



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 4

DEVELOPMENT CONTROL

Miscellaneous

52 Temporary stop notice

After section 171D of the principal Act (penalties for non-compliance with planning contravention notice) there are inserted the following sections—

“Temporary stop notices

171E Temporary stop notice

- (1) This section applies if the local planning authority think—
 - (a) that there has been a breach of planning control in relation to any land, and
 - (b) that it is expedient that the activity (or any part of the activity) which amounts to the breach is stopped immediately.
- (2) The authority may issue a temporary stop notice.
- (3) The notice must be in writing and must—
 - (a) specify the activity which the authority think amounts to the breach;
 - (b) prohibit the carrying on of the activity (or of so much of the activity as is specified in the notice);
 - (c) set out the authority’s reasons for issuing the notice.
- (4) A temporary stop notice may be served on any of the following—

Status: This is the original version (as it was originally enacted).

- (a) the person who the authority think is carrying on the activity;
 - (b) a person who the authority think is an occupier of the land;
 - (c) a person who the authority think has an interest in the land.
- (5) The authority must display on the land—
- (a) a copy of the notice;
 - (b) a statement of the effect of the notice and of section 171G.
- (6) A temporary stop notice has effect from the time a copy of it is first displayed in pursuance of subsection (5).
- (7) A temporary stop notice ceases to have effect—
- (a) at the end of the period of 28 days starting on the day the copy notice is so displayed,
 - (b) at the end of such shorter period starting on that day as is specified in the notice, or
 - (c) if it is withdrawn by the local planning authority.

171F Temporary stop notice: restrictions

- (1) A temporary stop notice does not prohibit—
- (a) the use of a building as a dwelling house;
 - (b) the carrying out of an activity of such description or in such circumstances as is prescribed.
- (2) A temporary stop notice does not prohibit the carrying out of any activity which has been carried out (whether or not continuously) for a period of four years ending with the day on which the copy of the notice is first displayed as mentioned in section 171E(6).
- (3) Subsection (2) does not prevent a temporary stop notice prohibiting—
- (a) activity consisting of or incidental to building, engineering, mining or other operations, or
 - (b) the deposit of refuse or waste materials.
- (4) For the purposes of subsection (2) any period during which the activity is authorised by planning permission must be ignored.
- (5) A second or subsequent temporary stop notice must not be issued in respect of the same activity unless the local planning authority has first taken some other enforcement action in relation to the breach of planning control which is constituted by the activity.
- (6) In subsection (5) enforcement action includes obtaining the grant of an injunction under section 187B.

171G Temporary stop notice: offences

- (1) A person commits an offence if he contravenes a temporary stop notice—
- (a) which has been served on him, or
 - (b) a copy of which has been displayed in accordance with section 171E(5).

- (2) Contravention of a temporary stop notice includes causing or permitting the contravention of the notice.
- (3) An offence under this section may be charged by reference to a day or a longer period of time.
- (4) A person may be convicted of more than one such offence in relation to the same temporary stop notice by reference to different days or periods of time.
- (5) A person does not commit an offence under this section if he proves—
 - (a) that the temporary stop notice was not served on him, and
 - (b) that he did not know, and could not reasonably have been expected to know, of its existence.
- (6) A person convicted of an offence under this section is liable—
 - (a) on summary conviction, to a fine not exceeding £20,000;
 - (b) on conviction on indictment, to a fine.
- (7) In determining the amount of the fine the court must have regard in particular to any financial benefit which has accrued or has appeared to accrue to the person convicted in consequence of the offence.

171H Temporary stop notice: compensation

- (1) This section applies if and only if a temporary stop notice is issued and at least one of the following paragraphs applies—
 - (a) the activity which is specified in the notice is authorised by planning permission or a development order or local development order;
 - (b) a certificate in respect of the activity is issued under section 191 or granted under that section by virtue of section 195;
 - (c) the authority withdraws the notice.
- (2) Subsection (1)(a) does not apply if the planning permission is granted on or after the date on which a copy of the notice is first displayed as mentioned in section 171E(6).
- (3) Subsection (1)(c) does not apply if the notice is withdrawn following the grant of planning permission as mentioned in subsection (2).
- (4) A person who at the time the notice is served has an interest in the land to which the notice relates is entitled to be compensated by the local planning authority in respect of any loss or damage directly attributable to the prohibition effected by the notice.
- (5) Subsections (3) to (7) of section 186 apply to compensation payable under this section as they apply to compensation payable under that section; and for that purpose references in those subsections to a stop notice must be taken to be references to a temporary stop notice.”