STATUTORY INSTRUMENTS

2005 No. 206

TOWN AND COUNTRY PLANNING, ENGLAND

Town and Country Planning (Temporary Stop Notice)(England) Regulations 2005

Made - - - -	*3rd February 2005*
Laid before Parliament	*10th February 2005*
Coming into force - -	*7th March 2005*

The First Secretary of State, in exercise of the powers conferred by section 171F of the Town and Country Planning Act 1990(**a**), hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Temporary Stop Notice) (England) Regulations 2005 and shall come into force on 7th March 2005.

(2) These Regulations apply in relation to England only.

Circumstances in which temporary stop notice does not prohibit stationing of caravan

2.—(1) The stationing of a caravan on any land in the circumstances specified in paragraph (2) is prescribed for the purposes of section 171F(1)(b) of the Town and Country Planning Act 1990.

(2) The circumstances are that—

(a) the caravan is stationed on the land immediately before the issue of the temporary stop notice; and

(b) the caravan is at that time occupied by a person as his main residence;

unless the local planning authority consider that the risk of harm to a compelling public interest arising from the stationing of the caravan is so serious so as to outweigh any benefit, to the occupier of the caravan, in the stationing of the caravan for the period for which the temporary stop notice has effect.

Signed by authority of the First Secretary of State

Keith Hill
Minister of State,
Office of the Deputy Prime Minister

3rd February 2005

(**a**) 1990 c.8. Sections 171A to 171D were inserted by sections 1and 4 of the Planning and Compensation Act 1991 (c.34). Section 171F of the Town and Country Planning Act 1990 was inserted, with section 171E and other sections not relevant to these Regulations, by section 52 of the Planning and Compulsory Purchase Act 2004 (c.5). See section 336 of the Town and Country Planning Act 1990 for the definition of "prescribed".

[ODPM 2989]

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 171E of the Town and Country Planning Act 1990 enables a local planning authority to issue a temporary stop notice ("TSN") if they think that there has been a breach of planning control and that it is expedient that the activity, or any part of it, which amounts to the breach, is stopped immediately.

Section 171F(1)(a) provides that a TSN does not prohibit the use of a building as a dwelling house. Section 171F(1)(b) enables the Secretary of State to prescribe descriptions of activities which are not prohibited by a TSN, and circumstances in which the carrying out of an activity is not prohibited by a TSN.

These Regulations apply in relation to England only.

Regulation 2 of these Regulations prescribes the stationing of a caravan on land where the land is used for that purpose immediately before the issue of the TSN, and the caravan is at that time occupied by a person as his main residence unless the local planning authority consider that the risk of harm to a compelling public interest arising from the stationing of the caravan is so serious so as to outweigh any benefit to the occupier of the caravan in the stationing of the caravan for the period for which the temporary stop notice has effect.

A regulatory impact assessment of the effect that this instrument will have on the costs of business is available on the internet at www.odpm.gov.uk. Copies can be obtained by post from the Office of the Deputy Prime Minister, 4/H1, Eland House, Bressenden Place, London SW1E 5DU, or by phoning 0207 944 3966.

£3.00

© Crown copyright 2005

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.
E0157 2/2005 150157T 19585

ISBN 0-11-052032-7

9 780110 520322