



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VII

ENFORCEMENT

Stop notices

186 Compensation for loss due to stop notice.

- (1) Where a stop notice is served under section 183 compensation may be payable under this section in respect of a prohibition contained in the notice only if—
 - (a) the enforcement notice is quashed on grounds other than those mentioned in paragraph (a) of section 174(2);
 - (b) the enforcement notice is varied (otherwise than on the grounds mentioned in that paragraph) so that [^{F1}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 - (c) the enforcement notice is withdrawn by the local planning authority otherwise than in consequence of the grant by them of planning permission for the development to which the notice relates ^{F2}. . . ; or
 - (d) the stop notice is withdrawn.
- (2) A person who, when the stop notice is first served, has an interest in or occupies the land to which the notice relates shall be entitled to be compensated by the local planning authority in respect of any loss or damage directly attributable to the prohibition contained in the notice or, in a case within subsection (1)(b), [^{F3}the prohibition of such of the activities prohibited by the stop notice as cease to be relevant activities].
- (3) A claim for compensation under this section shall be made to the local planning authority within the prescribed time and in the prescribed manner.
- (4) The loss or damage in respect of which compensation is payable under this section in respect of a prohibition shall include any sum payable in respect of a breach of contract caused by the taking of action necessary to comply with the prohibition.

Status: Point in time view as at 09/04/2013.

Changes to legislation: Town and Country Planning Act 1990, Section 186 is up to date with all changes known to be in force on or before 21 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- [^{F4}(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 171C or 330 or section 16 of the ^{M1}Local Government (Miscellaneous Provisions) Act 1976, in respect of any loss or damage suffered by him which could have been avoided if he had provided the information or had otherwise co-operated with the local planning authority when responding to the notice.]
- (6) Except in so far as may be otherwise provided by any regulations made under this Act, any question of disputed compensation under this Part shall be referred to and determined by the [^{F5}Upper Tribunal].
- (7) In relation to the determination of any such question, the provisions of [^{F6}section] 4 of the ^{M2}Land Compensation Act 1961 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.

Textual Amendments

- F1** Words in s. 186(1)(b) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#) s. 32, Sch. 7 para. 29(a) (with s. 84(5)); S.I. 1991/2905, [art.3](#) (subject to art. 5)
- F2** Words in s. 186(1)(c) repealed (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 32, 84(6), Sch. 7 para. 29(b), [Sch. 19 Pt.1](#) (with s. 84(5)); S.I. 1991/2905, art.3, Schs. 1, 2 (subject to art. 5)
- F3** Words in s. 186(2) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 32, [Sch. 7 para. 29\(c\)](#) (with s. 84(5)); S.I. 1991/2905, [art.3](#) (subject to art. 5)
- F4** S. 186(5) substituted (2.1.1992) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), [s. 9\(3\)](#) (with s. 84(5)); S.I. 1991/2905, [art.3](#) (subject to art. 5)
- F5** Words in s. 186(6) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), [Sch. 1 para. 206\(a\)](#)
- F6** Word in s. 186(7) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), [Sch. 1 para. 206\(b\)](#)

Modifications etc. (not altering text)

- C1** S. 186 applied (with modifications) (27.7.1992) by S.I. 1992/1562, reg. 2, [Sch.](#)

Marginal Citations

- M1** 1976 c. 57
- M2** 1961 c.33.

Status:

Point in time view as at 09/04/2013.

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