



# Town and Country Planning Act 1971

## 1971 CHAPTER 78

### PART VIII

#### COMPENSATION FOR OTHER PLANNING RESTRICTIONS

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

#### **166 Registration and apportionment of compensation for depreciation**

- (1) Where compensation becomes payable under the preceding provisions of this Part of this Act, and includes compensation for depreciation of an amount exceeding £20, the local planning authority shall (if it appears to them to be practicable to do so) apportion the amount of the compensation for depreciation between different parts of the land to which the claim for that compensation relates, and give particulars of any such apportionment to the claimant and to every other person (if any) entitled to an interest in land which appears to the authority to be substantially affected by the apportionment.
- (2) In carrying out an apportionment under subsection (1) of this section, the local planning authority shall divide the land into parts, and shall distribute the compensation for depreciation between those parts, according to the way in which different parts of the land appear to the authority to be differently affected by the order in consequence of which the compensation is payable.
- (3) Section 156(2) of this Act, and any regulations made by virtue thereof, shall have effect with respect to any such apportionment (subject to any necessary modifications) as they have effect with respect to an apportionment under section 158(1) of this Act.
- (4) On a reference to the Lands Tribunal by virtue of subsection (3) of this section, subsections (1) and (2) of this section, so far as they relate to the making of an apportionment, shall apply with the substitution, for references to the local planning authority, of references to the Lands Tribunal.
- (5) Where compensation becomes payable under the preceding provisions of this Part of this Act, and includes compensation for depreciation exceeding £20, the local

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planning authority shall give notice thereof to the Secretary of State, specifying the amount of the compensation for depreciation and any apportionment thereof under this section; and subsections (4) to (6) of section 158 of this Act shall have effect with respect thereto as they have effect with respect to compensation under Part VII of this Act, subject, however, to any necessary modifications, and, in particular, with the substitution—

- (a) for references to the compensation mentioned in that section, of references to the compensation for depreciation specified in the notice; and
  - (b) for references to the planning decision, of references to the order under section 45 of this Act in consequence of which the compensation is payable.
- (6) In this section and in section 167 of this Act "compensation for depreciation" means so much of any compensation payable under the preceding provisions of this Part of this Act as is payable in respect of loss or damage consisting of depreciation of the value of an interest in land, and "interest" (where the reference is to an interest in land) means the fee simple or a tenancy of the land and does not include any other interest therein.