



## 2011 CHAPTER 25

### PART 6

#### COMPENSATION

##### **Compensation for loss due to temporary stop notice**

**187.—**(1) This section applies if and only if a temporary stop notice is issued and at least one of the following paragraphs applies—

- (a) the activity which is specified in the notice is authorised by planning permission or a development order;
- (b) a certificate in respect of the activity is issued under section 169 or granted under that section by virtue of section 173;
- (c) the council withdraws the notice.

(2) Subsection (1)(a) does not apply if the planning permission is granted on or after the date on which a copy of the notice is first displayed as mentioned in section 135(5).

(3) Subsection (1)(c) does not apply if the notice is withdrawn following the grant of planning permission as mentioned in subsection (2).

(4) A person who at the time the notice is served has an estate in the land to which the notice relates is entitled to be compensated by the council in respect of any loss or damage directly attributable to the prohibition effected by the notice.

(5) A claim for compensation under this section shall be made to the council within the time and in the manner specified by a development order.

(6) The loss or damage in respect of which compensation is payable under this section in respect of a prohibition shall include a sum payable in respect of

a breach of contract caused by the taking of action necessary to comply with the prohibition.

(7) No compensation is payable under this section—

- (a) in respect of the prohibition in a temporary stop notice of any activity which, at any time when the notice is in force, constitutes or contributes to a breach of planning control; or
- (b) in the case of a claimant who was required to provide information under section 133 or 240 in respect of any loss or damage suffered by that person which could have been avoided if he or she had provided the information or had otherwise co-operated with the council when responding to the notice.

(8) Any question of disputed compensation under this section shall be determined by the Lands Tribunal.