



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART VI

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

#### CHAPTER I

#### INTERESTS AFFECTED BY PLANNING DECISIONS OR ORDERS

#### *Compensation*

#### **144 Special provisions as to compensation where purchase notice served.**

- (1) Where compensation is payable by virtue of section 107 in respect of expenditure incurred in carrying out any works on land, any compensation payable in respect of the acquisition of an interest in the land in pursuance of a purchase notice shall be reduced by an amount equal to the value of those works.
- (2) Where—
  - (a) the Secretary of State directs under section 141(3) that, if an application for it is made, planning permission must be granted for the development of any land, and
  - (b) on a claim made to the local planning authority within the prescribed time and in the prescribed manner, it is shown that the permitted development value of the interest in that land in respect of which the purchase notice was served is less than its [<sup>F1</sup>Schedule 3 value],that authority shall pay the person entitled to that interest compensation of an amount equal to the difference.
- (3) If the planning permission mentioned in subsection (2)(a) would be granted subject to conditions for regulating the design or external appearance, or the size or height of buildings, or for regulating the number of buildings to be erected on the land, the Secretary of State may direct that in assessing any compensation payable under

*Status: Point in time view as at 01/11/2007.*

*Changes to legislation: Town and Country Planning Act 1990, Cross Heading: Compensation is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

subsection (2) those conditions must be disregarded, either altogether or to such extent as may be specified in the direction.

- (4) The Secretary of State may only give a direction under subsection (3) if it appears to him to be reasonable to do so having regard to the local circumstances.
- (5) Sections 117 and 118 shall have effect in relation to compensation under subsection (2) as they have effect in relation to compensation to which those sections apply.
- (6) In this section—
- [<sup>F2</sup>“Schedule 3 value”, in relation to such an interest, means the value of that interest calculated on the assumption that planning permission would be granted—
- (a) subject to the condition in Schedule 10, for any development of a class specified in paragraph 1 of Schedule 3; and
- (b) for any development of a class specified in paragraph 2 of Schedule 3.]
- “permitted development value”, in relation to an interest in land in respect of which a direction is given under section 141(3), means the value of that interest calculated with regard to that direction, but on the assumption that no planning permission would be granted otherwise than in accordance with that direction, and
- (7) Where a purchase notice in respect of an interest in land is served in consequence of an order under section 102 or paragraph 1 of Schedule 9, then if—
- (a) that interest is acquired in accordance with this Chapter; or
- (b) compensation is payable in respect of that interest under subsection (2), no compensation shall be payable in respect of that order under section 115.

#### **Textual Amendments**

- F1** Words in s. 144(2)(b) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 31, [Sch.6 para. 19\(a\)](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)
- F2** Definition in s. 144(6) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 31, [Sch. 6 para. 19\(b\)](#) (with s. 84(5)); S.I. 1991/2067, [art.3](#) (subject to art. 4)

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