
STATUTORY INSTRUMENTS

2015 No. 595

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Part 9

Monitoring

Register of enforcement and stop notices and other enforcement action

43.—(1) A register under section 188 of the 1990 Act (register of enforcement and stop notices and other enforcement action)⁽¹⁾ (“the enforcement register”) must contain the following information with respect to every planning enforcement order made in relation to land in the area of the authority maintaining the register⁽²⁾—

- (a) the address of the land to which the order relates or a plan by reference to which its situation can be ascertained;
- (b) the name of the applying authority;
- (c) the name of the court that made the order;
- (d) the date on which the court’s decision to make the order was given;
- (e) the day which marks the beginning of the enforcement year for the order;
- (f) the day which marks the end of that year;
- (g) information on any postponement of the day which marks the beginning of the enforcement year for the order by reason of section 171BA(4) of the 1990 Act (time limits in cases involving concealment)⁽³⁾ and the date of the final determination or withdrawal of any application;
- (h) the apparent breach of planning control identified in the order; and
- (i) in relation to any enforcement notice issued or breach of condition notice served in respect of that breach, details of where in the register the information specified in paragraphs (2) and (3) in relation to that notice is to be found.

(2) The enforcement register must also contain the following information with respect to every enforcement notice issued in relation to land in the area of the authority maintaining the register—

- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
- (b) the name of the issuing authority;
- (c) the date of issue of the notice;
- (d) the date of service of copies of the notice;

(1) Section 188 was amended by paragraphs 8 and 30 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34) and section 124(2) of the 2011 Act.

(2) Section 188(1) of the 1990 Act specifies those authorities which must keep a register.

(3) Section 171BA(4) was inserted by section 124(1) of the 2011 Act.

- (e) a statement or summary of the breach of planning control alleged and the requirements of the notice, including the period within which any required steps are to be taken;
 - (f) the date specified in the notice as the date on which it is to take effect;
 - (g) information on any postponement of the date specified as the date on which the notice will take effect by reason of section 175(4) of the 1990 Act (appeals: supplementary provisions)(4) and the date of the final determination or withdrawal of any appeal;
 - (h) the date of service and, if applicable, of withdrawal of any stop notice referring to the enforcement notice, together with a statement or summary of the activity prohibited by any such stop notice; and
 - (i) the date, if any, on which the local planning authority are satisfied that steps required by the notice for a purpose mentioned in section 173(4)(b) of the 1990 Act (contents and effect of notice: remedying any injury to amenity)(5) have been taken.
- (3) The enforcement register must also contain the following information with respect to every breach of condition notice served in relation to land in the area of the authority maintaining the register—
- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
 - (b) the name of the serving authority;
 - (c) the date of service of the notice;
 - (d) details of the relevant planning permission sufficient to enable it to be identified; and
 - (e) a statement or summary of the condition which has not been complied with and the requirements of the notice, including the period allowed for compliance.
- (4) All entries relating to a planning enforcement order, enforcement notice, stop notice or breach of condition notice must be removed as soon as reasonably practicable from the enforcement register if—
- (a) in the case of a planning enforcement order, the order—
 - (i) is rescinded; or
 - (ii) the enforcement year for the order expires without enforcement action having been taken during that year;
 - (b) in the case of an enforcement notice or stop notice, the relevant enforcement notice is quashed by the Secretary of State or is withdrawn; and
 - (c) in the case of a breach of condition notice, the notice is quashed by a court or is withdrawn.
- (5) Every enforcement register must include an index for enabling a person to trace any entry in the register by reference to the address of the land to which the notice relates.
- (6) Paragraph (7) applies where a magistrates' court make a planning enforcement order on the application of a county planning authority or a county planning authority issue an enforcement notice or serve a stop notice or a breach of condition notice.
- (7) The county planning authority must—
- (a) supply the information specified in paragraph (1), (2) or (3), as the case may be, in relation to the order or notice to the district planning authority (if any) in whose area the land to which the order or notice relates is situated; and

(4) Section 175(4) was amended by section 6(2) of the Planning and Compensation Act 1991 (c. 34).

(5) Section 173 was substituted by section 5 of the Planning and Compensation Act 1991 (c. 34).

(b) inform that authority if the order is rescinded or expires without enforcement action having been taken during the enforcement year for that order or the relevant enforcement notice or breach of condition notice is withdrawn or quashed.

(8) The information prescribed in paragraphs (1), (2) and (3) must be entered in the enforcement register as soon as practicable and in any event within 14 days of the occurrence to which it relates, and information must be supplied under paragraph (7) so that entries may be made within that period of 14 days.

(9) The enforcement register must either be kept at the principal office of the authority maintaining the enforcement register or that part of that register which relates to land in part of that authority's area must be kept at a place situated in or convenient to that part.