



2011 CHAPTER 25

Part 6

Compensation

Compensation for loss due to stop notice

185.—(1) A person who, when a stop notice under section 150 or 151 is first served, has an estate in or occupies the land to which the stop notice relates shall, in any of the circumstances mentioned in subsection (2), be entitled to be compensated by the council in respect of any loss or damage directly attributable to the prohibition contained in the notice (or, in a case within paragraph (b) of that subsection, the prohibition of such of the activities prohibited by the stop notice as cease to be relevant activities).

(2) A person shall be entitled to compensation under subsection (1) in respect of a prohibition contained in a stop notice in any of the following circumstances—

- (a) the enforcement notice is quashed on grounds other than those mentioned in section 143(3)(a);
- (b) the enforcement notice is varied, otherwise than on the grounds mentioned in section 143(3)(a), so that any activity the carrying out of which is prohibited by the stop notice ceases to be a relevant activity;
- (c) the enforcement notice is withdrawn by the council or the Department otherwise than in consequence of the grant of planning permission for the development to which the notice relates;
- (d) the stop notice is withdrawn.

(3) 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.

Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 185. (See end of Document for details)

(4) 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.

(5) No compensation is payable under this section—

- (a) in respect of the prohibition in a 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 the claimant which could have been avoided if he or she had provided the information or had otherwise co-operated with the council or, as the case may be, the Department when responding to the notice.

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

(7) Claims under this section shall be made to and paid by the council which served the notice in question or, where the notice was served by the Department under section 151, the council which is treated as having served it under that section and references in that section to the council shall be construed accordingly.

Modifications etc. (not altering text)

- C1** Ss. 181-186 applied with modification(s) (1.4.2015) by [The Planning \(Conservation Areas\) \(Demolition\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/107\)](#), regs. 1, **11**
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Commencement Information

- I1** S. 185 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, **Sch. 1**
- I2** S. 185 in operation at 1.4.2015 in so far as not already in operation by [S.R. 2015/49](#), art. 3, **Sch. 1** (with [Sch. 2](#)) (as amended (16.3.2016) by [S.R. 2016/159](#), art. 2)

Changes to legislation:

There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 185.