

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Alan King, Esq.
1 Greystoke Close
Berkhamsted
Herts.

.....Two satellite aerial dishes.....	Brief description and location of proposed development.
.....	
at 1 Greystoke Close, Berkhamsted, Herts.	

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 4. July 1988 and received with sufficient particulars on 4. July 1988 and shown on the plan(s) accompanying such application..

The reasons for the Council's decision to refuse permission for the development are:—

The prominent siting of the aerials on the front of this dwelling introduces an alien feature to the residential area to the detriment of visual amenity.

Dated 13th day of ... September 19 88

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

NOTE

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in s.169 of the Town and Country Planning Act 1971.



Planning Inspectorate

Department of the Environment

Room 1121 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-21891302738

Switchboard 0272-218811

GTN 1374

CHIEF EXECUTIVE OFFICER

3 JUL 1989

Mr A King
1 Greystoke Close
Berkhamsted
HERTS HP4 3JH

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL					
Ref.	Ack. Your Ref				
G.P.O. TOWN	Q.D.	D.C.	D.C.	Admin.	File
Close					
Received			3 JUL 1989		
Comments					

File ref.
Refer to ... C/O 3/7 ...

T/APR/C/88/A1910/19946d

Council's Ref

4/2153/88E/SR/TM

28 JUN 89

30018

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 88 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
LAND AT 1 GREYSTOKE CLOSE, BERKHAMSTED

1. I have been appointed, as you know, by the Secretary of State for the Environment to determine your appeal against an enforcement notice issued by the Dacorum District Council. I have considered the representations made by you and by the council, as well as those of interested persons. I inspected the site on Tuesday 6 June 1989.

2. a. The date of the notice is 10 October 1988.

b. The breach of planning control alleged in the notice is the erection of 2 satellite dish antennae both of which exceed 90cm (3ft) in diameter.

c. The requirements of the notice are to remove the 2 satellite dish antennae.

d. The period for compliance with the notice is 3 months.

e. The appeal was made on ground 88(2)(a) of the 1971 Act as amended.

f. The reason the council issued the notice is that they consider the prominent siting of the satellite dish antennae on the front of your dwelling introduces an alien feature to the residential area to the detriment of visual amenity.

THE PLANNING ISSUES

3. Your appeal is concerned solely with the planning merits of the installation, under ground (a) and the planning application, deemed to have been made under section 88(B)(3) of the Act, to retain the antennae. From the representations made and my inspection of the site and surrounding area, I consider that the central issues are, first, whether the siting of the dish aerials on your garage roof is materially damaging to the street scene in Greystoke Close and, second, whether the aerials detract from the



standards of residential amenity and quiet enjoyment reasonably to be expected by the occupiers of nearby dwellings.

4. You say that you are professionally involved as an adviser on cable and satellite television equipment. The satellite dishes enable you to widen your knowledge as well as giving your family entertainment. The present lower power satellite transmitters, to which you tune, require 1.8m dishes in order to obtain clear pictures. In the longer run greater power signals will allow a lesser diameter.

5. From my inspection your house is set well back from the highway, its main front wall being about in line with the rear wall of 2 Greystoke Close to the west. The integral double garage, on the roof of which the aerials are mounted side by side facing the road, comes forward about for about 4m on the east side of the front wall and is some 15m back from the footway. The frontage to the road is constricted on its east side by the densely planted rear plot boundary of Grafton Gardens, which has a return frontage to Greystoke Close. There is also high (3-4m) conifer planting up to the back of the footway on your western front boundary. The result is that your property has an effective open frontage to the road of only about 15m as compared with a plot width of some 23m at the front wall of the house. In consequence any significant public view of the aerials is subtended over no more than about 35-40°, covering a distance of 30m or so for anyone walking towards the site on the opposite footway from the south. It is however possible to catch glimpses of the upper portions of the dishes through (but not above) the tops of the trees from a greater distance. The visibility is less from the nearside footway. For a pedestrian or driver entering the estate from Cross Oak Road the aerials are not apparent until drawing abreast of your house.

6. In my opinion, having studied the site carefully from various points along Greystoke Close, the impact of the installation on the street scene is limited.

7. Some of the local objections relate to the street scene, on which I have commented, other objectors are concerned with the view from their houses and gardens. Of those dwellings I consider, from my inspection, that the only ones affected to any extent are 27, opposite, and Grafton Gardens, fronting Cross Oak Road. The occupier of the latter is concerned about side views from his garden and from a kitchen and upstairs bedroom window. I did not view the dishes from his property but I did consider the complementary reverse view from the site. I recognise that an oblique view of the antennae is possible, depending on the thickness of the boundary trees along any line of sight. I do not however consider that the dishes, the tops of which are below the eaves of your house, have an unusual or unreasonable impact upon the western outlook from Grafton Gardens.

8. In respect of No 27, while all opinions on matters of appearance have a subjective element, I find the objection understandable. My primary concern is however with the public interest. I do not find the impact upon the outlook of that house to be such that to permit the retention of the dishes would offend that interest, or provide a sound and clear cut reason for dismissing the appeal.

9. I have considered the council's local plan environmental guidelines for residential development and I appreciate their desire to set high

standards. They concede however that these guidelines are not addressed specifically to satellite antennae and place weight upon the provisions of the 1988 General Development Order in respect of such installations within the curtilage of a dwellinghouse. It seems to me that in their case they are tending to treat the GDO provisions as representing the maximum normally acceptable, rather the limit above which a planning application is required. Planning Policy Guidance Note 8 on Telecommunications illustrates Direct Broadcasting Satellite Antenna up to 1.8m in diameter.

10. I appreciate that in this instance the dishes exceed GDO limits not only in size but in number. I also recognise that what might be visually acceptable in a particular case could be damaging if a precedent encouraging to proliferation were set. This seems to me however to be unlikely. The number of people, like yourself, with a specialised amateur or professional interest seeking an installation more complex than that required by the average householder is necessarily limited. Any other installation outside permitted development limits would, as in this instance, have to be considered on its merits.

11. The council have suggested that, if your appeal is allowed and planning permission granted, I should impose a condition requiring the aerials to be relocated in the rear garden in a position to be agreed with them. In my opinion, irrespective of its technical feasibility or merits, the imposition of such a condition would be unreasonable and tantamount to dismissing your appeal, which I consider seeks the retention of the dishes in their present position. I shall however, bearing in mind my comments on precedent and proliferation, make the permission I intend to grant temporary and personal to you.

12. I have noted that one objector refers to interference with his radio and television reception since the antennae were installed. The nature of the interference is not specified and this appeal is concerned with receiving and not transmitting equipment. If a problem is believed to exist I consider that it would be better investigated by the appropriate licensing authority. I have taken into account all the other matters raised but do not find that they outweigh the factors which lead me to my decision.

FORMAL DECISION

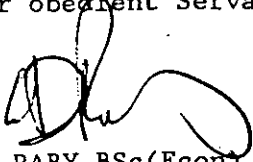
13. For the above reasons and in exercise of the powers transferred to me I hereby allow your appeal, direct that the enforcement notice be quashed and grant a personal planning permission for a limited period for the application deemed to have been made under section 88(B)(3) for the retention of 2 satellite dish antennae, both of which exceed 90cm in diameter, at 1 Greystoke Avenue, Berkhamsted, subject to the condition that the antennae shall be removed within 3 years of the date of this letter or when the premises cease to be occupied by Mr Alan King, whichever is the sooner.

RIGHTS OF APPEAL RELATING TO THE DECISION

14. This letter is issued as the determination of the appeal before me. It does not convey any approval or consent which may be required under any

enactment, byelaw, order or regulation, other than section 23 of the Town and Country Planning Act 1971. Particulars of the rights of appeal to the High Court against the decision are enclosed for the benefit of those concerned.

I am Sir
Your obedient Servant

A handwritten signature in dark ink, appearing to be 'A D Raby', written over the typed name.

A D RABY BSc(Econ) ARICS MRTPI
Inspector

ENC

IMPORTANT:— THIS COMMUNICATION AFFECTS YOUR PROPERTY

(a)

Dacorum Borough

Council

TOWN AND COUNTRY PLANNING ACT 1971
(as amended)

Enforcement Notice
Operational Development

(b) 1 Greystoke Close

Berkhamsted Hertfordshire

WHEREAS:

(1) It appears to the^(a) Dacorum Borough Council ("the Council"), being the local planning authority for the purposes of section 87 of the Town and Country Planning Act 1971 ("the Act") in this matter, that there has been a breach of planning control within the period of 4 years before the date of issue of this notice on the land or premises ("the land") described in Schedule 1 below.

(2) The breach of planning control which appears to have taken place consists in the carrying out of the building, engineering, mining or other operations described in Schedule 2 below, without the grant of planning permission required for that development.

(3) The Council consider it expedient, having regard to the provisions of the development plan and to all other material considerations, to issue this enforcement notice, in exercise of their powers contained in the said section 87, for the reasons set out in [the annex to] this notice.^(c)

NOTICE IS HEREBY GIVEN that the Council require that the steps specified in Schedule 3 below be taken [in order to remedy the breach] ^(d)

within [the period of 3 [days] [months] from the date on which this notice takes effect] [~~the period specified in respect of each step in that Schedule~~].^(e)

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of section 88(10) of the Act, on 14th November 1988.^(f)

Issued 10th October 1988

Council's address

Civic Centre
Marlowes
Hemel Hempstead
Hertfordshire
HP1 1HH

(Signed)

Keith Hunt

(Designation) Borough Secretary
(The officer appointed for this purpose)

CONTINUED OVERLEAF — P.T.O.

NOTES TO THE LOCAL PLANNING AUTHORITY

- (a) Insert the name of the Council issuing the notice.
- (b) Insert the address or a description of the land to which the notice relates.
- (c) See paragraph 29 of DOE Circular 38/81 (Welsh Office Circular 57/81).
- (d) Or, as the case may be, having regard to section 87(7)(a) and (b) of the Act. Where steps are required to be taken for more than one of the purposes provided for in section 87, the purpose for which each step is required should be specified in Schedule 3. Steps may be required as alternatives.
- (e) If a single period is to be specified, by which all the required steps must be taken, insert it here. But if a series of steps is required to be taken, with a different compliance period for each step, the appropriate period should be clearly stated against each step (in columns if more suitable) in Schedule 3.
- (f) The date selected must be not less than 28 clear days after all the copies of the notice will have been served (see section 87(5) of the Act).

SCHEDULE 1

Land or premises to which this notice relates

(address or description)

1 Greystoke Close, Berkhamsted, Hertfordshire.

shown edged [red] [

] on the attached plan.^(g)

SCHEDULE 2

Alleged breach of planning control

(description of operations carried out on the land) (h)

Erection of two satellite dish antennae both of which exceed 90 cm (3 ft) in diameter.

SCHEDULE 3

Steps required to be taken⁽ⁱ⁾

(i)

Remove the said two satellite dish antennae from the premises.

NOTES TO THE LOCAL PLANNING AUTHORITY

- (g) See paragraph 31 of DOE Circular 38/81 (Welsh Office Circular 57/81).
- (h) Where the works being enforced against are on only part of the land identified in Schedule 1, their position should be shown on the plan.
- (j) Specify the actual steps to be taken with, if appropriate, the compliance period for each step. The requirements should be clear and precise. See also notes (d) and (e) overleaf.

EXTRACTS from the TOWN AND COUNTRY PLANNING ACT 1971 (as amended)

Power to issue enforcement notice

87.—(1) Where it appears to the local planning authority that there has been a breach of planning control after the end of 1963, then subject to the following provisions of this section, the authority, if they consider it expedient to do so having regard to the provisions of the development plan and to any other material considerations, may issue a notice requiring the breach to be remedied and serve copies of the notice in accordance with subsection (5) of this section.

(2) A notice under this section is referred to in this Act as an "enforcement notice".

(3) There is a breach of planning control—

- (a) if development has been carried out, whether before or after the commencement of this Act, without the grant of the planning permission required in that behalf in accordance with Part III of the Act of 1962 or Part III of this Act; or
- (b) if any conditions or limitations subject to which planning permission was granted have not been complied with.

(4) An enforcement notice which relates to a breach of planning control consisting in—

- (a) the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land; or
- (b) the failure to comply with any condition or limitation which relates to the carrying out of such operations and subject to which planning permission was granted for the development of that land; or
- (c) the making without planning permission of a change of use of any building to use as a single dwelling-house; or
- (d) the failure to comply with a condition which prohibits or has the effect of preventing a change of use of a building to use as a single dwelling-house.

may be issued only within the period of four years from the date of the breach.

(5) A copy of an enforcement notice shall be served, not later than 28 days after the date of its issue and not later than 28 days before the date specified in the notice as the date on which it is to take effect—

- (a) on the owner and on the occupier of the land to which it relates; and
- (b) on any other person having an interest in that land, being an interest which in the opinion of the authority is materially affected by the notice.

(6) An enforcement notice shall specify the matters alleged to constitute a breach of planning control.

(7) An enforcement notice shall also specify—

- (a) any steps which are required by the authority to be taken in order to remedy the breach;
- (b) any such steps as are referred to in subsection (10) of this section and are required by the authority to be taken.

(8) An enforcement notice shall specify the period within which any such step as is mentioned in subsection (7) of this section is to be taken and may specify different periods for the taking of different steps.

(9) In this section "steps to be taken in order to remedy the breach" means (according to the particular circumstances of the breach) steps for the purpose—

- (a) of restoring the land to its condition before the development took place; or
- (b) of securing compliance with the conditions or limitations subject to which planning permission was granted, including—
 - (i) the demolition or alteration of any buildings or works;
 - (ii) the discontinuance of any use of land; and
 - (iii) the carrying out on land of any building or other operations.

(10) The steps mentioned in subsection (7)(b) of this section are steps for the purpose—

- (a) of making the development comply with the terms of any planning permission which has been granted in respect of the land; or
- (b) of removing or alleviating any injury to amenity which has been caused by the development.

(11) Where the matters which an enforcement notice alleges to constitute a breach of planning control include development which has involved the making of a deposit of refuse or waste materials on land, the notice may require that the contour of the deposit shall be modified by altering the gradient or gradients of its sides in such manner as may be specified in the notice.

(12) The Secretary of State may by regulations direct—

- (a) that enforcement notices shall specify matters additional to those which they are required to specify by this section; and
- (b) that every copy of an enforcement notice served under this section shall be accompanied by an explanatory note giving such information as may be specified in the regulations with regard to the right of appeal conferred by section 88 of this Act.

(13) Subject to section 88 of this Act, an enforcement notice shall take effect on a date specified in it.

(14) The local planning authority may withdraw an enforcement notice (without prejudice to their power to issue another) at any time before it takes effect.

(15) If they do so, they shall forthwith give notice of the withdrawal to every person who was served with a copy of the notice.

(16) Where—

- (a) an enforcement notice has been issued in respect of development consisting of the erection of a building or the carrying out of works without the grant of planning permission; and
- (b) the notice has required the taking of steps for a purpose mentioned in subsection (10)(b) of this section; and
- (c) the steps have been taken,

for the purposes of this Act planning permission for the retention of the building or works as they are as a result of compliance with the notice shall be deemed to have been granted on an application for such permission made to the local planning authority.

Appeal against enforcement notice

88.—(1) A person having an interest in the land to which an enforcement notice relates may, at any time before the date specified in the notice as the date on which it is to take effect, appeal to the Secretary of State against the notice, whether or not a copy of it has been served on him.

(2) An appeal may be brought on any of the following grounds—

- (a) that planning permission ought to be granted for the development to which the notice relates or, as the case may be, that a condition or limitation alleged in the enforcement notice not to have been complied with ought to be discharged;
- (b) that the matters alleged in the notice do not constitute a breach of planning control;
- (c) that the breach of planning control alleged in the notice has not taken place;
- (d) in the case of a notice which, by virtue of section 87(4) of this Act, may be issued within the period of four years from the date of the breach of planning control to which the notice relates, that that period had elapsed at the date when the notice was issued;
- (e) in the case of a notice not falling within paragraph (d) of this subsection, that the breach of planning control alleged by the notice occurred before the beginning of 1964;
- (f) that copies of the enforcement notice were not served as required by section 87(5) of this Act;
- (g) that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control or to achieve a purpose specified in section 87(10) of this Act;
- (h) that the period specified in the notice as the period within which any step is to be taken falls short of what should reasonably be allowed.

(3) An appeal under this section shall be made by notice in writing to the Secretary of State.

(4) A person who gives notice under subsection (3) of this section shall submit to the Secretary of State, either when giving the notice or within such time as may be prescribed by regulations under subsection (5) of this section*, a statement in writing—

- (a) specifying the grounds on which he is appealing against the enforcement notice; and
- (b) giving such further information as the regulations may prescribe.

(5) The Secretary of State may by regulations prescribe the procedure which is to be followed on appeals under this section, and in particular, but without prejudice to the generality of this subsection—

- * (a) may prescribe the time within which an appellant is to submit a statement under subsection (4) of this section and the matters on which information is to be given in such a statement;

*NOTE: The Secretary of State has specified that such a statement must be submitted to him either when the appellant is giving notice of appeal, or within 28 days from the date on which the Secretary of State sends the appellant a notice requiring such a statement to be submitted.

- (b) may require the local planning authority to submit, within such time as may be prescribed, a statement indicating the submissions which they propose to put forward on the appeal;
 - (c) may specify the matters to be included in such a statement;
 - (d) may require the authority or the appellant to give such notice of appeal under this section as may be prescribed, being notice which in the opinion of the Secretary of State is likely to bring the appeal to the attention of persons in the locality in which the land to which the enforcement notice relates is situated;
 - (e) may require the authority to send to the Secretary of State, within such period from the date of the bringing of the appeal as may be prescribed, a copy of the enforcement notice and a list of the persons served with copies of it.
- (6) The Secretary of State—
- (a) may dismiss an appeal if the appellant fails to comply with subsection (4) of this section within the time prescribed by regulations under subsection (5); and
 - (b) may allow an appeal and quash the enforcement notice if the local planning authority fail to comply with any requirement of regulations made by virtue of paragraph (b), (c) or (e) of subsection (5) of this section within the period prescribed by the regulations.
- (7) Subject to subsection (8) below, the Secretary of State shall, if either the appellant or the local planning authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (8) The Secretary of State shall not be required to afford such an opportunity if he proposes to dismiss an appeal under paragraph (a) of subsection (6) of this section or to allow an appeal and quash the enforcement notice under paragraph (b) of that subsection.

(9) If—

- (a) a statement under subsection (4) of this section specifies more than one ground on which the appellant is appealing against an enforcement notice; but
- (b) the appellant does not give information required under paragraph (b) of that subsection to each of the specified grounds within the time prescribed by regulations under subsection (5) of this section,

the Secretary of State may determine the appeal without considering any of the specified grounds as to which the appellant has failed to give such information within that time.

(10) Where an appeal is brought under this section, the enforcement notice shall be of no effect pending the final determination or the withdrawal of the appeal.

(11) Schedule 9 to this Act applies to appeals under this section, including appeals under this section as applied by regulations under any other provision of this Act.

88A.—(1) On the determination of an appeal under section 88 of this Act, the Secretary of State shall give directions for giving effect to the determination, including, where appropriate, directions for quashing the enforcement notice or for varying its terms.

(2) On such an appeal the Secretary of State may correct any informality, defect or error in the enforcement notice, or give directions for varying its terms, if he is satisfied that the correction or variation can be made without injustice to the appellant or to the local planning authority.

(3) Where it would otherwise be a ground for determining such an appeal in favour of the appellant that a person required to be served with a copy of the enforcement notice was not served, the Secretary of State may disregard that fact if neither the appellant nor that person has been substantially prejudiced by the failure to serve him.

88B.—(1) On the determination of an appeal under section 88 of this Act, the Secretary of State may—

- (a) grant planning permission for the development to which the enforcement notice relates or for part of that development or for the development of part of the land to which the enforcement notice relates;
- (b) discharge any condition or limitation subject to which planning permission was granted;
- (c) determine any purpose for which the land may, in the circumstances obtaining at the time of the determination, be lawfully used having regard to any past use of it and to any planning permission relating to it.

(2) In considering whether to grant planning permission under subsection (1) of this section, the Secretary of State shall have regard to the provisions of the development plan, so far as material to the subject matter of the enforcement notice, and to any other material considerations; and any planning permission granted by him under that subsection may—

- (a) include permission to retain or complete any buildings or works on the land, or to do so without complying with some condition attached to a previous planning permission;
- (b) be granted subject to such conditions as the Secretary of State thinks fit;

and where under that subsection he discharges a condition or limitation, he may substitute another condition or limitation for it, whether more or less onerous.

(3) Where an appeal against an enforcement notice is brought under section 88 of this Act, the appellant shall be deemed to have made an application for planning permission for the development to which the notice relates and, in relation to any exercise by the Secretary of State of his powers under subsection (1) of this section—

- (a) any planning permission granted under that subsection shall be treated as granted on that application;
- (b) in relation to a grant of planning permission or a determination under that subsection, the Secretary of State's decision shall be final; and
- (c) for the purposes of section 34 of this Act, the decision shall be treated as having been given by the Secretary of State in dealing with an application for planning permission made to the local planning authority.

(4) On an appeal under section 88 of this Act against an enforcement notice relating to anything done in contravention of a condition to which section 71 of this Act applies, the Secretary of State shall not be required to entertain the appeal in so far as the appellant claims that planning permission free from that condition ought to be granted.

Penalties for non-compliance with enforcement notice

89.—(1) Subject to the provisions of this section, where a copy of an enforcement notice has been served on the person who, at the time when the copy was served on him, was the owner of the land to which the notice relates, then, if any steps required by the notice to be taken (other than the discontinuance of a use of land) have not been taken within the period allowed for compliance with the notice, that person shall be liable on summary conviction to a fine not exceeding £2,000 or on conviction on indictment to a fine.

(2) If a person against whom proceedings are brought under subsection (1) of this section has, at some time before the end of the period allowed for compliance with the notice, ceased to be the owner of the land, he shall, upon information duly laid by him, and on giving to the prosecution not less than three clear days' notice of his intention, be entitled to have the person who then became the owner of the land (in this section referred to as "the subsequent owner") brought before the court in the proceedings.

(3) If, after it has been proved that any steps required by the enforcement notice have not been taken within the period allowed for compliance with the notice, the original defendant proves that the failure to take those steps were attributable, in whole or in part, to the default of the subsequent owner—

- (a) the subsequent owner may be convicted of the offence; and
- (b) the original defendant, if he further proves that he took all reasonable steps to secure compliance with the enforcement notice, shall be acquitted of the offence.

(4) If, after a person has been convicted under the preceding provisions of this section, he does not as soon as practicable do everything in his power to secure compliance with the enforcement notice, he shall be guilty of a further offence and liable—

- (a) on summary conviction to a fine not exceeding £100 for each day following his first conviction on which any of the requirements of the enforcement notice (other than the discontinuance of the use of land) remain unfulfilled; or
- (b) on conviction on indictment to a fine.

(5) Where, by virtue of an enforcement notice, a use of land is required to be discontinued, or any conditions or limitations are required to be complied with in respect of a use of land or in respect of the carrying out of operations thereon, then if any person uses the land or causes or permits it to be used, or carries out those operations or causes or permits them to be carried out, in contravention of the notice, he shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding £2,000, or on conviction on indictment to a fine; and if the use is continued after the conviction he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £100 for each day on which the use is so continued, or on conviction on indictment to a fine.

(6) Any reference to this section to the period allowed for compliance with an enforcement notice is a reference to the period specified in the notice for compliance therewith of such extended period as the local planning authority may allow for compliance with the notice.

Note.—Attention is also directed to section 91 relating to the execution and costs of works required by enforcement notice, section 110 which contains supplementary provisions as to appeals to the Secretary of State and section 243 relating to the validity of Enforcement Notices.