



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART VI

COMPENSATION FOR PLANNING DECISIONS RESTRICTING NEW DEVELOPMENT

Unexpended balance of established development value

95 Reduction or extinguishment of balance on initiation of new development

(1) Where in accordance with section ninety of this Act land had an original unexpended balance of established development value, and at any time on or after the appointed day (whether before or after the commencement of this Act) any new development of that land is or was initiated, then (subject to the following provisions of this section) for the purpose of determining whether that land or any part thereof has or had an unexpended balance of established development value at any subsequent time.—

- (a) if the development relates or related only to that land, the value of that development (ascertained, with reference to that subsequent time, in accordance with the provisions of the Sixth Schedule to this Act), or
- (b) if the development relates or related to that land together with other land, so much of the value of that development (so ascertained) as is or was attributable to that land,

shall be deducted from the original unexpended balance of established development value of that land, and the original unexpended balance of that land or that part thereof shall be treated as having been reduced or extinguished accordingly immediately before that subsequent time.

(2) The preceding subsection shall not apply to any land if, in respect of any interest therein, a payment has become or becomes payable under section fifty-nine of the Act of 1947 (which provided for payments in respect of certain war-damaged land).

(3) For the purposes of subsection (1) of this section no account shall be taken of any development initiated before the first day of January, nineteen hundred and fifty-five, if—

*Status: This is the original version (as it was originally enacted). This
item of legislation is currently only available in its original format.*

- (a) a development charge under Part VII of the Act of 1947 was determined to be payable in respect thereof, or would have fallen to be so determined but for any exemption conferred by regulations under that Part of that Act, or by any provisions of Part VIII of that Act, or
- (b) in a certificate issued under section fifty-eight of the Act of 1954 (which related to monopoly value of licensed premises) it was certified that a development charge could have been determined to be payable in respect of that development if the circumstances referred to in paragraphs (a) and (b) of subsection (1) of that section had not existed.