

Planning (Enforcement) Bill

[AS INTRODUCED]

CONTENTS

- 1 Database of planning breaches
- 2 Declarations on planning applications
- 3 Application to High Court for injunction
- 4 Guidance
- 5 Review of planning offences
- 6 Regulations
- 7 Interpretation
- 8 Extent, commencement and short title

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TO

Create offences relating to repeat breaches of planning controls; to make provision about penalties for planning offences; to establish a national register of persons who have committed planning offences or breached planning controls and make associated provision about planning applications; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Database of planning breaches

- (1) The Secretary of State may by regulations make provision for an England-wide database of breaches of planning control to inform local planning authorities in making planning decisions.
- (2) The regulations may provide for duties of local planning authorities in England to—
 - (a) record information on the database,
 - (b) search the database and have regard to relevant information, and
 - (c) take major or repeat breaches by applicants into account in planning decisions.
- (3) The regulations may provide for the charging of fees for planning applications by local planning authorities to cover the costs of the database.
- (4) The regulations may define a “major breach” and “repeat breach” of planning control for the purposes of this Act.

2 Declarations on planning applications

- (1) The Secretary of State may by regulations require planning applicants to declare previous breaches of planning control to local planning authorities in England a manner that may be prescribed.
- (2) The regulations may include provision—
 - (a) creating offences punishable with a fine in respect of failures to comply with the regulations;
 - (b) about such offences.

3 Application to High Court for injunction

- (1) A local planning authority in England may apply to the High Court for an injunction relating to an unresolved breach of planning control.
- (2) An injunction under this section may make requirements of a person or company that is— 5
 - (a) in breach of planning control,
 - (b) associated with the person or company that is in breach of planning control, or
 - (c) operating from the site to which the breach of planning control relates.
- (3) An injunction under this section may— 10
 - (a) restrict a person or company from making further applications to a local planning authority relating to any site;
 - (b) restrict the use of a site subject to a planning application or to which a breach of planning control relates;
 - (c) require a person or company to return a site to its state before a breach of planning control occurred; 15
 - (d) make further provision as the Court sees fit to prevent major or repeat breaches of planning control (as defined by regulations made under section 1).

4 Guidance 20

- (1) The Secretary of State may issue guidance to local planning authorities in connection with their functions under this Act.
- (2) The Secretary of State may revise guidance issued under this section.
- (3) The Secretary of State must arrange for guidance under this section, and any revision of it, to be published. 25
- (4) A local planning authority must have regard to guidance issued under this section.

5 Review of planning offences

- (1) The Secretary of State must undertake a review of— 30
 - (a) the adequacy of measures in this Act in reducing major or repeat breaches of planning control, and
 - (b) whether new criminal offences, or increased penalties for existing offences, are required to satisfactorily achieve that objective.
- (2) A report of the review must be laid before Parliament before the end of the period of one year beginning on the day that this Act is passed. 35

6 Regulations

- (1) Regulations made under section 1 or 2—
 - (a) are to be made by statutory instrument;

(b) may make different provision for different purposes.

- (2) The Secretary of State may not make regulations under section 1 or 2 unless a draft of the statutory instrument containing the regulations has been laid before, and approved by resolution of, each House of Parliament.

7 Interpretation

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In this Act—

“breach of planning control” has the same meaning as in section 171A of the Town and Country Planning Act 1990;

“local planning authority” means a local planning authority for the purposes of any provision of Part 3 of the Town and Country Planning Act 1990.

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8 Extent, commencement and short title

- (1) This Act extends to England and Wales.
- (2) The provisions of this Act come into force on such day or days as the Secretary of State may by regulations made by statutory instrument appoint.
- (3) This Act may be cited as the Planning (Enforcement) Act 2021.

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Presented by Dr Ben Spencer

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