



Town and Country Planning Act 1971

1971 CHAPTER 78

PART IX

PROVISIONS ENABLING OWNER TO REQUIRE PURCHASE OF HIS INTEREST

Interests affected by planning decisions or orders

188 Purchase notice in respect of order revoking or modifying planning permission

- (1) Where by an order under section 45 of this Act planning permission in respect of any land is revoked, or is modified by the imposition of conditions, then if any owner of the land claims—
- (a) that the land has become incapable of reasonably beneficial use in its existing state; and
 - (b) in a case where the planning permission was modified by the imposition of conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with those conditions; and
 - (c) in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which planning permission has been granted or for which the local planning authority or the Secretary of State has undertaken to grant planning permission,

he may, within the time and in the manner prescribed by regulations under this Act, serve on the council of the county borough, London borough or county district in which the land is situated a notice requiring that council to purchase his interest in the land in accordance with the preceding provisions of this Part of this Act.

- (2) Section 180(7) of this Act shall apply to this section; and, subject to subsection (3) of this section, sections 180(2), 181 to 184, 186 and 187 of this Act shall apply to a notice served by virtue of subsection (1) of this section as they apply to a notice served by virtue of section 180(1) of this Act.

*Status: This is the original version (as it was originally enacted). This
item of legislation is currently only available in its original format.*

- (3) In the application of subsection (2) of section 180 of this Act to a purchase notice served by virtue of subsection (1) of this section, that subsection shall apply as if the words " or which would contravene the condition set out in Schedule 18 to this Act" were omitted; and in the application of section 183 of this Act to a purchase notice served as aforesaid, that section shall apply as if the following subsection were substituted for subsection (2) thereof—

“(2) If it appears to the Secretary of State to be expedient to do so, he may, in lieu of confirming the purchase notice, cancel the order revoking the planning permission, or, where the order modified the permission by the imposition of conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of the development in respect of which the permission was granted”.