
STATUTORY INSTRUMENTS

2012 No. 628

**The Localism Act 2011 (Commencement No. 4 and
Transitional, Transitory and Saving Provisions) Order 2012**

Transitional etc. provisions: planning enforcement

13.—(1) In a case where, before 6th April 2012, an enforcement notice has been issued under section 172 of the 1990 Act⁽¹⁾ (issue of enforcement notice) and not withdrawn under section 173A of that Act (variation and withdrawal of enforcement notices) and either or both of the following sub-paragraphs apply—

- (a) an appeal under section 174 of the 1990 Act⁽²⁾ (appeal against enforcement notice) has been made against that notice; or
- (b) an application for planning permission for the development of any land to which that enforcement notice relates has been made after the date on which that notice was issued,

section 123(2) and (3) of the Act (retrospective planning permission) shall not apply to that case.

(2) Section 123(4), (5) and (6) of the Act (retrospective planning permission) shall not apply to a case where, before 6th April 2012, an enforcement notice has been issued under section 172 of the 1990 Act (issue of enforcement notice) and not withdrawn under section 173A of that Act (variation and withdrawal of enforcement notice).

(3) In the case of a breach of planning control—

- (a) which took place before 6th April 2012; and
- (b) in relation to which the time limits for taking enforcement action under section 171B of the 1990 Act⁽³⁾ (time limits) have expired before 6th April 2012,

section 124 of the Act (time limits for enforcing concealed breaches of planning control) shall not apply to that breach.

(1) Sections 172 and 173A were substituted by section 5 of the Planning and Compensation Act 1991 (c. 34).

(2) Section 174 was amended by sections 6, 32 and 84 of, and Schedules 7 and 19 to, the Planning and Compensation Act 1991 and S.I. 1992/656 and 2003/956. There are other amendments not relevant to this Order.

(3) Section 171B was inserted by section 4 of the Planning and Compensation Act 1991.