



Land Development Values (Compensation) Act (Northern Ireland) 1965

1965 CHAPTER 23

^{F1}PART II

^{F1}COMPENSATION FOR PLANNING DECISIONS RESTRICTING NEW DEVELOPMENT

RIGHT TO COMPENSATION

14 ^{F1}Right to compensation arising out of certain planning decisions.

- (1) Subject to this Part, compensation shall be payable under this Part in respect of, and only in respect of, a compensatable estate subsisting in land which is the subject of a planning decision, given on an application for planning permission made after 25th February 1963, whereby planning permission for the carrying out of any new development is refused, or is granted subject to conditions, if at the time of the decision
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- (a) the land to which the decision relates has a balance of development value; and
 - (b) the value of that compensatable estate, or, in the case of a compensatable estate extending to other land, the value of that compensatable estate in so far as it subsists in such land as is referred to in paragraph (a), is depreciated by the decision; and
 - (c) compensation under the Act of 1944 has not been paid and is not payable in respect of the planning decision.
- (2) Subsection (1) shall not apply in relation to a compensatable estate to which at the date of the planning decision in question a public body are entitled unless the compensatable estate subsists in land specified in regulations made under section 4 or land of a class or description so specified.

Changes to legislation: There are currently no known outstanding effects for the Land Development Values (Compensation) Act (Northern Ireland) 1965. (See end of Document for details)

Annotations:

F1 rep. with saving by 2001 c. 2 (NI)

15 ^{F2}**Exclusion of compensation in certain cases.**

- (1) Compensation shall not be payable under this Part in respect of a compensatable estate subsisting in land which is the subject of a planning decision whereby permission for the carrying out of any new development is refused—
- (a) where the development consists of—
 - (i) a change in the use of land (including the conversion or adaptation of any building for the purpose of the proposed development); or
 - (ii) a change in the use of any land other than buildings, unless the development consists of the carrying out of any building operations or the getting of minerals or the stationing of any caravans on the land;
 - (b) if the reason or one of the reasons stated for the refusal is that development of the kind proposed would be premature having regard to either or both of the following matters, that is to say—
 - (i) the order of priority, if any, for development contained in [^{F3}a local development plan];
 - (ii) any existing deficiency in the provision of water supplies, sewerage services or roads and the period within which any such deficiency may reasonably be expected to be made good;

so, however, that paragraph (b) shall not apply if the planning decision refusing the permission is given on an application made more than seven years after the date of a previous planning decision whereby permission to develop the same land was refused for the same reason, or for reasons which included the same reason.
- (2) Compensation shall not be payable under this Part in respect of a compensatable estate subsisting in land which is the subject of a planning decision whereby permission for the carrying out of any new development is refused if the reason or one of the reasons stated for the refusal is that the land is unsuitable for the proposed development on account of its liability to flooding or subsidence.
- (3) Compensation shall not be payable under this Part in respect of a compensatable estate subsisting in land which is the subject of a planning decision whereby permission to display any advertisements is refused or is granted subject to conditions.
- (4) Compensation shall not be payable under this Part in respect of a compensatable estate subsisting in land which is the subject of a planning decision whereby permission for the carrying out of any new development is granted subject to conditions relating to—
- (a) the dimensions, design, structure or external appearance of any building, or the materials to be used in its construction;
 - (b) the number of any buildings included in the development or the disposition of any building so included;
 - (c) the character or user of any building or other land included in the development;
 - (d) the position in which caravans may be stationed on a caravan site at any one time or the number of caravans which may be so stationed;
 - (e) the net annual value of any building included in the development;

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- (f) the manner in which any land is to be laid out for the purposes of the development, including the provision of facilities for the parking, loading, unloading or fuelling of vehicles on the land;
 - (g) without prejudice to paragraph (h), the width, position or arrangement of streets or the materials to be used in the construction of streets;
 - (h) the width, position or arrangement of any means of access to a highway or the materials to be used in the construction of any such means of access;
 - (i) the getting of minerals or any operations incidental thereto.
- (5) Where a planning decision is given whereby permission to develop land is granted subject to conditions, compensation shall not be payable under this Part in respect of a compensatable estate subsisting in land which is the subject of that decision if any development permitted by the decision is initiated before the date on which an appeal is determined under [^{F4}section 58 of the Planning Act in respect of that decision].
- (6) For the purposes of this section, a planning decision whereby permission for the carrying out of any new development is granted subject to a condition prohibiting development on a specified part of that land shall be treated as a decision refusing the permission with respect to that part of the land.
- (7) In this section—
- “advertisement” means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, employed wholly or partly for the purposes of advertisement, announcement or direction and includes any hoarding or similar structure which is used or intended for use for displaying advertisements;
- “street” has the same meaning as in the Private Streets Act (Northern Ireland) 1964 .

Annotations:

- F2** rep. with saving by 2001 c. 2 (NI)
- F3** Words in s. 15(1) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 4 para. 1\(a\)](#) (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)
- F4** Words in s. 15(5) substituted (13.2.2015 for specified purposes, 1.4.2015 in so far as not already in operation) by [Planning Act \(Northern Ireland\) 2011 \(c. 25\), s. 254\(1\)\(2\), Sch. 4 para. 1\(b\)](#) (with s. 211); S.R. 2015/49, arts. 2, 3, Sch. 1 (with Sch. 2) (as amended (16.3.2016) by S.R. 2016/159, art. 2)

16 ^{F5}**Exclusion of compensation where permission for alternative development is available.**

- (1) Compensation shall not be payable under this Part in respect of a compensatable estate subsisting in land which is the subject of a planning decision whereby permission for the carrying out of any new development is refused if, notwithstanding the refusal, there is available with respect to that land permission for development to which this subsection applies, but where the permission is available with respect to part only of the land, this subsection shall have effect with respect only to that part.
- (2) Where a claim for any Part II compensation is made in respect of a compensatable estate subsisting in any land, permission for development to which subsection (1) applies shall, for the purposes of that subsection, be taken to be available with respect to that land or a part thereof, if immediately before the Ministry gives notice of its

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findings in respect of that claim there is in force with respect to that land or part, a grant of, or an undertaking by the Ministry to grant, some such permission, subject to no conditions other than such as are mentioned in section 15(4).

- (3) Subsection (1) applies to any development of a residential, commercial or industrial character, being development which consists wholly or mainly of houses, flats, shop or office premises, or industrial buildings (including warehouses), or any combination thereof.

Annotations:

F5 rep. with saving by [2001 c. 2 \(NI\)](#)

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