



# Town and Country Planning Act 1971

## 1971 CHAPTER 78

### PART VIII

#### COMPENSATION FOR OTHER PLANNING RESTRICTIONS

##### *Revocation or modification of planning permission*

#### **164 Compensation where planning permission revoked or modified**

- (1) Where planning permission is revoked or modified by an order under section 45 of this Act, (other than an order which takes effect by virtue of section 46 of this Act and without being confirmed by the Secretary of State), then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that a person interested in the land—
  - (a) has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification ; or
  - (b) has otherwise sustained loss or damage which is directly attributable to the revocation or modification,the local planning authority shall pay to that person compensation in respect of that expenditure, loss or damage.
- (2) For the purposes of this section, any expenditure incurred in the preparation of plans for the purposes of any work, or upon other similar matters preparatory thereto, shall be taken to be included in the expenditure incurred in carrying out that work.
- (3) Subject to subsection (2) of this section, no compensation shall be paid under this section in respect of any work carried out before the grant of the permission which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before the grant of that permission.
- (4) In calculating, for the purposes of this section, the amount of any loss or damage consisting of depreciation of the value of an interest in land, it shall be assumed

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that planning permission would be granted for development of the land of any class specified in Schedule 8 to this Act.

- (5) In this Part of this Act any reference to an order under section 45 of this Act includes a reference to an order under the provisions of that section as applied by section 51(2) of this Act.