



Town and Country Planning Act 1990

1990 CHAPTER 8

PART IV

COMPENSATION FOR EFFECTS OF CERTAIN ORDERS, NOTICES, ETC.

Compensation for other planning decisions

115 Compensation in respect of orders under s. 102, etc.

- (1) This section shall have effect where an order is made under section 102—
 - (a) requiring a use of land to be discontinued,
 - (b) imposing conditions on the continuance of it, or
 - (c) requiring any buildings or works on land to be altered or removed.
- (2) If, on a claim made to the local planning authority within the prescribed time and in the prescribed manner, it is shown that any person has suffered damage in consequence of the order—
 - (a) by depreciation of the value of an interest to which he is entitled in the land or in minerals in, on or under it, or
 - (b) by being disturbed in his enjoyment of the land or of such minerals,that authority shall pay to that person compensation in respect of that damage.
- (3) Without prejudice to subsection (2), any person who carries out any works in compliance with the order shall be entitled, on a claim made as mentioned in that subsection, to recover from the local planning authority compensation in respect of any expenses reasonably incurred by him in that behalf.
- (4) Any compensation payable to a person under this section by virtue of such an order as is mentioned in subsection (1) shall be reduced by the value to him of any timber, apparatus or other materials removed for the purpose of complying with the order.
- (5) Subject to section 116, this section applies where such an order as is mentioned in subsection (6) is made as it applies where an order is made under section 102.

Status: Point in time view as at 25/04/2024.

Changes to legislation: *Town and Country Planning Act 1990, Section 115 is up to date with all changes known to be in force on or before 06 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)*

- (6) The orders referred to in subsection (5) are an order under paragraph 1 of Schedule 9—
- (a) requiring a use of land to be discontinued, or
 - (b) imposing conditions on the continuance of it, or
 - (c) requiring any buildings or works or plant or machinery on land to be altered or removed,
- or an order under paragraph 3, 5 or 6 of that Schedule.

Modifications etc. (not altering text)

C1 S. 115 applied (with modifications) (25.3.1997) by [S.I. 1997/1111](#), **reg. 5(1)(3)**

Status:

Point in time view as at 25/04/2024.

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