



Types of Enforcement Notice

You could find yourself the subject of enforcement action with no prior warning whatsoever. However, in most cases the Local Planning Authority (**LPA**) will need some basic background information, such as land ownership and site boundaries, prior to issuing a notice. This is sought via a Planning Contravention Notice (**PCN**). A PCN can be served before, or instead of, an Enforcement Notice. It enables the LPA to gather information about a suspected breach of planning control, and ultimately to make a decision whether or not to take further action.

If you receive a PCN you must supply the information requested, by the date given on the notice. Failure to do so is an offence and may attract a fine. You may also be offered the chance to meet the relevant planning officer to try and resolve the problem before an Enforcement Notice is issued. Do accept this offer. It may not seem like it, but the LPA would prefer not to issue a Notice if it can be avoided and the officer is trying to help you. The vast majority of officers would rather negotiate than fight an appeal.

Four courses of action are then available to the LPA. The first is that it takes the decision not to proceed further with enforcement investigations. The other three courses are now examined.

1. Breach of Condition Notice (**BCN**)

This is one way of remedying an alleged failure to comply with a condition imposed on a planning permission. It can be served in addition, or as an alternative, to an Enforcement Notice. The significant difference between the two elements is that you cannot appeal against a BCN. Failure to comply with its requirements is a criminal offence.

The position is complicated. It is possible to appeal against an allegation of failure to comply with a condition embodied in an Enforcement Notice. In some circumstances it may be possible to give yourself a right to appeal by a somewhat circuitous route through the planning system. This fact sheet is not the place in which to expand on such a complex option.



2. Stop Notice

This is very serious. This type of notice is separate from, but directly related to, the Enforcement Notice which alleges the breach of planning control. The Stop Notice means just that - you must immediately stop the activities referred to in the Notice. There is no right of appeal. If you do not comply with the Notice you can be prosecuted immediately in the Magistrates or Crown Court. If you feel the LPA's decision was not justified you must contact the authority as a matter of urgency. Professional help should also be sought.

Once a Stop Notice has been served, usually it remains effective until expiry of the period for compliance, specified in the accompanying Enforcement Notice, unless the LPA decide to withdraw the Notice.

3. Enforcement Notice

This is the most common type of notice but confusion can be caused by use of its title as a generic term to cover all types of Enforcement Notice (PCNs, BCNs and Stop Notices). An Enforcement Notice is used where the LPA consider that a breach of planning control has occurred and that it is "expedient" to take action. If you receive a Notice it will include the following basic information:

- a description of the site with an attached plan showing its boundaries
- a description of the alleged breach of planning control
- reason(s) for service of the Notice
- step(s) to be taken to comply with the Notice
- the time period for compliance
- the date the Notice comes into effect.

Check this last point very carefully. Assuming you want to appeal, this must be lodged with the Inspectorate before the date upon which the notice comes into effect.

Further advice on enforcement appeals is set out in **Fact Sheet 11**.