



# Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

## PART VIII

PROVISIONS ENABLING OWNER TO REQUIRE PURCHASE OF HIS INTEREST

*Interests of owner-occupiers affected by planning proposals*

### 140 Objection to notice requiring purchase of claimant's interest

- (1) Where a notice has been served under the last preceding section in respect of a hereditament or an agricultural unit, the appropriate authority, at any time before the end of the period of two months beginning with the date of service of that notice, may serve on the claimant a counter-notice in the prescribed form objecting to the notice.
- (2) The grounds on which objection may be made in a counter-notice to a notice served under the last preceding section are:—
  - (a) that no part of the hereditament or agricultural unit to which the notice relates is comprised in land of any of the specified descriptions ;
  - (b) that the appropriate authority (unless compelled to do so by virtue of these provisions) do not propose to acquire any part of the hereditament, or (in the case of an agricultural unit) any part of the affected area, in the exercise of any relevant powers ;
  - (c) that (in the case of an agricultural unit) the appropriate authority propose in the exercise of relevant powers to acquire a part of the affected area specified in the counter-notice, but (unless compelled to do so by virtue of these provisions) do not propose to acquire any other part of that area in the exercise of any such powers ;
  - (d) that, on the date of service of the notice under the last preceding section, the claimant was not entitled to an interest in any part of the hereditament or agricultural unit to which the notice relates ;
  - (e) that (for reasons specified in the counter-notice) the interest of the claimant is not an interest qualifying for protection under these provisions ;

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*Status: This is the original version (as it was originally enacted).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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- (f) that the conditions specified in paragraphs (c) and (d) of subsection (1) of the last preceding section are not fulfilled.
- (3) Any counter-notice served under this section in respect of a notice under the last preceding section shall specify the grounds (being one or more of the grounds mentioned in the last preceding subsection) on which the appropriate authority object to the notice.
- (4) In this section “relevant powers ”, in relation to any land falling within any of the specified descriptions, means any powers under which the appropriate authority are or could be authorised—
  - (a) to acquire that land compulsorily as being land falling within that description, or
  - (b) to acquire that land compulsorily for any of the relevant purposes;and “the relevant purposes ”, in relation to any such land, means the purposes for which, in accordance with the circumstances by virtue of which that land falls within the description in question, it is liable to be acquired or is indicated as being proposed to be acquired.