



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART VII

COMPENSATION FOR OTHER PLANNING RESTRICTIONS

Other restrictions

123 Compensation for planning decisions restricting development other than new development

- (1) The provisions of this section shall have effect where, on an application for planning permission to carry out development of any class specified in Part II of the Third Schedule to this Act, the Minister, either on appeal or on the reference of the application to him for determination, refuses the permission or grants it subject to conditions.
- (2) 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 the value of the interest of any person in the land is less than it would have been if the permission had been granted, or had been granted unconditionally, as the case may be, the local planning authority shall pay to that person compensation of an amount equal to the difference.
- (3) In determining, for the purposes of the last preceding subsection, whether or to what extent the value of an interest in land is less than it would have been if the permission had been granted, or had been granted unconditionally.—
 - (a) it shall be assumed that any subsequent application for the like planning permission would be determined in the same way; but
 - (b) if, in the case of a refusal of planning permission, the Minister, on refusing that permission, undertook to grant planning permission for some other development of the land in the event of an application being made in that behalf, regard shall be had to that undertaking.
- (4) Where, on such an application as is mentioned in subsection (1) of this section, planning permission is granted by the Minister subject to conditions for regulating

Status: This is the original version (as it was originally enacted).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

the design or external appearance of buildings, or the size or height of buildings, the Minister, if it appears to him to be reasonable to do so having regard to the local circumstances, may direct that those conditions shall be disregarded, either altogether or to such extent as may be specified in the direction, in assessing the compensation (if any) payable under this section.

- (5) Where, in the case of an application for planning permission to carry out any such development as is mentioned in subsection (1) of this section, a notice under subsection (1) of section forty of this Act is served in respect of the whole or part of the land to which the application relates, the preceding provisions of this section shall have effect as if the application had been an effective application for planning permission, and as if that permission had been refused, as mentioned in subsection (1) of this section, in respect of that land or that part thereof, as the case may be.
- (6) No compensation shall be payable under this section in respect of an interest in land in respect of which a purchase notice is served.

124 Compensation in respect of orders under s.28

- (1) The provisions of this section shall have effect where an order is made under section twenty-eight of this Act, requiring a use of land to be discontinued, or imposing conditions on the continuance thereof, or requiring any buildings or works on land to be altered or removed.
- (2) 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 any person has suffered damage in consequence of the order by depreciation of the value of an interest in the land to which he is entitled, or by being disturbed in his enjoyment of the land, that authority shall pay to that person compensation in respect of that damage.
- (3) Without prejudice to the last preceding subsection, any person who carries out any works in compliance with the order shall be entitled, on a claim made as mentioned in that subsection, to recover from the local planning authority compensation in respect of any expenses reasonably incurred by him in that behalf.
- (4) Any compensation payable to a person under this section by virtue of such an order as is mentioned in subsection (1) of this section shall be reduced by the value to him of any timber, apparatus or other materials removed for the purpose of complying with the order.

125 Compensation in respect of tree and building preservation orders

- (1) The matters for which provision may under section twenty-nine of this Act be made by a tree preservation order, or may under section thirty of this Act be made by a building preservation order, include the payment by the local planning authority, subject to such exceptions and conditions as may be specified in the order, of compensation in respect of damage or expenditure caused or incurred in consequence of the refusal of any consent required under the order, or of the grant of any such consent subject to conditions.
- (2) Subsection (4) of section thirty-one of this Act applies for the purposes of this section.

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

126 Compensation for restrictions on advertising

Where, for the purpose of complying with any regulations made under section thirty-four of this Act, works are carried out by any person—

- (a) for removing an advertisement which was being displayed on the seventh day of January, nineteen hundred and forty-seven, and was being displayed on the date on which the regulations came into force, or
- (b) for discontinuing the use for the display of advertisements of a site used for that purpose on the last-mentioned date,

that person shall, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, be entitled to recover from that authority compensation in respect of any expenses reasonably incurred by him in that behalf.