
STATUTORY INSTRUMENTS

2017 No. 620

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Compensation)
(England) (Amendment) (No. 2) Regulations 2017

<i>Made</i>	- - - -	<i>28th April 2017</i>
<i>Laid before Parliament</i>		<i>28th April 2017</i>
<i>Coming into force</i>	- -	<i>23rd May 2017</i>

The Secretary of State, in exercise of the powers conferred by sections 108(2A), (3C), (5) and (6) of the Town and Country Planning Act 1990⁽¹⁾, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Town and Country Planning (Compensation) (England) (Amendment) (No. 2) Regulations 2017 and come into force on 23rd May 2017.

Amendments to the prescribed descriptions of development

2. In regulation 2 of the Town and Country Planning (Compensation) (England) Regulations 2015⁽²⁾, in paragraph (c) after “Classes” insert “AA,”.

Signed by authority of the Secretary of State for Communities and Local Government

Gavin Barwell
Minister of State
Department for Communities and Local
Government

28th April 2017

(1) 1990 c. 8; section 108(2A), (3C), (5) and (6) were inserted by section 189 of the Planning Act 2008 (c. 29). There are other amendments to section 108 which are not relevant to these Regulations.
(2) S.I. 2015/598 as amended by S.I. 2016/331 and S.I. 2017/392.

Status: This is the original version (as it was originally made).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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Compensation) (England) Regulations 2015 (“the 2015 Regulations”) to add a new class of development to the list of permitted development rights for which compensation on withdrawal of the right is limited in various ways provided in the 2015 Regulations. The new permitted development right allows change of use of a building falling within Class A4 (drinking establishments) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 to a use within Class A4 with a use falling within Class A3 (restaurants and cafes), or from those uses to a use falling within Class A4. It has been inserted into Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the 2015 Order”) by amendments set out in the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017.

The practical effect of these Regulations is that if a local planning authority withdraws the new permitted development right by issuing a direction under article 4 of the 2015 Order, compensation is only payable in respect of planning applications made within 12 months beginning on the date the direction took effect. The Regulations also provide that no compensation is payable where a local planning authority publicises their intention to make such an article 4 direction at least 12 months, and not more than two years, ahead of the article 4 direction taking effect.