

Planning Enforcement Scrutiny Committee Briefing Note

Stop Notices

This is a measure used in conjunction with an enforcement notice to bring an immediate cessation to an alleged breach of planning control.

There is no right of appeal against a stop notice.

A Stop Notice is issued in conjunction with an Enforcement Notice in order to secure the cessation of a use before the period specified for compliance in the enforcement notice; i.e. before the Enforcement Notice takes effect. In fact a Stop Notice may not be issued once the Enforcement Notice becomes effective.

A Stop Notice may prohibit:-

- a use of land, whether ancillary or incidental to the main use of land
- a particular activity taking place on part of the land
- intermittent or seasonal uses
- However, a Stop Notice may not prevent:-
- the use of any building as a dwellinghouse
- the carrying out of any activity which is not 'operational development' or the deposit of refuse or waste materials, if that activity has been undertaken for more than 4 years prior to the date of the notice.

Failure to comply with a Stop Notice can result in summary conviction and fines of up to £20,000, or an unlimited fine if convicted on indictment. The financial benefits derived from the breach of planning control will also be taken into account.

Stop Notices are used rarely and usually in extreme circumstances. Improper use of a Stop Notice can result in the Council incurring claims for compensation, so they are used only when other measures have, or are likely to, prove unsuccessful in preventing a breach of planning control.