



Land Development Values (Compensation) Act (Northern Ireland) 1965

1965 CHAPTER 23

PART III

COMPENSATION FOR OTHER PLANNING RESTRICTIONS

29^{F2} F¹ Compensation for planning decisions restricting development other than new development.

- (1) This section shall, subject to^{F3} subsections (2A), (3) and (3A)], have effect in relation to any planning decision given in pursuance of an application made after 25th February 1963 whereby permission to carry out any development of a class specified in Schedule 1 is refused or is granted subject to conditions.
- (2) If on a claim duly made to the Ministry, it is shown that the value of a compensatable estate in the land which is the subject of the planning decision in question, is less than it would have been if the permission had been granted, or had been granted unconditionally, as the case may be, compensation of an amount equal to the difference shall be payable under this section unless compensation under the Act of 1944 has been paid or is payable in respect of the planning decision in question.

^{F3}(2A) Compensation shall not be payable under this section in relation to such a planning decision as is mentioned in subsection (1) whereby permission to carry out any development of a class specified in paragraphs 1 to 3 of Schedule 1 in relation to a building is refused if by virtue of any other previous planning permission it remains a condition of such planning permission (however expressed) that the building be demolished or cease to be used as a dwelling house.]

- (3) Compensation shall not be payable under this section in relation to such a planning decision as is mentioned in subsection (1) whereby permission to use as two or more separate dwelling houses a building which at a material date (as defined in Schedule 1) was used as a single dwelling house is refused or granted subject to conditions unless it appears that the lower value of the compensatable estate in the land to which the planning decision relates (as calculated for the purposes of subsection (2)), is

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not reasonable having regard to the value of any other comparable dwelling houses situated in the area in which the building in question is situated.

[^{F3}(3A) Compensation shall not be payable under this section on more than one occasion in relation to any estate in land.]

- (4) Any dispute under subsection (3) as to whether a vendor would receive a reasonable price for a building in the circumstances mentioned in that subsection shall be referred to the Lands Tribunal for determination.
- (5) In determining, for the purposes of subsection (2), whether or to what extent the value of a compensatable estate in land is less than it would have been if the permission had been granted, or had been granted unconditionally—
 - (a) it shall be assumed that any subsequent application for the like planning permission would be determined in the same way; but
 - (b) if, in the case of a refusal of planning permission, the Ministry undertook to grant planning permission for some other development of the land in the event of an application being made in that behalf, regard shall be had to that undertaking.
- (6) Where planning permission to carry out any such development as is mentioned in subsection (1) is granted subject to conditions for regulating the design or external appearance of buildings, or the size or height of buildings, those conditions shall be disregarded in assessing the compensation, if any, payable under this section.

^{F4}(6A) Section 24 shall have effect with respect to compensation payable under this section as it has effect with respect to compensation payable under Part II, except that the definition of “relevant development” shall have effect as if for the words “any new development” there were substituted the words “any development of a class specified in Schedule 1” .]

Subs. (7)(8) rep. by 1972 NI 17

- (9) Sections 20(2) and 22 shall have effect for the purposes of a claim for compensation under this section as they have effect for the purposes of a claim under Part II.
- (10) The Ministry may make regulations under this section as to the manner in which any claims for compensation under this section must be made.

F1	rep. with saving by 2001 c. 2 (NI)
F2	1972 NI 17
F3	1982 NI 20
F4	1972 NI 17

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