
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend and consolidate the Town and Country Planning (Compensation) (England) Regulations 2013 (S.I. 2013/1102) and revoke those Regulations and the Town and Country Planning (Compensation) (England) (Amendment) Regulations 2014 (S.I. 2014/565).

These Regulations are made under section 108 of the Town and Country Planning Act 1990, which provides for the payment of compensation to land owners in certain cases where planning permission for development granted by a development order, local development order or neighbourhood development order is withdrawn and where on an application for planning permission for that development, the application is refused or permission is granted subject to conditions.

Section 108(2A) and (3B) to (3E) enable the circumstances in which compensation is payable to be limited. These Regulations prescribe certain types of development permitted by development order for the purposes of section 108(2A) and (3C) (regulation 2), prescribe the manner in which planning permission granted by development order is to be withdrawn (regulation 3) and prescribe the manner of publication of notice of withdrawal, and the maximum period of such notice in respect of permissions granted by a development order (regulation 4), a local development order (regulation 5) and a neighbourhood development order (regulation 6). The prescribed matters include provisions relating to development orders, local development orders and neighbourhood development orders which grant planning permission for a time-limited period.

The effect of these Regulations is that when the permitted development rights identified in regulation 2 are withdrawn, compensation is only payable in respect of planning applications made within 12 months beginning on the date the directions took effect. The matters prescribed in regulations 3 and 4 provide a mechanism for the permitted development rights identified in regulation 2 to be withdrawn without compensation being payable, provided the prescribed procedures are followed as to the manner of withdrawal, the manner of publishing the withdrawal and the maximum period of notice that may be given in respect of withdrawal. Regulation 5 makes similar provision regarding withdrawal of permitted development rights granted by a local development order, and regulation 6 makes similar provision in respect of neighbourhood development orders.

These Regulations make provision consequential on the creation of a number of new permitted development rights in the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596), which amended and consolidated the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) as respects England. These Regulations add new classes of development to the list of permitted development rights for which compensation on withdrawal of the right is limited. The new rights: Classes C, D, J, N and P of Part 3, Class E of Part 4, Classes C, D and L of Part 7 of Schedule 2 to the 2015 Order – permit various changes of use, temporary uses and operational development and have been included in Schedule 2 to the 2015 Order with effect from 15th April 2015.

An impact assessment has been prepared in relation to the Regulations and is published with the Explanatory Memorandum alongside this instrument at www.legislation.gov.uk or a copy may be inspected at the Planning Directorate, the Department for Communities and Local Government, Fry Building, 2 Marsham Street, London SW1P 4DF.