

2024 No. 452 (C. 28)

**TOWN AND COUNTRY PLANNING, ENGLAND AND
WALES**

**The Planning Act 2008 (Commencement No. 8) and Levelling-up
and Regeneration Act 2023 (Commencement No. 4 and Transitional
Provisions) Regulations 2024**

Made - - - -

2nd April 2024

The Secretary of State makes these Regulations in exercise of the powers conferred by section 241(8) of the Planning Act 2008(a) and by section 255(3)(b) and (12) of the Levelling-up and Regeneration Act 2023(b).

PART 1

Introduction

Citation and interpretation

1.—(1) These Regulations may be cited as the Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024.

(2) In these Regulations—

“the 1990 Act” means the Town and Country Planning Act 1990(c);

“the 2008 Act” means the Planning Act 2008;

“the 2023 Act” means the Levelling-up and Regeneration Act 2023.

PART 2

Commencement of provisions of the Planning Act 2008

Provisions of the 2008 Act coming into force on 25th April 2024

2. The following provisions of the 2008 Act come into force on 25th April 2024—

(a) 2008 c. 29.

(b) 2023 c. 55.

(c) 1990 c. 8.

- (a) section 196 (determination of procedure for certain proceedings), and
- (b) paragraphs 1, 7, 8 and 10 to 14 of Schedule 10 (further provisions as to the procedure for certain proceedings),

so far as they relate to any appeal under section 195 of the 1990 Act^(a) (appeals against refusal or failure to give decision on application) against a refusal, or failure to give a decision, of a local planning authority.

PART 3

Commencement of provisions of the Levelling-up and Regeneration Act 2023

Provisions of the 2023 Act coming into force on 25th April 2024

3. The following provisions of the 2023 Act come into force on 25th April 2024—

- (a) section 103 (temporary stop notices in relation to listed buildings);
- (b) section 115 (time limits for enforcement);
- (c) section 116 (duration of temporary stop notices);
- (d) section 117 (enforcement warning notices);
- (e) section 118 (restriction on appeals against enforcement notices);
- (f) section 119 (undue delays in appeals);
- (g) section 120 (penalties for non-compliance);
- (h) section 122 (consultation before applying for planning permission);
- (i) section 124 (powers as to form and content of planning applications).

Provision of the 2023 Act coming into force on 25th July 2024

4. Section 105 of the 2023 Act (removal of compensation for building preservation notice) comes into force on 25th July 2024.

Transitional provision: time limits for enforcement

5. The amendments made to the 1990 Act by section 115 of the 2023 Act (time limits for enforcement) do not apply where—

- (a) in respect of a breach of planning control referred to in section 171B(1) of the 1990 Act **(b)** (time limits), the operations were substantially completed, or
- (b) in respect of a breach of planning control referred to in section 171B(2) of the 1990 Act (time limits), the breach occurred,

before the day on which that section comes into force.

Transitional provision: duration of temporary stop notices

6. The amendments made to the 1990 Act by section 116 of the 2023 Act (duration of temporary stop notices) do not apply where—

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- (a) Section 195 was amended by paragraph 32 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34), paragraph 3 of Schedule 11 to the Planning Act 2008 (c. 29), paragraph 6 of Schedule 1 to the Town and Country Planning (Determination of Procedure) (Wales) Order 2014 (S.I. 2014/2773 (W. 280)) and section 47(2) and paragraph 7(3) of Schedule 7 to the Planning (Wales) Act 2015 (anaw/dccc 4).
 - (b) Section 171B was inserted by section 4(1) of the Planning and Compensation Act 1991 (c. 34) and amended by paragraph 4 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24).

- (a) a temporary stop notice has been issued under section 171E of the 1990 Act^(a), and
 - (b) the temporary stop notice has not been withdrawn under section 171E(7)(c) of that Act,
- before the day on which that section comes into force.

Transitional provision: enforcement notices

7. The amendments made to the 1990 Act by section 118 of the 2023 Act (restriction on appeals against enforcement notices) do not apply where—

- (a) an enforcement notice has been issued under section 172 of the 1990 Act^(b) (issue of enforcement notice), and
- (b) the enforcement notice has not been withdrawn under section 173A of that Act^(c) (variation and withdrawal of enforcement notices),

before the day on which that section comes into force.

Transitional provisions: undue delays in appeals

8.—(1) The amendments made to the 1990 Act by section 119 of the 2023 Act (undue delays in appeals) do not apply where—

- (a) an enforcement notice has been issued under section 172 of the 1990 Act (issue of enforcement notice),
- (b) the enforcement notice has not been withdrawn under section 173A of the 1990 Act (variation and withdrawal of enforcement notices), and
- (c) an appeal under section 174 of the 1990 Act^(d) (appeal against enforcement notice) has been made against that notice,

before the day on which that section comes into force.

(2) The amendments made to the 1990 Act by section 119 of the 2023 Act (undue delays in appeals) do not apply where—

- (a) an application has been made to a local planning authority and determined or not determined (as the case may be) under either section 191 of the 1990 Act^(e) (certificate of lawfulness of existing use or development) or section 192 of the 1990 Act (certificate of lawfulness of proposed use or development), and
- (b) an appeal under either subsection (1)(a) or (1)(b) of section 195 of that Act (appeals against refusal or failure to give decision on application) has been made against that refusal or failure to give a decision,

before the day on which that section comes into force.

(a) Section 171E was inserted by section 52 of the Planning and Compulsory Purchase Act 2004 (c. 5).

(b) Section 172 was substituted by section 5(1) of the Planning and Compensation Act 1991 (c. 34).

(c) Section 173A was inserted by section 5(1) of the Planning and Compensation Act 1991 (c. 34).

(d) Section 174 was amended by section 6(1) and paragraph 22 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34), article 3 of the Town and Country Planning (Electronic Communications) (England) Order 2003 (S.I. 2003/956), article 3 of the Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004 (S.I. 2004/3156 (W. 273)), section 123(4) of the Localism Act 2011 (c. 20), paragraph 5 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24) and section 46 of the Planning (Wales) Act 2015 (anaw/dccc 4).

(e) Section 191 was substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34) and amended by section 124(3) of the Localism Act 2011 (c. 20) and paragraph 6(3) of Schedule 4 to the Mobile Homes (Wales) Act 2013 (anaw/dccc 6).

Transitional provision: penalties for non-compliance

9. The amendments made to the 1990 Act by section 120 of the 2023 Act (penalties for non-compliance) apply only in relation to offences committed after the section has come into force.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

2nd April 2024

Lee Rowley
Minister of State
Department for Levelling Up, Housing and Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force provisions in the Planning Act 2008 (“the 2008 Act”) and the Levelling-up and Regeneration Act 2023 (“the 2023 Act”).

Regulation 2 brings into force on 25th April 2024 section 196 and paragraphs 1, 7, 8 and 10 to 14 of Schedule 10 to the 2008 Act, so far as they relate to any appeal under section 195 of the Town and Country Planning Act 1990 (“the 1990 Act”). The effect of these provisions is that the Secretary of State can determine the procedure to be adopted for the determination of an appeal about a lawful development certificate.

Regulation 3 brings into force on 25th April 2024 various provisions of the 2023 Act.

Regulation 3(a) brings into force section 103 of the 2023 Act. Section 103 amends the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Listed Buildings Act”), enabling a local planning authority which suspects unauthorised works were carried out on a listed building, to issue a temporary stop notice requiring the works to stop for up to 56 days, to allow the local authority to investigate the suspected breach and establish the facts of the case. The section also creates an offence for contravention of such a notice.

Regulation 3(b) brings into force section 115 of the 2023 Act. Section 115 amends section 171B(1) and (2) of the 1990 Act to extend the time period in which local planning authorities can take enforcement action against unauthorised development in England from 4 to 10 years.

Regulation 3(c) brings into force section 116 of the 2023 Act. Section 116 amends section 171E of the 1990 Act to allow local planning authorities in England to issue a temporary stop notice that has effect for up to 56 days, providing more time for a local authority to investigate a suspected breach of planning control. The section maintains the current time periods in Wales.

Regulation 3(d) brings into force section 117 of the 2023 Act. Section 117 inserts a new section 172ZA into the 1990 Act and makes consequential amendments to sections 188 and 171A of that Act. Section 172ZA creates a new power for a local planning authority in England to issue an enforcement warning notice asking the person concerned to submit a retrospective planning application within a specified period.

Regulation 3(e) brings into force section 118 of the 2023 Act. Section 118 amends section 174 of the 1990 Act to reduce the ability for a person to lodge an appeal against an enforcement notice issued in England on ground “(a)” - that planning permission ought to be granted or that the condition or limitation imposed on the grant of permission ought to be discharged.

Regulation 3(f) brings into force section 119 of the 2023 Act. Section 119 gives the Secretary of State a new power to dismiss an appeal in relation to an enforcement notice or an appeal relating to a lawful development certificate in England, where it appears that the appellant is causing undue delay to the appeals process.

Regulation 3(g) brings into force section 120 of the 2023 Act. Section 120 amends sections 187A and 216 of the 1990 Act in relation to England to increase the maximum level of fines for failure to comply with a breach of condition notice and for failure to comply with a section 215 notice (maintenance of land).

Regulation 3(h) brings into force section 122 of the 2023 Act. Section 122 amends section 122 of the Localism Act 2011 to make permanent the powers to make provision for pre-application consultation in sections 61W to 61Y of the 1990 Act.

Regulation 3(i) brings into force section 124 of the 2023 Act. Section 124 inserts a new section 327ZA into the 1990 Act to enable the Secretary of State to make provision to require or allow planning applications to be made and associated documents to be provided by electronic means or in accordance with particular standards in respect of those electronic means.

Regulation 4 brings into force on 25th July 2024 section 105 of the 2023 Act. Section 105 amends section 3 of the Listed Buildings Act to require a local planning authority to consult with Historic Buildings and Monuments Commission for England before serving a building preservation notice. Section 105 also amends section 29 of the Listed Buildings Act to remove the right to claim compensation for building preservation notices in England.

Regulations 5 to 9 contain transitional provisions relating to time limits for enforcement, duration of temporary stop notices, restrictions on appeals against enforcement notices, undue delays in appeals and penalties for non-compliance respectively.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary sector or community bodies is foreseen. An impact assessment has been produced in relation to the 2008 Act and copies can be obtained at https://www.legislation.gov.uk/ukia/2008/358/pdfs/ukia_20080358_en.pdf or from the Department for Levelling Up, Housing and Communities at 2 Marsham Street, London, SW1P 4DF. An impact assessment has been produced in relation to the 2023 Act and copies can be obtained at <https://bills.parliament.uk/bills/3155/publications> or from the Department for Levelling Up, Housing and Communities at 2 Marsham Street, London, SW1P 4DF.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Regulations)

The following provisions of the Planning Act 2008 have been brought into force in England and Wales by commencement Orders made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 3	01.10.2009	2009/2260
Section 4 (remainder)	01.10.2009	2009/2260
Sections 5 to 13	06.04.2009	2009/400
Section 14 (partially)	01.03.2010	2010/101
Section 14 (partially)	06.04.2011	2011/705
Section 14 (partially)	01.10.2011	2011/2054
Section 14 (partially)	01.01.2018	2017/1078
Sections 15 to 24	01.03.2010	2010/101
Section 25 (remainder)	01.03.2010	2010/101
Section 26	01.03.2010	2010/101
Sections 27 to 28 (partially)	01.01.2018	2017/1078
Section 29	06.04.2011	2011/705
Section 30	01.10.2011	2011/2054
Sections 31 to 36	01.03.2010	2010/101
Section 37	01.10.2009	2009/2260
Section 38 (remainder)	01.10.2009	2009/2260
Section 39	01.10.2009	2009/2260

Section 40 (remainder)	01.10.2009	2009/2260
Sections 41 to 47	01.10.2009	2009/2260
Section 48 (remainder)	01.10.2009	2009/2260
Sections 49 to 50	01.10.2009	2009/2260
Section 51 (remainder)	01.10.2009	2009/2260
Sections 52 to 54	01.10.2009	2009/2260
Section 55	01.03.2010	2010/101
Section 56 (remainder)	01.10.2009	2009/2260
Sections 57 to 58	01.10.2009	2009/2260
Section 59 (remainder)	01.10.2009	2009/2260
Sections 60 to 96	01.03.2010	2010/101
Section 97 (remainder)	01.03.2010	2010/101
Sections 98 to 101	01.03.2010	2010/101
Section 102 (remainder)	01.03.2010	2010/101
Sections 103 to 110	01.03.2010	2010/101
Section 111 (remainder)	01.03.2010	2010/101
Sections 112 to 113	01.03.2010	2010/101
Section 114 (remainder)	01.03.2010	2010/101
Sections 115 to 152	01.03.2010	2010/101
Section 153 (remainder)	01.10.2011	2011/2054
Sections 154 to 159	01.03.2010	2010/101
Sections 160 to 161 (remainder)	01.03.2010	2010/101
Sections 162 to 164	01.03.2010	2010/101
Section 165 (remainder)	01.03.2010	2010/101
Sections 166 to 169	01.03.2010	2010/101
Section 170 (remainder)	01.03.2010	2010/101
Section 171	01.03.2010	2010/101
Section 172 (remainder)	01.03.2010	2010/101
Sections 173 and 174	01.03.2010	2010/101
Section 175 (partially)	06.04.2009	2009/400
Section 175 (remainder)	01.03.2010	2010/101
Section 177	06.04.2009	2009/400
Sections 179 to 182	06.04.2009	2009/400
Section 183 (partially)	06.04.2009	2009/400
Section 184	06.04.2009	2009/400
Section 185 (partially)	06.04.2009	2009/400
Section 185 (remainder)	08.08.2014	2014/1769
Section 187 (partially)	06.04.2009	2009/400
Section 188 (partially)	23.06.2009	2009/1303
Section 188 (remainder)	30.04.2012	2012/802
Section 189	06.04.2010	2010/566
Section 190 (partially)	01.10.2009	2009/2260
Section 190 (remainder)	06.04.2010	2010/566
Section 191 (partially)	06.04.2009	2009/400
Sections 192 and 193 (partially)	06.04.2012	2012/601
Section 194 (partially)	06.04.2009	2009/400
Section 195	06.04.2009	2009/400
Section 196 (partially)	06.04.2009	2009/400
Section 197 (partially)	06.04.2009	2009/400
Section 197 (remainder)	30.04.2012	2012/802
Section 198 (partially)	06.04.2009	2009/400
Section 198 (remainder)	28.11.2014	2014/2780

Section 199 (partially)	06.04.2009	2009/400
Section 199 (remainder)	08.08.2014	2014/1769
Section 200 (partially)	01.10.2009	2009/2260
Section 206 (partially)	06.04.2009	2009/400
Section 206 (remainder)	06.04.2010	2010/566
Section 211 (remainder)	06.04.2009	2009/400
Section 224 (partially)	06.04.2009	2009/400
Section 224 (partially)	06.04.2010	2010/566
Section 238 (partially)	06.04.2009	2009/400
Section 238 (partially)	23.06.2009	2009/1303
Section 238 (partially)	06.04.2010	2010/566
Section 238 (partially)	06.04.2012	2012/601
Section 238 (partially)	30.04.2012	2012/802
Schedule 1	01.10.2009	2009/2260
Schedule 2	01.03.2010	2010/101
Schedule 3 (remainder)	01.03.2010	2010/101
Schedules 4 and 5	01.03.2010	2010/101
Schedule 6 (remainder)	01.10.2011	2011/2054
In Schedule 7—		
paragraphs 1 to 6 (partially)	06.04.2009	2009/400
Schedule 8 (partially)	06.04.2012	2012/601
In Schedule 9—		
paragraphs 1 to 4 and 6	06.04.2009	2009/400
In Schedule 10—		
paragraphs 1, 3 to 6, and 10 to 14 (partially)	06.04.2009	2009/400
Schedule 11 (partially)	06.04.2009	2009/400
Schedule 11 (remainder)	30.04.2012	2012/802
Schedule 13 (partially)	06.04.2009	2009/400
Schedule 13 (partially)	23.06.2009	2009/1303
Schedule 13 (partially)	06.04.2010	2010/566
Schedule 13 (partially)	06.04.2012	2012/601
Schedule 13 (partially)	30.04.2012	2012/802

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Levelling-up and Regeneration Act 2023 have been brought into force by commencement Regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 78	31.01.2024	2024/92
Section 81	31.01.2024	2024/92
Sections 84 to 86	31.03.2024	2024/389
Sections 89 to 91	31.03.2024	2024/389
Section 94	31.01.2024	2024/92
Sections 106 and 107 (partially)	31.01.2024	2024/92
Section 111 (partially)	31.03.2024	2024/389
Section 123	31.01.2024	2024/92
Section 129	31.01.2024	2024/92
Section 135	12.02.2024	2024/92
Section 140	31.01.2024	2024/92

Section 171 (partially)	31.03.2024	2024/389
Section 180	31.01.2024	2024/92
Section 181 (partially)	31.01.2024	2024/92
Section 181 (partially)	30.04.2024	2024/389
Sections 182 and 183 (partially)	31.03.2024	2024/389
Section 184 (partially)	31.01.2024	2024/92
Section 184 (partially)	31.03.2024	2024/389
Section 184 (partially)	30.04.2024	2024/389
Sections 185 to 188	31.01.2024	2024/92
Section 189	31.01.2025	2024/92
Section 190 (partially)	31.03.2024	2024/389
Section 190 (partially)	30.04.2024	2024/92
Section 203 (partially)	31.03.2024	2024/389
Sections 205 and 206 (partially)	31.03.2024	2024/389
Section 214 (partially)	31.03.2024	2024/389
Section 215	31.03.2024	2024/389
Section 229	31.03.2024	2024/389
In Schedule 4—		
paragraphs 226 (partially) and 227 to 229	26.12.2023	2023/1405
paragraphs 226 (remainder) and 230	07.05.2024	2023/1405
Schedule 5	31.01.2024	2024/92
In Schedule 9—		
paragraph 1 (partially)	31.01.2024	2024/92
Schedule 13 (remainder)	31.03.2024	2024/389
In Schedule 19—		
paragraph 1 (partially)	31.01.2024	2024/92
paragraph 1 (partially)	30.04.2024	2024/389
paragraphs 2 and 3 (partially)	31.03.2024	2024/389
Schedule 22	31.03.2024	2024/389

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