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**B I L L**

TO

Amend the Town and Country Planning Act 1990 in respect of enforcement notices and stop notices; and for connected purposes.

**B**E 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 Enforcement of steps required to be taken , and prevention of activities required to cease, by enforcement notices and stop notices**

- (1) The Town and Country Planning Act 1990 (c. 8) is amended as follows.
- (2) For subsection 178(1) there is substituted —
- “**(1)** Where any steps required by an enforcement notice to be taken are not taken or activities required by such a notice to cease have not ceased within the period for compliance with the notice, the local planning authority may —
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- (a) enter the land and —
- (i) take the steps, or
- (ii) remove any moveable objects which appear to them to be used for the activities; and
- (b) recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.”
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- (3) In subsection 178(2) after “taken” there is inserted “or in removing objects”. 15
- (4) In subsection 178(3) at end there is inserted “or any activities required by such a notice to cease”.
- (5) In subsection 184(6) for “section 187” there is substituted “sections 186A and 187”.
- (6) After section 186, there is inserted —
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- “186A Enforcement of stop notices**
- (1) Where any activities required by a stop notice to cease have not ceased before the notice takes effect, the local planning authority may —

- (a) enter the land and remove any moveable objects which appear to them to be used for the activities, and
- (b) recover from the person who is then the owner or occupier of the land any expenses reasonably incurred by them in doing so.
- (2) Where a stop notice has been served or a site notice displayed in respect of any breach of planning control – 5
- (a) any expenses incurred by the owner or occupier of any land for the purpose of complying with the notice, and
- (b) any sums paid by the owner or occupier of any land under subsection (1) in respect of expenses incurred by the local planning authority in removing objects, 10
- shall be deemed to be incurred or paid for the use and at the request of the person by whom the breach of planning control was committed.
- (3) The Secretary of State may by regulations provide – 15
- (a) that section 276 (power of local authorities to sell certain materials) and section 294 (limitation of liability of certain owners) of the Public Health Act 1936 shall apply, subject to such adaptations and modifications as may be specified in the regulations, in relation to any activities required by a stop notice to cease; 20
- (b) for the modification of section 289 (power to require occupier to permit works to be executed by owner) of that Act for the purpose of giving the owner of land to which a stop notice relates the right, as against all other persons interested in the land, to comply with the requirements of the stop notice; and 25
- (c) for placing a charge on the land in respect of any expenses recoverable by a local planning authority under subsection (1).
- (4) Any person who wilfully obstructs a person acting in the exercise of powers under subsection (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.” 30

## 2 Short title

- (1) This Act may be cited as the Town and Country Planning (Enforcement Notices and Stop Notices) Act 2004.

# Town and Country Planning (Enforcement Notices and Stop Notices) Bill

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To amend the Town and Country Planning Act 1990 in respect of enforcement notices and stop notices; and for connected purposes.

*Presented by Mr Eric Pickles  
supported by  
Mr Philip Hammond, Mr Geoffrey Clifton-Brown,  
Mr John Hayes, Mr Robert Syms,  
Mr John Randall and Mr Mark Field.*

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*Ordered, by The House of Commons  
to be Printed, 7th January 2004*

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