



# Town and Country Planning Act 1990

## 1990 CHAPTER 8

### PART IV

#### COMPENSATION FOR EFFECTS OF CERTAIN ORDERS, NOTICES, ETC.

##### *Compensation for other planning decisions*

#### **114 Compensation for planning decisions restricting development other than new development.**

- (1) This section applies where, on an application for planning permission to carry out development of any class specified in Part II of Schedule 3, the Secretary of State, either on appeal or on the reference of the application to him for determination, refuses the permission or grants it subject to conditions.
- (2) If, on a claim made to the local planning authority within the prescribed time and in the prescribed manner, it is shown that the value of the interest of any person in the land is less than it would have been if the permission had been granted or, as the case may be, had been granted unconditionally, the local planning authority shall pay that person compensation of an amount equal to the difference.
- (3) In determining, for the purposes of subsection (2), whether or to what extent the value of an interest in land is less than it would have been if the permission had been granted, or had been granted unconditionally—
  - (a) it shall be assumed that any subsequent application for similar planning permission would be determined in the same way; but
  - (b) if, in the case of a refusal of planning permission, the Secretary of State, on refusing that permission, undertook to grant planning permission for some other development of the land if an application were made for it, regard must be had to that undertaking; and
  - (c) no account shall be taken of any prospective use which would contravene the condition set out in Schedule 10.

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

**Changes to legislation:** *Town and Country Planning Act 1990, Section 114 is up to date with all changes known to be in force on or before 22 July 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)*

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- (4) Where, on such an application as is mentioned in subsection (1), planning permission is granted by the Secretary of State subject to conditions for regulating the design or external appearance or the size or height of buildings, the Secretary of State may direct that those conditions shall be disregarded, either altogether or to such extent as may be specified in the direction, in assessing the compensation (if any) payable under this section.
- (5) The Secretary of State shall only give a direction under subsection (4) if it appears to him to be reasonable to do so having regard to the local circumstances.
- (6) For the purposes of subsection (1)—
  - (a) paragraph 3 of Schedule 3 shall be construed as not extending to the enlargement of a building which was in existence on 1st July 1948 if—
    - (i) the building contains two or more separate dwellings divided horizontally from each other or from some other part of the building; and
    - (ii) the enlargement would result in either an increase in the number of such dwellings contained in the building or an increase of more than one-tenth in the cubic content of any such dwelling contained in the building;
  - (b) that paragraph shall be construed as not extending to works involving any increase in the cubic content of a building erected after that date (including any building resulting from the carrying out of such works as are described in paragraph 1 of Schedule 3); and
  - (c) paragraph 7 of that Schedule shall not apply to any such building as mentioned in paragraph (b).
- (7) For the purposes of this section the conditions referred to in sections 91 and 92 shall be disregarded.
- (8) No compensation shall be payable under this section in respect of an interest in land in respect of which a purchase notice is served.

**Status:**

Point in time view as at 01/02/1991. This version of this provision has been superseded.

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