



# 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.*

**108 Compensation for refusal or conditional grant of planning permission formerly granted by development order<sup>[F1]</sup>, local development order or neighbourhood development order].**

(1) Where—

- (a) planning permission granted by a development order<sup>[F2]</sup>, a local development order or a neighbourhood development order] is withdrawn (whether by the revocation or amendment of the order or by the issue of directions under powers conferred by the order); and
- (b) on an application made under Part III <sup>[F3]</sup>or section 293A] planning permission for development formerly permitted by that order is refused or is granted subject to conditions other than those imposed by that order,

section 107 shall apply as if the planning permission granted by the development order<sup>[F4]</sup>, the local development order or the neighbourhood development order] —

- (i) had been granted by the local planning authority under Part III <sup>[F5]</sup>or section 293A]; and
- (ii) had been revoked or modified by an order under section 97.

- (2) Where planning permission granted by a development order<sup>[F6]</sup>, a local development order or a neighbourhood development order] is withdrawn by revocation or amendment of the order, this section applies only if the application referred to in subsection (1)(b) is made before the end of the period of 12 months beginning with the date on which the revocation or amendment came into operation.

<sup>[F7]</sup>(2A) Where—

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- (a) planning permission granted by a development order for development in England of a prescribed description is withdrawn by the issue of directions under powers conferred by the order, or
- (b) planning permission granted by a local development order for development in England is withdrawn by the issue of directions under powers conferred by the order,

this section applies only if the application referred to in subsection (1)(b) is made before the end of the period of 12 months beginning with the date on which the directions took effect.]

- (3) This section shall not apply in relation to planning permission for the development of operational land of statutory undertakers.

[<sup>F8</sup>(3B) This section does not apply if—

- (a) in the case of planning permission granted by a development order, the condition in subsection (3C) is met;
- (b) in the case of planning permission granted by a local development order, the condition in subsection (3D) is met.
- [<sup>F9</sup>(c) in the case of planning permission granted by a neighbourhood development order, the condition in subsection (3E) is met.]

(3C) The condition referred to in subsection (3B)(a) is that—

- (a) the planning permission is granted for development in England of a prescribed description,
- (b) the planning permission is withdrawn in the prescribed manner,
- (c) notice of the withdrawal was published in the prescribed manner not less than 12 months or more than the prescribed period before the withdrawal took effect, and
- (d) either—
  - (i) the development authorised by the development order had not started before the notice was published, or
  - (ii) the development order includes provision in pursuance of section 61D permitting the development to be completed after the permission is withdrawn.

(3D) The condition referred to in subsection (3B)(b) is that—

- (a) the planning permission is granted for development in England,
- (b) the planning permission is withdrawn by the revocation or amendment of the local development order, or by the issue of directions under powers conferred by the local development order,
- (c) notice of the revocation, amendment or directions was published in the prescribed manner not less than 12 months or more than the prescribed period before the revocation, amendment or directions (as the case may be) took effect, and
- (d) either—
  - (i) the development authorised by the local development order had not started before the notice was published, or
  - (ii) the local development order includes provision in pursuance of section 61D permitting the development to be completed after the permission is withdrawn.]

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- [<sup>F10</sup>(3E) The condition referred to in subsection (3B)(c) is that—
- (a) the planning permission is withdrawn by the revocation of the neighbourhood development order,
  - (b) notice of the revocation was published in the prescribed manner not less than 12 months or more than the prescribed period before the revocation took effect, and
  - (c) either—
    - (i) the development authorised by the neighbourhood development order had not begun before the notice was published, or
    - (ii) section 61L(7) applies in relation to the development.]
- [<sup>F11</sup>(4) Regulations made by virtue of this subsection may provide that subsection (1) shall not apply where planning permission granted by a development order [<sup>F12</sup>or a local development order] for demolition of buildings or any description of buildings is withdrawn by the issue of directions under powers conferred by the order.]
- [<sup>F13</sup>(5) Regulations under this section prescribing a description of development may (in particular) do so by reference to one or more classes or descriptions of development specified in a development order.
- (6) In this section “prescribed” means prescribed by regulations made by the Secretary of State.]

#### Textual Amendments

- F1** Words in s. 108 title substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), [Sch. 12 para. 15\(6\)](#); S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2
- F2** Words in s. 108(1)(a) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), [Sch. 12 para. 15\(2\)\(a\)](#); S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2
- F3** Words in s. 108(1)(b) inserted (7.6.2006) by [The Planning and Compulsory Purchase Act 2004 \(Commencement No. 9 and Consequential Provisions\) Order 2006 \(S.I. 2006/1281\)](#), [art. 5\(a\)\(i\)](#)
- F4** Words in s. 108(1) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), [Sch. 12 para. 15\(2\)\(b\)](#); S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2
- F5** Words in s. 108(1)(b)(i) inserted (7.6.2006) by [The Planning and Compulsory Purchase Act 2004 \(Commencement No. 9 and Consequential Provisions\) Order 2006 \(S.I. 2006/1281\)](#), [art. 5\(a\)\(ii\)](#)
- F6** Words in s. 108(2) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), [Sch. 12 para. 15\(3\)](#); S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by

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- S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2
- F7** S. 108(2A) inserted (6.4.2010) by Planning Act 2008 (c. 29), **ss. 189(2), 241** (with s. 226); S.I. 2010/566, **art. 3(a)** (with art. 4)
- F8** S. 108(3B)-(3D) inserted (6.4.2010) by Planning Act 2008 (c. 29), **ss. 189(3), 241** (with s. 226); S.I. 2010/566, **art. 3(a)** (with art. 4)
- F9** S. 108(3B)(c) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 15(4)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2
- F10** S. 108(3E) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 15(5)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2
- F11** S. 108(4) inserted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 13(3)** (with s. 84(5)); S.I. 1992/1279, **art. 2** (with art. 3)
- F12** Words in s. 108 inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 30.4.2012 for W. so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 40(2)(h)** (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2(a); S.I. 2012/1100, art. 2
- F13** S. 108(5)(6) inserted (6.4.2010) by Planning Act 2008 (c. 29), **ss. 189(4), 241** (with s. 226); S.I. 2010/566, **art. 3(a)** (with art. 4)

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