



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART VI

COMPENSATION FOR PLANNING DECISIONS RESTRICTING NEW DEVELOPMENT

Measure of compensation

107 Assessment of depreciation

- (1) For the purposes of this Part of this Act, the value of an interest in land, or of an interest in so far as it subsists in particular land, shall be taken to be depreciated by a planning decision (in this section referred to as “the relevant decision”) if, and to the extent to which, that value, calculated in accordance with the following provisions of this section, falls short of what that value, so calculated, would have been if the relevant decision had been a decision to the contrary effect.
- (2) Subject to the following provisions of this section, any such value shall for the purposes of this section be calculated—
 - (a) as at the time of the relevant decision, but
 - (b) as affected by that decision, by any grant of planning permission made after that decision and in force immediately before the Minister gives notice of his findings on the claim for compensation in respect of that decision, and by any undertaking to grant planning permission so in force, and
 - (c) on the assumption that, after the relevant decision, and apart from any such permission or undertaking as is mentioned in the last preceding paragraph, planning permission would not be granted for any new development of the land in question, but would be granted for any development thereof other than new development.
- (3) If in consequence of another planning decision or of an order, being a decision or order made—
 - (a) before the relevant decision, and

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item of legislation is currently only available in its original format.*

- (b) either in respect of the whole or part of the land to which the relevant decision relates, or in respect of land which includes the whole or part of that land, compensation to which this subsection applies has become or becomes payable in respect of that other planning decision or that order, the calculation to be made under this section shall be made as if that other planning decision had been a decision to the contrary effect, or that order had not been made, as the case may be.
- (4) The last preceding subsection applies—
- (a) to any compensation payable under this Part of this Act, or under Part II or Part V of the Act of 1954, and
 - (b) to so much of any compensation payable under section one hundred and eighteen of this Act, or under the provisions of that section as applied by section one hundred and nineteen thereof, and so much of any compensation to which Part IV of the Act of 1954 applied, as is or was payable in respect of loss or damage consisting of depreciation of the value of an interest in land.
- (5) In this section “a decision to the contrary effect”—
- (a) in relation to a decision refusing permission, means a decision granting the permission subject to such conditions (if any) of a description falling within subsection (2) of section one hundred and one of this Act as the authority making the decision might reasonably have been expected to impose if the permission had not been refused; and
 - (b) in relation to a decision granting the permission subject to conditions, means a decision granting the permission applied for subject only to such of those conditions (if any) as fell within subsection (2) of that section.