



Town and Country Planning (Scotland) Act 1972

1972 CHAPTER 52

PART VII

COMPENSATION FOR PLANNING DECISIONS RESTRICTING NEW DEVELOPMENT

Right to compensation

139 Grant of planning permission treated as subject to notional condition

- (1) The provisions of this section shall have effect where—
 - (a) on an application for planning permission for the carrying out of new development of land, a planning decision is made whereby the permission is granted, whether unconditionally or subject to conditions; and
 - (b) the Secretary of State certifies that he is satisfied that particular buildings or works to which the application related were included therein only because the applicant had reason to believe that permission for the other development to which the application related (in this section referred to as "the principal development") would not have been granted except subject to a condition requiring the erection or construction of those buildings or works.
- (2) Where subsection (1) of this section applies, then for the purposes of this Part of this Act—
 - (a) the application shall be deemed to have included, in place of those buildings or works, such other development of the land on which the buildings or works were to be erected or constructed as might reasonably have been expected to have been included having regard to the principal development; and
 - (b) the permission shall be deemed to have been granted for the principal development subject to a condition requiring the erection or construction of those buildings or works.