

9. Immunity from Enforcement Action

The Planning and Compensation Act 1991 introduced rolling time limits within which planning authorities can take planning enforcement action against breaches of planning control.

The time limits are:

- **4 years for building, engineering, mining or other operations in, on, over or under land without planning permission**

This development becomes immune from enforcement action four years after the operations are substantially completed.

- **4 years for the change of use of a building, or part of a building, to use as a single dwellinghouse**

This development becomes immune from enforcement action four years after the date the change of use first occurred.

- **10 years for all other changes of use and breaches of conditions**

The ten year period runs from the date the breach of planning control first commenced.

Lawful Development Certificates

If owners of land or property consider that a breach of planning control has become immune from enforcement action they may apply for a Lawful Development Certificate (LDC). If granted, such a certificate provides documentation to establish the lawfulness of the existing development.

This option is well worth considering because should a landowner later want to sell his property the LDC can be used to answer queries raised by potential buyers or their legal representatives regarding the legality of building works or uses, and in any case it is important that all paperwork and records relating to your property are clear and up to date.

Further information is provided in 'Lawful Development Certificates: A Users Guide,' which is available via the Planning Portal. The web address to access this document is as follows:

<http://planningguidance.planningportal.gov.uk/blog/guidance/lawful-development-certificates/>

Concealed Breaches

The Localism Act 2011 gave additional powers to planning authorities to take enforcement action after the expiry of the time limits set out above.

These powers allow the Authority to take enforcement action against breaches of planning control which have been **deliberately concealed** even after the relevant time limits have expired. The relevant legislation can be accessed via the following link:

<http://www.legislation.gov.uk/ukpga/2011/20/section/124/enacted>