



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

202 Saving for claimant's right to sell whole hereditament, etc.

- (1) The provisions of sections 194(2)(c), 195(5), 196(3) and 199(3) and (4) of this Act relating to hereditaments shall not affect the right of a claimant under section 92 of the Lands Clauses Consolidation Act 1845 to sell the whole of the hereditament, or (in the case of an agricultural unit) the whole of the affected area, which he has required the authority to purchase.
- (2) The said provisions shall not affect the right of a claimant under section 8 of the Compulsory Purchase Act 1965 to sell (unless the Lands Tribunal otherwise determines) the whole of the hereditament, or (in the case of an agricultural unit) the whole of the affected area, which he has required the authority to purchase; and accordingly in determining whether or not to uphold an objection relating to a hereditament on the grounds mentioned in section 194(2)(c) of this Act the Tribunal shall consider (in addition to the other matters which they are required to consider) whether—
 - (a) in the case of a house, building or manufactory, the part proposed to be acquired can be taken without material detriment to the house, building or manufactory ; or
 - (b) in the case of a park or garden belonging to a house, the part proposed to be acquired can be taken without seriously affecting the amenity or convenience of the house.