

Status: Point in time view as at 25/09/1991.

Changes to legislation: Planning (Listed Buildings and Conservation Areas) Act 1990, Cross Heading: Compensation is up to date with all changes known to be in force on or before 27 June 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)



Planning (Listed Buildings and Conservation Areas) Act 1990

1990 CHAPTER 9

PART I **E+W**

LISTED BUILDINGS

CHAPTER III **E+W**

RIGHTS OF OWNERS ETC.

Compensation

^{F1}27 **Compensation for refusal of consent to alteration, etc. of listed building.** **E+W**

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Textual Amendments

F1 S. 27 repealed(*for application for listed building consent made on or after 16.11.1990*) by [Planning and Compensation Act 1991](#) (c. 34, SIF 123:1), ss. 31(3)(8), 84(6), [Sch. 19 Pt.II](#)

Modifications etc. (not altering text)

C1 S. 27 modified by [S.I. 1990/1519](#), [reg. 13\(1\)](#)

28 **Compensation where listed building consent revoked or modified.** **E+W**

(1) This section shall have effect where listed building consent is revoked or modified by an order under section 23 (other than an order which takes effect by virtue of section 25).

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- (2) If on a claim made to the local planning authority within the prescribed time and in the prescribed manner, it is shown that a person interested in the building—
- (a) has incurred expenditure in carrying out works which are rendered abortive by the revocation or modification; or
 - (b) has otherwise sustained loss or damage which is directly attributable to the revocation or modification,
- the authority shall pay that person compensation in respect of that expenditure, loss or damage.
- (3) Subject to subsection (4), no compensation shall be paid under this section in respect of—
- (a) any works carried out before the grant of the listed building consent which is revoked or modified; or
 - (b) any other loss or damage (not being loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done before the grant of that consent.
- (4) For the purposes of this section, expenditure incurred in the preparation of plans for the purposes of any works, or upon other similar matters preparatory to any works, shall be taken to be included in the expenditure incurred in carrying out those works.

Modifications etc. (not altering text)

C2 S. 28 modified by [S.I. 1990/1519, reg. 13\(1\)](#); applied (with modifications) by [S.I. 1990/1519, reg. 12, Sch. 3](#)

29 Compensation for loss or damage caused by service of building preservation notice. E+W

- (1) This section applies where a building preservation notice ceases to have effect without the building having been included in a list compiled or approved by the Secretary of State under section 1.
- (2) Any person who at the time when the notice was served had an interest in the building shall, on making a claim to the authority within the prescribed time and in the prescribed manner, be entitled to be paid compensation by the local planning authority in respect of any loss or damage directly attributable to the effect of the notice.
- (3) The loss or damage in respect of which compensation is payable under subsection (2) shall include a sum payable in respect of any breach of contract caused by the necessity of discontinuing or countermanding any works to the building on account of the building preservation notice being in force with respect to it.

Modifications etc. (not altering text)

C3 S. 29 modified by [S.I. 1990/1519, reg. 13\(1\)](#)

30 Local planning authorities for compensation purposes. E+W

- (1) Subject to subsection (2)—

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- ^{F2}(a)
- (b) claims under section 28 shall be made to and paid by the local planning authority who made the order in question or, where it was made by the Secretary of State under section 26, the local planning authority who are treated as having made it under that section;
- (c) claims under section 29 shall be made to and paid by the local planning authority who served the building preservation notice,
- and references in those sections to a local planning authority shall be construed accordingly.
- (2) The Secretary of State may after consultation with all the authorities concerned direct that where a local planning authority is liable to pay compensation under section ^{F3} . . . 28 or 29 in any particular case or class of case they shall be entitled to be reimbursed the whole of the compensation or such proportion of it as he may direct from one or more authorities specified in the direction.
- (3) This section does not apply in Greater London.

Textual Amendments

- F2** S. 30(1)(a) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(4), 84(6), Schs. 6 para. 42(1), **19** Pt.II; S.I. 1991/2067, **art.3**
- F3** Words in s. 30(2) repealed (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), ss. 31(4), 84(6), Schs. 6 para. 42(2), **19** Pt.II; S.I. 1991/2067, **art.3**

31 General provisions as to compensation for depreciation under this Part. **E+W**

- (1) For the purpose of assessing any compensation to which this section applies, 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.
- (2) This section applies to any compensation which is payable under sections [^{F4}28 and] 29 in respect of depreciation of the value of an interest in land.
- (3) 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;
- (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.

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- (4) Except in so far as may be otherwise provided by any regulations made under this Act, any question of disputed compensation under sections [F⁴28 and] 29 shall be referred to and determined by the Lands Tribunal.
- (5) In relation to the determination of any such question, the provisions of sections 2 and 4 of the M²Land Compensation Act 1961 shall apply subject to any necessary modifications and to the provisions of any regulations made under this Act.

Textual Amendments

- F4** Words in s. 31(2)(4) substituted (25.9.1991) by [Planning and Compensation Act 1991 \(c. 34, SIF 123:1\)](#), s. 31(4), [Sch. 6 para.43](#), S.I. 1991/2067, art.3
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Marginal Citations

- M1** 1961 c.33.
M2 1961 c.33.

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