



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART VI

#### RIGHTS OF OWNERS ETC. TO REQUIRE PURCHASE OF INTERESTS

### CHAPTER II

#### INTERESTS AFFECTED BY PLANNING PROPOSALS: BLIGHT

##### *Blight notices*

#### **153 Reference of objection to [F<sup>1</sup>Upper Tribunal]: general.**

- (1) Where a counter-notice has been served under section 151 objecting to a blight notice, the claimant may require the objection to be referred to the [F<sup>1</sup>Upper Tribunal].
- (2) <sup>F2</sup>.....
- (3) On any such reference, if the objection is not withdrawn, the [F<sup>1</sup>Upper Tribunal] shall consider—
  - (a) the matters set out in the notice served by the claimant, and
  - (b) the grounds of the objection specified in the counter-notice;and, subject to subsection (4), unless it is shown to the satisfaction of the Tribunal that the objection is not well-founded, the Tribunal shall uphold the objection.
- (4) An objection on the grounds mentioned in section 151(4)(b), (c) or (d) shall not be upheld by the Tribunal unless it is shown to the satisfaction of the Tribunal that the objection is well-founded.

[F<sup>3</sup>(4A) Where the effect of a blight notice would be a compulsory purchase to which Part 1 of the Compulsory Purchase Act 1965 applies, the Upper Tribunal may uphold an objection on the grounds mentioned in section 151(4)(c) only if it is satisfied

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- that the part of the hereditament or affected area proposed to be acquired in the counter-notice—
- (a) in the case of a house, building or factory, can be taken without material detriment to the house, building or factory, or
  - (b) in the case of a park or garden belonging to a house, can be taken without seriously affecting the amenity or convenience of the house.]
- (5) If the Tribunal determines not to uphold the objection, the Tribunal shall declare that the notice to which the counter-notice relates is a valid notice.
  - (6) If the Tribunal upholds the objection, but only on the grounds mentioned in section 151(4)(c), the Tribunal shall declare that the notice is a valid notice in relation to the part of the hereditament, or in the case of an agricultural unit the part of the affected area, specified in the counter-notice as being the part which the appropriate authority propose to acquire as mentioned in that notice, but not in relation to any other part of the hereditament or affected area.
  - (7) In a case falling within subsection (5) or (6), the Tribunal shall give directions specifying the date on which notice to treat (as mentioned in section 154) is to be deemed to have been served.
  - (8) This section shall have effect in relation to a further counter-notice served by virtue of section 152(1) as it has effect in relation to the counter-notice for which it is substituted.

#### Textual Amendments

- F1** Words in s. 153 heading substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 198(a)**
- F2** Words in s. 153(2) omitted (1.6.2009) by virtue of [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 198(b)**
- F3** S. 153(4A) inserted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 200(2)**, 216(3); S.I. 2017/75, reg. 3(h)

#### Modifications etc. (not altering text)

- C1** S. 153(4A) excluded by 2017 c. 7, s. 8(2) (as amended (24.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(2), **Sch. 14 para. 3**; S.I. 2017/209, reg. 2)
- C2** S. 153(4A) excluded by 2017 c. 7, s. 7(2) (as amended (24.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(2), **Sch. 14 para. 2**; S.I. 2017/209, reg. 2)
- C3** S. 153(4A) excluded (19.12.2017) by [The Network Rail \(Buxton Sidings Extension\) Order 2017 \(S.I. 2017/1150\)](#), arts. 1, **22(3)** (with arts. 22(4), 32(2))
- C4** S. 153(4A) excluded (22.12.2017) by [The M20 Junction 10a Development Consent Order 2017 \(S.I. 2017/1202\)](#), arts. 1, **29(3)(c)** (with arts. 4, 29(4), 37)
- C5** S. 153(4A) excluded (4.1.2018) by [The Blackpool Tramway \(Blackpool North Extension\) Order 2017 \(S.I. 2017/1214\)](#), arts. 1, **30(3)(c)** (with arts. 30(4), 58, 59)
- C6** S. 153(4A) excluded (18.4.2018) by [The Network Rail \(Hope Valley Capacity\) Order 2018 \(S.I. 2018/446\)](#), arts. 1, **21(4)**, 22(3) (with arts. 22(4), 24(8), 33(2))
- C7** S. 153(4A) excluded (31.5.2018) by [The Silvertown Tunnel Order 2018 \(S.I. 2018/574\)](#), arts. 1(2), **27(4)(c)** (with art. 27(5))
- C8** S. 153(4A) excluded (24.8.2018) by [The Network Rail \(Werrington Grade Separation\) Order 2018 \(S.I. 2018/923\)](#), arts. 1, **22(3)(c)** (with arts. 22(4), 31(2))
- C9** S. 153(4A) excluded (3.10.2018) by [The A19/A184 Testos Junction Alteration Development Consent Order 2018 \(S.I. 2018/994\)](#), arts. 1, **27** (with arts. 3(3), 5)

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- C10** S. 153(4A) excluded (13.3.2019) by The Port of Tilbury (Expansion) Order 2019 (S.I. 2019/359), arts. 1, **26(3)(c)(4)** (with arts. 55, 56)
- C11** S. 153(4A) excluded (3.4.2019) by The Millbrook Gas Fired Generating Station Order 2019 (S.I. 2019/578), arts. 1, **24(3)(c)** (with art. 24(4))
- C12** S. 153(4A) excluded (10.10.2019) by The Abergelli Power Gas Fired Generating Station Order 2019 (S.I. 2019/1268), arts. 1, **25(3)(c)** (with art. 25(4))
- C13** S. 153(4A) excluded (25.10.2019) by The Drax Power (Generating Stations) Order 2019 (S.I. 2019/1315), arts. 1, **25(3)(c)** (with art. 25(4))

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