



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART I

LISTED BUILDINGS

CHAPTER III

RIGHTS OF OWNERS ETC.

Compensation

27 Compensation for refusal of consent to alteration, etc. of listed building

- (1) This section shall have effect where—
 - (a) an application is made for listed building consent for the alteration or extension of a listed building;
 - (b) the works do not constitute development or they do so but the development is such that planning permission for it is granted by a development order; and
 - (c) the Secretary of State, either on appeal or on the reference of the application to him, refuses such consent or grants it subject to conditions.
- (2) If, on a claim made to the local planning authority within the prescribed time and in the prescribed manner, it is shown that the value of the interest of any person in the land is less than it would have been if listed building consent had been granted or, as the case may be, had been granted unconditionally, the local planning authority shall pay that person compensation of an amount equal to the difference.
- (3) In determining for the purposes of subsection (2) whether or to what extent the value of an interest in land is less than it would have been if listed building consent had been granted, or had been granted unconditionally—

Status: This is the original version (as it was originally enacted).

- (a) it shall be assumed that any subsequent application for listed building consent for the alteration or extension in question would be determined in the same way; but
 - (b) in the case of a refusal of listed building consent, regard shall be had to any undertaking given by the Secretary of State on that refusal to grant such consent for some other works to the building if an application were made for it.
- (4) No compensation shall be payable under this section in respect of an interest in land in respect of which a notice is served under section 32 of this Act or under section 137 of the principal Act (circumstances in which purchase notices may be served) by virtue of subsection (1)(a) or (b) of that section, being a notice which takes effect.
- (5) The local planning authority need not pay compensation under this section in respect of a building in respect of which a building preservation notice is in force unless and until the building is included in a list compiled or approved by the Secretary of State under section 1, but a claim for such compensation may be made before the building is so included.