



# Planning Act 2008

## 2008 CHAPTER 29

### PART 5

#### APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT

### CHAPTER 2

#### PRE-APPLICATION PROCEDURE

#### **44** [F1Categories for purposes of section 42(1)(d)]

- (1) A person is within Category 1 if the applicant, after making diligent inquiry, knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land.
- (2) A person is within Category 2 if the applicant, after making diligent inquiry, knows that the person—
  - (a) is interested in the land, or
  - (b) has power—
    - (i) to sell and convey the land, or
    - (ii) to release the land.
- (3) An expression, other than “the land”, that appears in subsection (2) of this section and also in section 5(1) of the Compulsory Purchase Act 1965 (c. 56) has in subsection (2) the meaning that it has in section 5(1) of that Act.
- (4) A person is within Category 3 if the applicant thinks that, if the order sought by the proposed application were to be made and fully implemented, the person would or might be entitled—
  - (a) as a result of the implementing of the order,
  - (b) as a result of the order having been implemented, or
  - (c) as a result of use of the land once the order has been implemented,to make a relevant claim.

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: Planning Act 2008, Section 44 is up to date with all changes known to be in force on or before 04 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)*

This is subject to subsection (5).

- (5) A person is within Category 3 only if the person is known to the applicant after making diligent inquiry.
- (6) In subsection (4) “relevant claim” means—
- (a) a claim under section 10 of the Compulsory Purchase Act 1965 (c. 56) (compensation where satisfaction not made for the taking, or injurious affection, of land subject to compulsory purchase);
  - (b) a claim under Part 1 of the Land Compensation Act 1973 (c. 26) (compensation for depreciation of land value by physical factors caused by use of public works)<sup>F2</sup>;
  - (c) a claim under section 152(3)].

#### Textual Amendments

- F1** S. 44 heading substituted (1.4.2010) by [Marine and Coastal Access Act 2009 \(c. 23\)](#), **ss. 23(3)(b)**, 324(3); S.I. 2010/298, art. 2, Sch. para. 6
- F2** S. 44(6)(c) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 135(8)**, 240(2) (with s. 144); S.I. 2012/628, art. 7(a)

#### Commencement Information

- I1** S. 44 in force at 1.10.2009 by [S.I. 2009/2260](#), **art. 2(b)**

**Status:**

Point in time view as at 01/04/2012.

**Changes to legislation:**

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