

NON-COMPLIANCE WITH A PLANNING CONTRAVENTION NOTICE

Planning Act (NI) 2011

134. - (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.
- (5) If any person—
- (a) makes any statement purporting to comply with a requirement of a planning contravention notice which that person knows to be false or misleading in a material particular; or
- (b) recklessly makes such a statement which is false or misleading in a material particular, that person shall be guilty of an offence.

Maximum Sentence:

Planning Act (NI) 2011 s134

Offence under 134:

Summary only: Level 5 Fine i.e £5,000

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>
Act falling within section 134	Fine	Fine

<u>Examples of Possible Aggravating Factors of Offence</u>	<u>Examples of Possible Mitigating Factor of Offence</u>
<ol style="list-style-type: none"> 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 	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

R v Western Trading Ltd [2020] EWCA Crim 1234

R v Bloor [2020] EWCA Crim 402

Notes: