



2011 CHAPTER 25

Part 7

Purchase of estates in certain land affected by planning decisions

Service of purchase notice

191.—(1) Where—

- (a) on an application for planning permission to develop any land, permission is refused or is granted subject to conditions; or
- (b) by an order under section 68 or 72 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—

- (i) that the land has become incapable of reasonably beneficial use in its existing state; and
- (ii) in a case where planning permission was granted subject to conditions, or 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
- (iii) 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,

the owner may serve on the council within whose district the land is situated a notice requiring the council to purchase the owner's estate in the land in accordance with this Part.

(2) Where—

- (a) on an application for listed building consent in respect of a building, consent is refused or is granted subject to conditions; or
- (b) by an order under section 98 or 101, listed building consent in respect of a building is revoked or is modified by the imposition of conditions,

then if the owner of the land claims—

- (i) that the land has become incapable of reasonably beneficial use in its existing state; and
- (ii) in a case where consent was granted subject to conditions with respect to the execution of the works or, as the case may be, was modified by the imposition of such conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the works in accordance with those conditions; and
- (iii) in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other works for which listed building consent has been granted,

the owner may serve on the council within whose district the land is situated a notice requiring the council to purchase the owner's estate in the land in accordance with this Part.

(3) If any person entitled to an estate in land in respect of which an order is made under section 73 claims—

- (a) that by reason of the order the land is incapable of reasonably beneficial use in its existing state; and
- (b) that it cannot be rendered capable of reasonably beneficial use by the carrying out of any development for which planning permission has been granted, whether by that order or otherwise,

that person may serve on the council within whose district the land is situated a notice requiring the council to purchase the estate in the land in accordance with this Part.

(4) A notice under this section—

- (a) shall be served within the time and in the manner specified by a development order; and
- (b) is referred to in this Act as a “purchase notice”.

(5) Where, for the purpose of determining whether the conditions in subsection (1)(i) to (iii), subsection (2)(i) to (iii) or subsection (3)(a) and (b) are fulfilled in relation to any land, any question arises as to what is a reasonably beneficial use of that land, then in determining that question for that purpose no account shall be taken of any prospective use of that land which would involve the carrying out of new development as defined in section 43(1) of the Act of 1965, or of any works requiring listed building consent which might be executed to the building.

Changes to legislation: There are currently no known outstanding effects for the Planning Act (Northern Ireland) 2011, Section 191. (See end of Document for details)

(6) For the purposes of this section, the conditions referred to in sections 61, 62 and 94 shall be disregarded.

(7) A person on whom there has been served a repairs notice under section 202(4) shall not in any case be entitled to serve a purchase notice in respect of the building in question until the expiration of three months beginning with the date of the service of the repairs notice; and if during that period the Department commences proceedings for the compulsory acquisition of the building in the exercise of its powers under section 202, that person shall not be so entitled unless and until those proceedings are discontinued.

(8) In subsection (2) and in the other provisions of this Part as they apply for the purposes of a purchase notice served under subsection (2) “the land” means the building in respect of which listed building consent has been refused, or granted subject to conditions, or revoked or modified by the imposition of conditions, and in respect of which its owner serves a notice under subsection (2), together with any land comprising the building, or contiguous or adjacent to it, and owned with it, being land as to which the owner claims that its use is substantially inseparable from that of the building and that it ought to be treated, together with the building, as a single holding.

Modifications etc. (not altering text)

- C1** Pt. 7 (except s. 192) applied with modification(s) (1.4.2015) by [The Planning \(Conservation Areas\) \(Demolition\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/107\)](#), regs. 1, **11**
- C2** S. 191 applied with modification(s) (1.4.2015) by [The Planning \(Conservation Areas\) \(Demolition\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/107\)](#), regs. 1, 15, **Sch. 2**
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Commencement Information

- I1** S. 191 in operation at 13.2.2015 for specified purposes by [S.R. 2015/49](#), art. 2, **Sch. 1**
- I2** S. 191 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 191.