



# Housing and Planning Act 2016

## 2016 CHAPTER 22

### PART 7

#### COMPULSORY PURCHASE ETC

##### *Disputes*

#### **199 Objection to division of land**

- (1) Schedule 17 contains amendments about objecting to the division of land following a notice to treat under section 5 of the Compulsory Purchase Act 1965.
- (2) Schedule 18 contains amendments about objecting to the division of land following a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981.

#### **200 Objection to division of land: blight notices**

- (1) The Town and Country Planning Act 1990 is amended as follows.
- (2) In section 153 (reference of objection to Upper Tribunal), after subsection (4) insert—
  - “(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 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.”
- (3) In section 166 (saving for claimant’s right to sell whole hereditament etc.)—
  - (a) in subsection (1) omit paragraph (b) (and the “or” before it);

- (b) omit subsection (2).

**201 Power to quash decision to confirm compulsory purchase order**

In section 24 of the Acquisition of Land Act 1981 (powers of the court), after subsection (2) insert—

- “(3) If the court has power under subsection (2) to quash a compulsory purchase order it may instead quash the decision to confirm the order either generally or in so far as it affects any property of the applicant.”

**202 Extension of compulsory purchase time limit during challenge**

- (1) After section 4 of the Compulsory Purchase Act 1965 (time limit for giving notice to treat) insert—

**“4A Extension of time limit during challenge**

- (1) If an application is made under section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 4 is to be extended by—
- (a) a period equivalent to the period beginning with the day the application is made and ending on the day it is withdrawn or finally determined, or
  - (b) if shorter, one year.
- (2) An application is not finally determined for the purposes of subsection (1)(a) if an appeal in respect of the application—
- (a) could be brought (ignoring any possibility of an appeal out of time with permission), or
  - (b) has been made and not withdrawn or finally determined.”
- (2) After section 5A of the Compulsory Purchase (Vesting Declarations) Act 1981 (time limit for general vesting declaration) insert—

**“5B Extension of time limit during challenge**

- (1) If an application is made under section 23 of the Acquisition of Land Act 1981 (application to High Court in respect of compulsory purchase order), the three year period mentioned in section 5A is to be extended by—
- (a) a period equivalent to the period beginning with the day the application is made and ending on the day it is withdrawn or finally determined, or
  - (b) if shorter, one year.
- (2) An application is not finally determined for the purposes of subsection (1)(a) if an appeal in respect of the application—
- (a) could be brought (ignoring any possibility of an appeal out of time with permission), or
  - (b) has been made and not withdrawn or finally determined.”