



Town and Country Planning (Scotland) Act 1972

1972 CHAPTER 52

PART VII

COMPENSATION FOR PLANNING DECISIONS RESTRICTING NEW DEVELOPMENT

Right to compensation

136 Planning decisions not ranking for compensation

- (1) Compensation under this Part of this Act shall not be payable—
- (a) in respect of the refusal of planning permission for any development which consists of or includes the making of any material change in the use of any buildings or other land; or
 - (b) in respect of any decision made on an application in pursuance of regulations under section 61 of this Act for consent to the display of advertisements.
- (2) Compensation under this Part of this Act shall not be payable in respect of the imposition, on the granting of planning permission to develop land, of any condition relating to—
- (a) the number or disposition of buildings on any land;
 - (b) the dimensions, design, structure or external appearance of any building, or the materials to be used in its construction;
 - (c) the manner in which any land is to be laid out for the purposes of the development, including the provision of facilities for the parking, loading, unloading or fuelling of vehicles on the land ;
 - (d) the use of any buildings or other land ; or
 - (e) the location or design of any means of access to a highway, or the materials to be used in the construction of any such means of access,
- or in respect of any conditions subject to which permission is granted for the winning and working of minerals.

Status: This is the original version (as it was originally enacted).

In this subsection " means of access to a highway " does not include a service road.

- (3) Compensation under this Part of this Act shall not be payable in respect of the application to any planning permission of any of the conditions referred to in sections 38 and 39 of this Act or in respect of the imposition of any condition to which section 69 or 80 of this Act applies.
- (4) Compensation under this Part of this Act shall not be payable in respect of the refusal of permission to develop land, if the reason or one of the reasons stated for the refusal is that development of the kind proposed would be premature by reference to either or both of the following matters, that is to say—
 - (a) the stages indicated, in the structure plan or local plan for the area in which the land is situated, as the stages by which development is to be carried out;
 - (b) any existing deficiency in the provision of water supplies or sewerage services, and the period within which any such deficiency may reasonably be expected to be made good:

Provided that this subsection shall not apply if the planning decision refusing the permission is made on an application made more than seven years after the date of a previous planning decision whereby permission to develop the same land was refused for the same reason, or for reasons which included the same reason.

In this subsection, the reference to the structure plan or local plan for the area in which the land is situated is a reference to the structure plan or local plan for that area as approved by the Secretary of State, or, if the plan so approved has been amended by the Secretary of State, to that plan as so amended.

- (5) Compensation under this Part of this Act shall not be payable in respect of the refusal of permission to develop land, if the reason or one of the reasons stated for the refusal is that the land is unsuitable for the proposed development on account of its liability to flooding or to subsidence.
- (6) For the purposes of this section, a planning decision whereby permission to develop land is granted subject to a condition prohibiting development on a specified part of that land shall be treated as a decision refusing the permission with respect to that part of the land.