



Department for Levelling Up,
Housing & Communities

DLUHC Enforcement Update



Department for Levelling Up,
Housing & Communities

- All change at DLUHC – a new Secretary of State and new Housing Minister

The Rt Hon Simon Clarke MP



Lee Rowley MP





The Levelling-up and Regeneration Bill

- The Levelling-up and Regeneration Bill was introduced in Parliament on 11 May.
- It received its Second Reading in the House of Commons on 8 June.
- Commons Committee Stage started on 21 June and resumes this month after conference recess.
- It is a large Bill and ambitious in scope. 300+ pages, 11 parts, 187 clauses and 17 schedules.



- Part 3 of the Bill sets out the planning measures, with Chapter 5 containing the enforcement clauses.
- This Government is clear that effective enforcement is important to maintain public confidence and trust in the planning system.
- Local planning authorities already have a wide range of enforcement powers with strong penalties for non-compliance at their disposal. Through the Bill we are going further and strengthening those powers to allow authorities to take the robust action their communities want to see.



Therefore, through the Bill we are introducing several new enforcement measures:

- Clause 101 - Those who breach planning control will be at risk of enforcement action for a longer period. We are removing the current 4-year time limit which applies to some breaches; in future, the time limit will be 10 years for all breaches.
- Clause 102 - We are doubling the time temporary stop notice are effective – from 28 days to 56. This will give local authorities the time they need to properly investigate the breach and decide on the best course of action.



- Clause 103 - Local authorities will have new powers to serve enforcement warning notices (EWN) where a breach of planning control has been carried out which has a reasonable prospect of being acceptable, formalising the process for inviting retrospective applications and helping ensure they are received swiftly. The EWN will make it clear that where an application is not submitted within the timeframe specified, the LPA may take further enforcement action.
- Clause 104 - We are tightening up existing loopholes to further limit the opportunities to obtain planning permission after a breach has occurred.



- Clause 105 - Planning Inspectors will have the power to dismiss enforcement appeals where an appellant causes undue delay.
- Clause 106 - We are increasing the fines for failure to comply with breach of condition notices and section 215 notices – in future they will be unlimited.
- Clause 107 - A new power allowing the Secretary of State to give relief from enforcement action against certain planning conditions, enabling necessary flexibility in the planning system during times of uncertainty



Next stages for the Bill:

- House of Commons Report stage and 3rd Reading
- Then on to the House of Lords

Bill Implementation:

- Secondary legislation
- Policy and guidance
- Resourcing