) by [2011 c. 20 Sch. 8 para. 14\(4\)\(5\)Sch. 25 Pt. 16](#)
- s. 83(2)-(2B) substituted for s. 83(2) by [2004 c. 5 s. 45\(3\)](#)
- s. 83(4) inserted by [2004 c. 5 s. 45\(4\)](#)
- s. 85(1A) inserted by [2004 c. 5 s. 45\(6\)](#)
- s. 93(5)(6) inserted by [2017 c. 20 Sch. 3 para. 6](#)
- s. 94(1)(e) and word inserted by [2023 c. 55 Sch. 9 para. 1\(15\)](#)
- s. 102(1A) inserted by [2023 c. 55 Sch. 6 para. 9\(b\)](#)
- s. 106A(9A) inserted by [2023 c. 55 s. 125](#)
- s. 106ZA inserted by [2016 c. 22 s. 158\(1\)](#)
- s. 106ZB inserted by [2016 c. 22 s. 159\(1\)](#)
- s. 106ZB(2)(a) omitted by [2023 c. 55 s. 130\(3\)\(b\)](#)
- s. 108(1A)(1B) inserted by [2015 c. 7 Sch. 4 para. 15\(4\)](#)
- s. 108(3A) inserted by [2004 c. 5 Sch. 6 para. 6](#)
- s. 108(3B)(ba) inserted by [2015 c. 7 Sch. 4 para. 15\(6\)](#)
- s. 108(3B)(ba) word omitted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(i\)](#)
- s. 108(3B)(bb) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(d\)\(ii\)](#)
- s. 108(3DA) inserted by [2015 c. 7 Sch. 4 para. 15\(7\)](#)
- s. 108(3DB) inserted by [2023 c. 55 Sch. 9 para. 1\(16\)\(e\)](#)
- s. 141(6) inserted by [2017 c. 20 Sch. 3 para. 7](#)
- s. 169(1)(a) words renumbered as s. 169(1)(a) by [2017 c. 20 s. 26\(5\)\(a\)](#)

- s. 169(1)(b) inserted by 2017 c. 20 s. 26(5)(b)
- s. 170(8BA) inserted by 2017 c. 20 s. 26(6)
- s. 174(2AA)(b) words substituted by 2023 c. 55 s. 113(6)
- s. 208(5A) inserted by 2008 c. 29 Sch. 10 para. 9(2)
- s. 303(1ZZA) inserted by 2023 asc 3 Sch. 13 para. 87
- s. 303(10A) inserted by 2015 c. 7 Sch. 4 para. 19(3)
- s. 303(12) inserted by 2015 c. 7 Sch. 4 para. 19(4)
- s. 303A(1A)(za) inserted by 2023 c. 55 Sch. 8 para. 7(2)(a)
- s. 303A(9B) inserted by 2023 c. 55 Sch. 8 para. 7(4)
- s. 303A(10)(za) inserted by 2023 c. 55 Sch. 8 para. 7(5)
- s. 303A(12) inserted by 2023 c. 55 Sch. 8 para. 7(6)
- s. 303ZB inserted by 2023 c. 55 s. 134
- s. 314A inserted by 2023 asc 3 Sch. 13 para. 90
- s. 324(1A)(a) words in s. 324(1A) renumbered as s. 324(1A)(a) by 2023 c. 55 Sch. 9 para. 1(20)(a)
- s. 324(1A)(b) and word inserted by 2023 c. 55 Sch. 9 para. 1(20)(b)
- s. 333(3ZZAA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(b)
- s. 333(3ZB) inserted by 2016 c. 22 s. 159(2)
- s. 333(3ZZA) inserted by 2023 c. 55 Sch. 9 para. 1(21)(a)
- Sch. 1 para. 5(4) inserted by 2023 c. 55 Sch. 17 para. 2(7)(c)
- Sch. 1 para. 7(10)(10A) substituted for Sch. 1 para. 7(10) by 2023 c. 55 Sch. 8 para. 11(2)
- Sch. 4B para. 11(3)-(5) inserted by 2017 c. 20 s. 7
- Sch. 4B para. 8(2)(fa) inserted by 2023 c. 55 s. 99(1)(b)
- Sch. 4B para. 8(2)(ca) inserted by 2023 c. 55 s. 102(2)(a)(ii)
- Sch. 4B para. 8(4A)(4B) inserted by 2023 c. 55 s. 102(2)(b)
- Sch. 4B para. 5(5)(za) inserted by 2023 c. 55 Sch. 6 para. 12(a)
- Sch. 4B para. 8(2)(da) inserted by 2023 c. 55 Sch. 6 para. 12(b)
- Sch. 4B para. 8(2)(ea) substituted for Sch. 4B para. 8(2)(e) by 2023 c. 55 s. 99(1)(a)
- Sch. 7 para. 12(1)-(1C) amendment to earlier affecting provision 2004 c. 5 s. 45(9) by 2011 c. 20 Sch. 8 para. 14(7)
- Sch. 7 para. 12(1)-(1C) substituted for Sch. 7 para. 12(1) by 2004 c. 5 s. 45(9)
- Sch. 9 para. 1(1A) inserted by 2023 c. 55 Sch. 6 para. 13(b)
- Sch. 9A inserted by 2016 c. 22 Sch. 13
- Sch. 13 para. 24A inserted by 2017 c. 20 s. 26(7)

