



# 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

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*Status: This is the original version (as it was originally enacted).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

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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.