

Town and Country Planning Act 1990 c. 8

s. 72 Conditional grant of planning permission.



Law In Force

Version 3 of 3

1 October 2018 - Present

Subjects

Planning

Keywords

Development; Local planning authorities; Planning conditions; Planning permission

72.— Conditional grant of planning permission.

(1) Without prejudice to the generality of [section 70\(1\)](#), conditions may be imposed on the grant of planning permission under that section—

(a) for regulating the development or use of any land under the control of the applicant (whether or not it is land in respect of which the application was made) or requiring the carrying out of works on any such land, so far as appears to the local planning authority to be expedient for the purposes of or in connection with the development authorised by the permission;

(b) for requiring the removal of any buildings or works authorised by the permission, or the discontinuance of any use of land so authorised, at the end of a specified period, and the carrying out of any works required for the reinstatement of land at the end of that period.

(2) A planning permission granted subject to such a condition as is mentioned in subsection (1)

(b) is in this Act referred to as “*planning permission granted for a limited period*”.

(3) Where—

(a) planning permission is granted for development consisting of or including the carrying out of building or other operations subject to a condition that the operations shall be commenced not later than a time specified in the condition; and

(b) any building or other operations are commenced after the time so specified,

the commencement and carrying out of those operations do not constitute development for which that permission was granted.

(4) Subsection (3)(a) does not apply to a condition attached to the planning permission by or under [section 91](#) or [92](#).

(5) [Part I of Schedule 5](#) shall have effect for the purpose of making special provision with respect to the conditions which may be imposed on the grant of planning permission for development consisting of the winning and working of minerals [or involving the depositing of refuse or waste materials]¹, and subsection (2) has effect subject to [paragraph 1\(6\)\(a\)](#) of that Schedule.

[

(6) See also [section 100ZA](#), which makes provision about restrictions on the power to impose conditions by virtue of this section on a grant of planning permission in relation to land in England.

] ²

Notes

- [1](#) Words inserted by Planning and Compensation Act 1991 c. 34 [Sch.1 para.2](#) (September 25, 1991)
- [2](#) Added by Neighbourhood Planning Act 2017 c. 20 [Sch.3 para.3](#) (October 1, 2018 as SI 2018/567 reg.3(b))

*Part III CONTROL OVER DEVELOPMENT > Determination of
applications > s. 72 Conditional grant of planning permission.*

Contains public sector information licensed under the Open Government Licence v3.0.

s. 171A Expressions used in connection with enforcement.



Law In Force

Version 3 of 3

25 April 2024 - Present

Subjects

Planning

Keywords

Breach; Enforcement; Interpretation; Planning control; Planning permission

[

171A.— Expressions used in connection with enforcement.

(1) For the purposes of this Act—

(a) carrying out development without the required planning permission; or

(b) failing to comply with any condition or limitation subject to which planning permission has been granted,

constitutes a breach of planning control.

(2) For the purposes of this Act—[

(za) the issue of an enforcement warning notice in relation to land in England under [section 172ZA](#);

] ²

(a) the issue of an enforcement notice (defined in section 172); [...] ³

[

(aa) the issue of an enforcement warning notice [in relation to land in Wales under [section 173ZA](#)] ⁴ ; or

] ³

(b) the service of a breach of condition notice (defined in [section 187A](#)),

constitutes taking enforcement action.

(3) In this Part “*planning permission*” includes permission under Part III of the 1947 Act, of the 1962 Act or of the 1971 Act.

] ¹

Notes

- 1 Added by Planning and Compensation Act 1991 c. 34 [Pt I s.4\(1\)](#) (January 2, 1992 except as it relates to breach of condition notices and subject to transitional provision specified in SI 1991/2905; July 27, 1992 otherwise subject to transitional provisions in SI 1992/1630 art.3)
- 2 Added by Levelling-up and Regeneration Act 2023 c. 55 [Pt 3 c.5 s.117\(2\)\(a\)](#) (April 25, 2024)
- 3 Added by Planning (Wales) Act 2015 anaw. 4 [Pt 7 s.43\(3\)](#) (March 16, 2016)
- 4 Words substituted by Levelling-up and Regeneration Act 2023 c. 55 [Pt 3 c.5 s.117\(2\)\(b\)](#) (April 25, 2024)

Part VII ENFORCEMENT > Introductory > s. 171A Expressions used in connection with enforcement.

Contains public sector information licensed under the Open Government Licence v3.0.

s. 171B Time limits.



Law In Force

Version 3 of 3

25 April 2024 - Present

Subjects

Planning

Keywords

Breach; Enforcement; Planning control; Time limits

[

171B.— Time limits.

(1) [Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of—

(a) in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed, and

(b) in the case of a breach of planning control in Wales, four years beginning with the date on which the operations were substantially completed.

] ²

(2) [Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwelling house, no enforcement action may be taken after the end of the period of—

(a) in the case of a breach of planning control in England, ten years beginning with the date of the breach, and

(b) in the case of a breach of planning control in Wales, four years beginning with the date of the breach.

] ³

[

(2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of [section 196D](#)).

] ⁴

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent—

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

(b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.”

] ¹

Notes

- 1 Added by Planning and Compensation Act 1991 c. 34 [Pt I s.4\(1\)](#) (January 2, 1992 except as it relates to breach of condition notices and subject to transitional provision specified in SI 1991/2905; July 27, 1992 otherwise subject to transitional provisions in SI 1992/1630 art.3)
- 2 S.171B(1)(a) and (b) substituted for words by Levelling-up and Regeneration Act 2023 c. 55 [Pt 3 c.5 s.115\(1\)](#) (April 25, 2024: substitution has effect as SI 2024/452 reg.3(b) subject to transitional provision specified in SI 2024/452 reg.5)
- 3 S.171B(2)(a) and (b) substituted for words by Levelling-up and Regeneration Act 2023 c. 55 [Pt 3 c.5 s.115\(2\)](#) (April 25, 2024: substitution has effect as SI 2024/452 reg.3(b) subject to transitional provision specified in SI 2024/452 reg.5)
- 4 Added by Enterprise and Regulatory Reform Act 2013 c. 24 [Sch. 17 para.4](#) (October 1, 2013: insertion has effect as SI 2013/2227 subject to savings and transitional provisions specified in SI 2013/2148 art.5(4)(b) and SI 2013/2146 art.4(2))

Part VII ENFORCEMENT > Introductory > s. 171B Time limits.

Contains public sector information licensed under the Open Government Licence v3.0.

Town and Country Planning Act 1990 c. 8

s. 191 Certificate of lawfulness of existing use or development.



Version 3 of 3

1 October 2014 - Present

Subjects

Planning

Keywords

Applications; Certificates of lawful use or development

[

191.— Certificate of lawfulness of existing use or development.

(1) If any person wishes to ascertain whether—

- (a) any existing use of buildings or other land is lawful;
- (b) any operations which have been carried out in, on, over or under land are lawful; or
- (c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,

he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

(2) For the purposes of this Act uses and operations are lawful at any time if—

- (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
- (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

(3) For the purposes of this Act any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful at any time if—

- (a) the time for taking enforcement action in respect of the failure has then expired; and

(b) it does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force.

[

(3A) In determining for the purposes of this section whether the time for taking enforcement action in respect of a matter has expired, that time is to be taken not to have expired if—

(a) the time for applying for an order under [section 171BA\(1\)](#) (a “planning enforcement order”) in relation to the matter has not expired,

(b) an application has been made for a planning enforcement order in relation to the matter and the application has neither been decided nor been withdrawn, or

(c) a planning enforcement order has been made in relation to the matter, the order has not been rescinded and the enforcement year for the order (whether or not it has begun) has not expired.

] ²

(4) If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(5) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use, operations or other matter in question (in the case of any use falling within one of the classes specified in an order under [section 55\(2\)\(f\)](#), identifying it by reference to that class);

(c) give the reasons for determining the use, operations or other matter to be lawful; and

(d) specify the date of the application for the certificate.

(6) The lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed.

(7) A certificate under this section in respect of any use shall also have effect, for the purposes of the following enactments, as if it were a grant of planning permission—

- (a) [section 3\(3\)](#) of the [Caravan Sites and Control of Development Act 1960](#)[or [section 7\(1\)](#) of the [Mobile Homes \(Wales\) Act 2013](#)]³;
- (b) [section 5\(2\)](#) of the [Control of Pollution Act 1974](#); and
- (c) [section 36\(2\)\(a\)](#) of the [Environmental Protection Act 1990](#).

] ¹

Notes

- 1 Ss.191-194 substituted and moved under a new heading entitled "Certificate of lawful use or development" by Planning and Compensation Act 1991 c. 34 [Pt I s.10\(1\)](#) (November 25, 1991 for certain purposes specified in SI 1991/2728 art.2; July 27, 1992 otherwise subject to transitional provisions specified in SI 1992/1630 art.3)
- 2 Added by Localism Act 2011 c. 20 [Pt 6 c.5 s.124\(3\)](#) (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)
- 3 Words inserted by Mobile Homes (Wales) Act 2013 anaw. 6 [Sch.4 para.6\(3\)](#) (October 1, 2014: insertion has effect on October 1, 2014 as SI 2014/11 subject to savings and transitional provisions specified in 2013 anaw 6 Sch.5 and SI 2014/11 art.4)

*Part VII ENFORCEMENT > Certificate of lawful use or development.
> s. 191 Certificate of lawfulness of existing use or development.*

Contains public sector information licensed under the Open Government Licence v3.0.