



# Town and Country Planning Act 1971

## 1971 CHAPTER 78

### PART IX

#### PROVISIONS ENABLING OWNER TO REQUIRE PURCHASE OF HIS INTEREST

##### *Interests of owner-occupiers affected by planning proposals*

#### **194 Objection to blight notice**

- (1) Where a blight notice has been served 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) Subject to the following provisions of this section, the grounds on which objection may be made in a counter-notice to a notice served under section 193 of this Act 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 the appropriate authority propose in the exercise of relevant powers to acquire a part of the hereditament or (in the case of an agricultural unit) 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 hereditament or area in the exercise of any such powers ;
  - (d) that (in the case of land falling within paragraph (a) or (c) but not (d), (e) or (f) of section 192(1) of this Act) the appropriate authority (unless compelled to do so by virtue of these provisions) do not propose to acquire in the exercise of any relevant powers any part of the hereditament or (in the case of an agricultural unit) any part of the affected area during the period of fifteen years

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*Status: This is the original version (as it was originally enacted).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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- from the date of the counter-notice or such longer period from that date as may be specified in the counter-notice;
- (e) that, on the date of service of the notice under section 193 of this Act, the claimant was not entitled to an interest in any part of the hereditament or agricultural unit to which the notice relates ;
  - (f) that (for reasons specified in the counter-notice) the interest of the claimant is not an interest qualifying for protection under these provisions;
  - (g) that the conditions specified in paragraphs (c) and (d) of section 193 (1) of this Act are not fulfilled.
- (3) An objection may not be made on the grounds mentioned in paragraph (d) of subsection (2) of this section if it may be made on the grounds mentioned in paragraph (b) of that subsection.
- (4) Where the appropriate enactment is one of the enactments conferring highway land acquisition powers, subsection (2) of this section shall have effect as if—
- (a) in paragraph (b) after the word " acquire " there were inserted the words " or to acquire any rights over ";
  - (b) in paragraph (c) for the words " do not propose to acquire " there were substituted the words " propose neither to acquire, nor to acquire any right over ";
  - (c) in paragraph (d) after the words " affected area " there were inserted " or to acquire any right over any part thereof ".
- (5) Any counter-notice served under this section in respect of a blight notice shall specify the grounds (being one or more of the grounds mentioned in the preceding provisions of this section or, as relevant, in section 201(6) of this Act) on which the appropriate authority object to the notice.
- (6) 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, where the appropriate enactment is one of the enactments conferring highway land acquisition powers, any such powers as extending to the acquisition of rights over land; 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.