



Town and Country Planning Act 1990

1990 CHAPTER 8

PART VI

RIGHTS OF OWNERS ETC. TO REQUIRE PURCHASE OF INTERESTS

CHAPTER II

INTERESTS AFFECTED BY PLANNING PROPOSALS: BLIGHT

Miscellaneous and supplementary provisions

166 Saving for claimant's right to sell whole hereditament, etc.

- (1) The provisions of sections 151(4)(c), 153(6), 154(4) and (5) and 155(3) and (4) relating to hereditaments shall not affect—
 - (a) the right of a claimant under section 92 of the ^{M1}Lands Clauses Consolidation Act 1845 to sell the whole of the hereditament or, in the case of an agricultural unit, the whole of the affected area, which he has required the authority to purchase; or
 - (b) the right of a claimant under section 8 of the ^{M2}Compulsory Purchase Act 1965 to sell (unless the [^{F1}Upper Tribunal] otherwise determines) the whole of the hereditament or, as the case may be, affected area which he has required that authority to purchase.
- (2) In accordance with subsection (1)(b), in determining whether or not to uphold an objection relating to a hereditament on the grounds mentioned in section 151(4)(c), the [^{F1}Upper Tribunal] shall consider (in addition to the other matters which they are required to consider) whether—
 - (a) in the case of a house, building or factory, the part proposed to be acquired can be taken without material detriment to the house, building or factory; or

Status: Point in time view as at 01/06/2009. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning Act 1990, Section 166 is up to date with all changes known to be in force on or before 05 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)

- (b) in the case of a park or garden belonging to a house, the part proposed to be acquired can be taken without seriously affecting the amenity or convenience of the house.

Textual Amendments

- F1** Words in s. 166(1)(b)(2) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 205**
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Marginal Citations

- M1** 1845 c. 18.
M2 1965 c. 56.

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