



Town and Country Planning Act 1990

1990 CHAPTER 8

PART IV

COMPENSATION FOR EFFECTS OF CERTAIN ORDERS, NOTICES, ETC.

Compensation for revocation of planning permission, etc.

107 Compensation where planning permission [^{F1}or permission in principle] revoked or modified.

- (1) Subject to section 116, where planning permission [^{F2}or permission in principle] is revoked or modified by an order under [^{F3}section 97(1)(a)], then if, on a claim made to the local planning authority within the prescribed time and in the prescribed manner, it is shown that a person interested in the land or in minerals in, on or under it—
- has incurred expenditure in carrying out work which is rendered abortive by the revocation or modification; or
 - has otherwise sustained loss or damage which is directly attributable to the revocation or modification,
- the local planning authority shall pay that person compensation in respect of that expenditure, loss or damage.
- (2) For the purposes of [^{F4}subsection (1)], any expenditure incurred in the preparation of plans for the purposes of any work, or upon other similar matters preparatory to it, shall be taken to be included in the expenditure incurred in carrying out that work.
- (3) Subject to subsection (2), no compensation shall be paid under [^{F4}subsection (1)] in respect—
- of any work carried out before the grant of the permission which is revoked or modified, or
 - of any other loss or damage arising out of anything done or omitted to be done before the grant of that permission (other than loss or damage consisting of depreciation of the value of an interest in land).

Status: Point in time view as at 12/10/2018. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 107 is up to date with all changes known to be in force on or before 12 September 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)

- (4) In calculating for the purposes of [F5 subsection (1)] the amount of any loss or damage [F6 that is attributable to the revocation or modification of planning permission and consists] of depreciation of the value of an interest in land, it shall be assumed that planning permission would be granted [F7—
- (a) subject to the condition set out in Schedule 10, for any development of the land of a class specified in paragraph 1 of Schedule 3;
 - (b) for any development of a class specified in paragraph 2 of Schedule 3.]
- [F8(4A) A development order may make provision for the payment of compensation, in such circumstances and subject to such conditions as may be prescribed in the order, where permission in principle is revoked or modified by an order under section 97(1)(b).]
- (5) In this Part any reference to an order under section 97 includes a reference to an order under the provisions of that section as applied by section 102(3) (or, subject to section 116, by paragraph [F9 1(3)] of Schedule 9).

Textual Amendments

- F1** Words in s. 107 heading inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 28(2)**; S.I. 2016/733, reg. 3(d)
- F2** Words in s. 107(1) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 28(3)(a)**; S.I. 2016/733, reg. 3(d)
- F3** Words in s. 107(1) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 28(3)(b)**; S.I. 2016/733, reg. 3(d)
- F4** Words in s. 107(2)(3) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 28(4)**; S.I. 2016/733, reg. 3(d)
- F5** Words in s. 107(4) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 28(5)(a)**; S.I. 2016/733, reg. 3(d)
- F6** Words in s. 107(4) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 28(5)(b)**; S.I. 2016/733, reg. 3(d)
- F7** S. 107(4)(a)(b) substituted (25.7.1991 with effect or to be treated as having effect, in relation to claims made on or after 16.11.1990) for the words "for any development of the land of any class specified in Schedule 3" by virtue of Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 31(4), 84(4), **Sch 6 para. 13(1)(2)**
- F8** S. 107(4A) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 28(6)**; S.I. 2016/733, reg. 3(d)
- F9** Words in s. 107(5) substituted (25.9.1991) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), s. 21, **Sch. 1 para. 8** (with s. 84(5)); S.I. 1991/2067, **art.3** (subject to art. 4)

Modifications etc. (not altering text)

- C1** S. 107 applied (with modifications) (3.11.1995) by S.I. 1995/2863, reg. 3, **Sch.**
- C2** S. 107(1)(a) applied (30.10.1994) by The Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716), **reg. 67(1)** (with reg. 3) (as amended by S.I. 2009/2438)

Status:

Point in time view as at 12/10/2018. This version of this provision has been superseded.

Changes to legislation:

Town and Country Planning Act 1990, Section 107 is up to date with all changes known to be in force on or before 12 September 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.