

NON-COMPLIANCE WITH PLANNING CONTRAVENTION NOTICE

Planning (NI) Order 1991

- 67D. - (1) If, at any time after the end of the period of 21 days beginning with the day on which a planning contravention notice has been served on any person, he has not complied with any requirement of the notice, he shall be guilty of an offence.
- (2) An offence under paragraph (1) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under that paragraph by reference to any period of time following the preceding conviction for such an offence.

Maximum Sentence:

Planning (NI) Order 1991, Art. 67D(4)
Summary only: Level 3 Fine (£1,000)

Assessment of Offence

(Starting points and ranges based on 1st time offender convicted following contest)

<u>Nature of Offence</u>	<u>Starting Point</u>	<u>Sentencing Range</u>
N/A	Fine	Fine

Examples of Possible Aggravating Factors of Offence

1. Offender initially breached planning laws for financial gain (whether profit or cost-saving)
2. Continuing offence being committed for financial gain (whether profit or cost-saving)
3. Offence being committed on a commercial basis
4. Continuing offence causing harm or nuisance to third persons

Examples of Possible Mitigating Factor of Offence

N/A

Relevant Cases:

NI Cases:
N/A

English Cases
R v Fehily (1985) 7 Cr App R(S) 82
R v Dunn (1990) 12 Cr App R(S) 225
R v Ayling [1996] 2 Cr App R(S) 266

Notes: