



OVERVIEW

I wrote back in March about a significant change that the Levelling Up and Regeneration Act 2023 had made to the planning system. The Government had legislated to abolish the rule that prevents enforcement action being taken against certain types of unlawful development after 4 years and extend it to 10 years, bringing it into line with the rules for enforcing against unlawful changes of use that aren't residential.

I also wrote about the uncertainty of the changes to these rules being confirmed, but there not being any indication of when they might come into effect. Clarity on this was of course provided within weeks of the article being finalised.

OUTCOME & UPDATE

On 2 April 2024, the Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 (2024 Regulations) were made. The effect of these 2024 Regulations is that Section 115 of the Levelling Up and Regeneration Act 2023 becomes effective from 25 April 2024 and amends 171B of the Town and Country Planning Act 1990 (1990 Act) by deleting the word four and replacing it with the word ten.

I speculated on whether there would be any transitional arrangements and this was confirmed in the 2024 Regulation which do include transitional provisions to ensure that the amendments to 171B of the 1990 Act made by section 115 won't apply to any breaches which occurred (in the case of operational development the date of the breach being the date the operations were substantially completed) before 25 April 2024.



May 2024

Author: [Ed Telepneff](#)
Principal Planning Lawyer

Editor: Anne Holton
Head of Service: Property,
Planning & Commercial Law

Pathfinder Legal Services Limited is a private limited company registered in England & Wales. Our Company No is 09067468. We are owned by Cambridgeshire County Council and Central Bedfordshire Council.



About Pathfinder Legal Services Ltd's Planning and Highways Team

Planning and Highways is an area of law which impacts on everyone in the community but is rarely recognised until something goes wrong. Members of the public often expect rapid response times to complaints about pot holes, planning permission which has been granted in their local area or highways closures and Pathfinder Legal Services understands the importance of providing practical and timely advice on these matters. With the benefit of extensive legal expertise combined with a keen knowledge of historical detail and a solid understanding of legal principals, our team are able to guide you through all aspects of planning and highways law, taking into account the different duties and responsibilities of our clients.

About Pathfinder Legal Services Ltd

As a 'social enterprise law firm', Pathfinder Legal Services Ltd is one of the first of its kind to be established in the UK and is wholly owned by Cambridgeshire County and Central Bedfordshire Councils. We are experts in our field and provide a tailored legal service exclusively to the public and not-for-profit sectors, our clients are key, and our fees reflect this: our charging rates are substantially reduced and our billing system transparent. Our credibility, values and focus remain paramount to all that we do as a publicly owned legal service provider, with clients including Local Authorities, Integrated Care Boards, Foundation Trusts, Charities and Fire Services. In 2021 the firm was awarded 'Law Firm of the Year' (under its previous trading name of LGSS Law Ltd) at the prestigious Cambridgeshire Law Society's legal awards.

If you are keen to find out more about Pathfinder Legal Services including how our services work, our billing process and how to instruct us, please contact us at operations@pathfinderlegal.co.uk

HUNTINGDON (Head Office)

3rd Floor – Pathfinder House
St Mary's Street
Huntingdon
PE29 3TN
dx 137872 - HUNTINGDON 8
t 01223 727927

NORTHAMPTON

One Angel Square
Angel Street
NORTHAMPTON
NN1 1ED
t 01223 699199

SHEFFORD

Priory House
Monks Walk
Chicksands
SHEFFORD
SG17 5TQ
dx 153440 - SHEFFORD
t 01223 507269