



# Town and Country Planning Act 1971

## 1971 CHAPTER 78

### PART IX

#### PROVISIONS ENABLING OWNER TO REQUIRE PURCHASE OF HIS INTEREST

##### *Interests affected by planning decisions or orders*

#### **189 Purchase notice in respect of order requiring discontinuance of use or alteration or removal of buildings or works**

- (1) If any person entitled to an interest in land in respect of which an order is made under section 51 of this Act 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,

he may, within the time and in the manner prescribed by regulations under this Act, serve on the council of the county borough, London borough or county district in which the land is situated a notice requiring that council to purchase his interest in the land in accordance with the preceding provisions of this Part of this Act.

- (2) Section 180(7) of this Act shall apply to this section; and, subject to subsection (3) of this section, sections 180(2), 181 to 184, 186 and 187 of this Act shall apply to a notice served by virtue of subsection (1) of this section as they apply to a notice served by virtue of section 180(1) of this Act.
- (3) In the application of subsection (2) of section 180 of this Act to a purchase notice served by virtue of subsection (1) of this section, that subsection shall apply as if the words "or which would contravene the condition set out in Schedule 18 to this Act" were omitted; and in the application of section 183 of this Act to a purchase notice served as aforesaid, that section shall have effect subject to the following modifications, that is to say—

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*Status: This is the original version (as it was originally enacted).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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- (a) in subsection (1), for the reference to the conditions therein mentioned, there shall be substituted a reference to the conditions specified in subsection (1) (a) and (b) of this section ; and
  - (b) the following subsection shall be substituted for subsection (2)—
    - “(2) If it appears to the Secretary of State to be expedient to do so, he may, in lieu of confirming the purchase notice, revoke the order under section 51 of this Act, or, as the case may be, amend that order so far as appears to him to be required in order to prevent the land from being rendered incapable of reasonably beneficial use by the order”
- (4) Where a purchase notice in respect of an interest in land is served in consequence of such an order as is mentioned in subsection (1) of this section, then if—
- (a) that interest is acquired in accordance with the preceding provisions of this Part of this Act; or
  - (b) compensation is payable in respect of that interest under section 187(2) of this Act,
- no compensation shall be payable in respect of that order under section 170 of this Act.
- (5) Except as provided by this section, no purchase notice shall be served in respect of an interest in land while the land is incapable of reasonably beneficial use by reason only of such an order as is mentioned in subsection (1) of this section.