



Town and Country Planning Act 1990

1990 CHAPTER 8

PART X

HIGHWAYS

Orders made by Secretary of State

250 Compensation for orders under s. 249.

- (1) Any person who, at the time of an order under section 249(2) [^{F1}, (2B)] coming into force, has an interest in land having lawful access to a highway to which the order relates shall be entitled to be compensated by the local planning authority on whose application the order was made in respect of—
 - (a) any depreciation in the value of his interest which is directly attributable to the order; and
 - (b) any other loss or damage which is so attributable.

^{F2}(2)

- (3) A claim for compensation under this section shall be made to the local planning authority on whose application the order was made within the prescribed time and in the prescribed manner.
- (4) For the purpose of assessing any such compensation the rules set out in section 5 of the ^{M1}Land Compensation Act 1961 shall, so far as applicable and subject to any necessary modifications, have effect as they have effect for the purpose of assessing compensation for the compulsory acquisition of an interest in land.
- (5) Where an interest in land is subject to a mortgage—
 - (a) any compensation to which this section applies which is payable in respect of depreciation of the value of that interest shall be assessed as if the interest were not subject to the mortgage;

Status: Point in time view as at 02/08/2016.

Changes to legislation: Town and Country Planning Act 1990, Section 250 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)

- (b) a claim for any such compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest;
 - (c) no compensation to which this section applies shall be payable in respect of the interest of the mortgagee (as distinct from the interest which is subject to the mortgage); and
 - (d) any compensation to which this section applies which is payable in respect of the interest which is subject to the mortgage shall be paid to the mortgagee (or, if there is more than one mortgagee, to the first mortgagee) and shall in either case be applied by him as if it were proceeds of sale.
- (6) Except in so far as may be otherwise provided by any regulations made under this Act, any question of disputed compensation under this section shall be referred to and determined by the [^{F3}Upper Tribunal].
- (7) In relation to the determination of any such question, the provisions of [^{F4}section] 4 of the Land Compensation Act 1961 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.

Textual Amendments

- F1** Words in s. 250(1) inserted (3.7.2000) by 1999 c. 29, s. 270, **Sch. 22 para. 6(2)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch.**
- F2** S. 250(2) repealed (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), ss. 32, 84(6), Sch. 7 para. 39, **Sch. 19 Pt. I** (with s. 84(5)); S.I. 1992/1630, art. 2, Schs. 1, **2** (with art. 3(1))
- F3** Words in s. 250(6) 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. 209(a)**
- F4** Word in s. 250(7) 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. 208(b)**

Modifications etc. (not altering text)

- C1** S. 250: power to modify conferred (10.11.1993) by 1993 c. 28, s. **171(3)(b)**; S.I. 1993/2762, **art. 3**

Marginal Citations

- M1** 1961 c. 33.

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