



Town and Country Planning Act 1962

1962 CHAPTER 38 10 and 11 Eliz 2

PART VIII

PROVISIONS ENABLING OWNER TO REQUIRE PURCHASE OF HIS INTEREST

Interests affected by planning decisions or orders

129 Purchase notice on refusal or conditional grant of planning permission

- (1) Where, on an application for planning permission to develop any land, permission is refused or is granted subject to conditions, then if any owner of the land claims—
- (a) that the land has become incapable of reasonably beneficial use in its existing state, and
 - (b) in a case where planning permission was granted subject to conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with those conditions, and
 - (c) in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which planning permission has been granted or for which the local planning authority or the Minister has undertaken to grant planning permission,

he may, within the time and in the manner prescribed by regulations under this Act, serve on the council of the county borough or county district in which the land is situated a notice requiring that council to purchase his interest in the land in accordance with the following provisions of this Part of this Act.

- (2) Where, for the purpose of determining whether the conditions specified in paragraphs (a) to (c) of the preceding subsection are fulfilled in relation to any land, any question arises as to what is or would in any particular circumstances be a reasonably beneficial use of that land, then, in determining that question for that purpose, no account shall be taken of any prospective use of that land which would involve the carrying out of new development.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) A notice under this section, or under any other provision of this Part of this Act to which this subsection is applied, is in this Act referred to as a “purchase notice”.

130 Action by council on whom purchase notice is served

- (1) The council on whom a purchase notice is served under the last preceding section shall, before the end of the period of three months beginning with the date of service of that notice, serve on the owner by whom the purchase notice was served a notice stating either—
- (a) that the council are willing to comply with the purchase notice, or
 - (b) that another local authority or statutory undertakers specified in the notice under this subsection have agreed to comply with it in their place, or
 - (c) that, for reasons specified in the notice under this subsection, the council are not willing to comply with the purchase notice and have not found any other local authority or statutory undertakers who will agree to comply with it in their place, and that they have transmitted a copy of the purchase notice to the Minister, on a date specified in the notice under this subsection, together with a statement of the reasons so specified.
- (2) Where the council on whom a purchase notice is served by an owner have served on him a notice in accordance with paragraph (a) or paragraph (b) of the preceding subsection, the council, or the other local authority or statutory undertakers specified in the notice, as the case may be, shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part V of this Act, and to have served a notice to treat in respect thereof on the date of service of the notice under the preceding subsection.
- (3) Where the council on whom a purchase notice is served by an owner propose to serve on him a notice in accordance with paragraph (c) of subsection (1) of this section, they shall transmit a copy of the purchase notice to the Minister, together with a statement of their reasons.

131 Procedure on reference of purchase notice to Minister

- (1) Where a copy of a purchase notice is transmitted to the Minister under subsection (3) of the last preceding section, the Minister shall consider whether to confirm the notice or to take other action under the next following section in respect thereof.
- (2) Before confirming a purchase notice or taking any other action under the next following section in respect thereof, the Minister shall give notice of his proposed action—
- (a) to the person by whom the purchase notice was served;
 - (b) to the council on whom the purchase notice was served;
 - (c) to the local planning authority for the area in which the land is situated ; and
 - (d) if the Minister proposes to substitute any other local authority or statutory undertakers for the council on whom the purchase notice was served, to that other local authority or those statutory undertakers.
- (3) If, within such period as may be specified in a notice under the last preceding subsection, being a period of not less than twenty-eight days from the service of that notice, any of the persons, authorities or statutory undertakers on whom that notice is served so requires, the Minister, before confirming the purchase notice or taking any

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

other action under the next following section in respect thereof, shall afford to those persons, authorities and undertakers an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

- (4) Where the Minister has given notice under subsection (2) of this section of his proposed action, and any of the persons, authorities and statutory undertakers concerned have appeared before and been heard by a person appointed by the Minister for the purpose, and it then appears to the Minister to be expedient to take action under the next following section otherwise than in accordance with the notice given by him, the Minister may take that action accordingly.

132 Action by Minister in relation to purchase notice

- (1) Subject to the following provisions of this section, if the Minister is satisfied that the conditions specified in paragraphs (a) to (c) of subsection (1) of section one hundred and twenty-nine of this Act are fulfilled in relation to a purchase notice, he shall confirm the notice.
- (2) If it appears to the Minister to be expedient to do so, he may, in lieu of confirming the purchase notice, grant planning permission for the development in respect of which the application was made, or, where planning permission for that development was granted subject to conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of that development.
- (3) If it appears to the Minister that the land, or any part of the land, could be rendered capable of reasonably beneficial use within a reasonable time by the carrying out of any other development for which planning permission ought to be granted, he may, in lieu of confirming the purchase notice, or in lieu of confirming it so far as it relates to that part of the land, as the case may be, direct that planning permission for that development shall be granted in the event of an application being made in that behalf.
- (4) If it appears to the Minister, having regard to the probable ultimate use of the land, that it is expedient to do so, he may, if he confirms the notice, modify it, either in relation to the whole or in relation to any part of the land to which it relates, by substituting another local authority or statutory undertakers for the council on whom the notice was served.
- (5) In the last preceding section, any reference to the taking of action by the Minister under this section is a reference to the taking by him of any such action as is mentioned in subsections (1) to (4) of this section, or to the taking by him of a decision not to confirm the purchase notice on the grounds that any of the conditions referred to in subsection (1) of this section are not fulfilled.

133 Effect of Minister's action in relation to purchase notice

- (1) Where the Minister confirms a purchase notice, the council on whom the purchase notice was served (or, if under subsection (4) of the last preceding section the Minister modified the purchase notice by substituting another local authority or statutory undertakers for that council, that other local authority or those statutory undertakers) shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part V of this Act, and to have served a notice to treat in respect thereof on such date as the Minister may direct.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (2) If, before the end of the relevant period, the Minister has neither confirmed the purchase notice nor taken any such action in respect thereof as is mentioned in subsection (2) or subsection (3) of the last preceding section, and has not notified the owner by whom the notice was served that he does not propose to confirm the notice, the notice shall be deemed to be confirmed at the end of that period, and the council on whom the notice was served shall be deemed to be authorised to acquire the interest of the owner compulsorily in accordance with the provisions of Part V of this Act, and to have served a notice to treat in respect thereof at the end of that period.
- (3) For the purposes of the last preceding subsection the relevant period is whichever of the following periods first expires, that is to say.—
 - (a) the period of nine months beginning with the date of service of the purchase notice, and
 - (b) the period of six months beginning with the date on which a copy of the purchase notice was transmitted to the Minister.
- (4) Where the Minister has notified the owner by whom a purchase notice has been served of a decision on his part to confirm, or not to confirm, the notice (including any decision not to confirm the notice in respect of part of the land to which it relates, and including any decision to grant any permission, or give any direction, in lieu of confirming the notice, either wholly or in part) and that decision of the Minister is quashed under the provisions of Part XI of this Act, the purchase notice shall be treated as cancelled, but the owner may serve a further purchase notice in its place.
- (5) For the purposes of any regulations made under this Act as to the time within which a purchase notice may be served, the service of a purchase notice under the last preceding subsection shall not be treated as out of time if the notice is served within the period which would be applicable in accordance with those regulations if the planning decision, in consequence of which the notice is served, had been made on the date on which the decision of the Minister was quashed as mentioned in the last preceding subsection.

134 Special provisions as to compensation where purchase notice served

- (1) Where by virtue of section one hundred and eighteen of this Act compensation is payable in respect of expenditure incurred in carrying out any work on land, then, if a purchase notice is served in respect of an interest in that land, any compensation payable in respect of the acquisition of that interest in pursuance of the purchase notice shall be reduced by an amount equal to the value of the works in respect of which compensation is payable by virtue of that section.
- (2) Where a purchase notice served in respect of an interest in land does not take effect, or does not take effect in relation to a part of the land, by reason that the Minister gives a direction under subsection (3) of section one hundred and thirty-two of this Act, then if, on a claim made to the local planning authority within the time and in the manner prescribed by regulations under this Act, it is shown that the permitted development value of that interest (or, as the case may be, of that interest so far as it relates to that part of the land) is less than its existing use value, the local planning authority shall pay to the person entitled to that interest compensation of an amount which (subject to the following provisions of this section) shall be equal to the difference.
- (3) If the planning permission which, by the direction referred to in the last preceding subsection, is required to be granted would be granted subject to conditions for

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

regulating the design or external appearance of buildings, or the size or height of buildings, or for regulating the number of buildings to be erected on the land, the Minister, if it appears to him to be reasonable to do so having regard to the local circumstances, may direct that those conditions shall be disregarded, either altogether or to such extent as may be specified in the direction, in assessing any compensation payable under the last preceding subsection.

- (4) Sections one hundred and twenty-seven and one hundred and twenty-eight of this Act shall have effect in relation to compensation under subsection (2) of this section as they have effect in relation to compensation to which those sections apply.
- (5) In this section “permitted development value”, in relation to an interest in land in respect of which a direction is given under subsection (3) of section one hundred and thirty-two of this Act, means the value of that interest calculated with regard to that direction, but on the assumption that no planning permission would be granted otherwise than in accordance with that direction, and “existing use value”, in relation to such an interest, means the value of that interest as (for the purpose of ascertaining the compensation payable on an acquisition thereof in pursuance of the purchase notice) that value would have been assessed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, as modified by the provisions of sections fifty-one to fifty-four of the Act of 1947, if no enactment repealing, modifying or superseding any of those provisions had been passed after the passing of the Act of 1947.

135 Purchase notice in respect of order revoking or modifying planning permission

- (1) Where by an order under section twenty-seven of this Act planning permission in respect of any land is revoked, or is modified by the imposition of conditions, then if any owner of the land claims—
 - (a) that the land has become incapable of reasonably beneficial use in its existing state, and
 - (b) in a case where the planning permission was modified by the imposition of conditions, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with those conditions, and
 - (c) in any case, that the land cannot be rendered capable of reasonably beneficial use by the carrying out of any other development for which planning permission has been granted or for which the local planning authority or the Minister has undertaken to grant planning permission,he may, within the time and in the manner prescribed by regulations under this Act, serve on the council of the county borough or county district in which the land is situated a notice requiring that council to purchase his interest in the land in accordance with the preceding provisions of this Part of this Act.
- (2) Subsection (3) of section one hundred and twenty-nine of this Act shall apply to this section; and, subject to the next following subsection, subsection (2) of that section and sections one hundred and thirty to one hundred and thirty-four of this Act shall apply to a notice served by virtue of subsection (1) of this section as they apply to a notice served by virtue of subsection (1) of section one hundred and twenty-nine of this Act.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) In the application of section one hundred and thirty-two of this Act to a purchase notice served by virtue of subsection (1) of this section, that section shall apply as if the following subsection were substituted for subsection (2) thereof:

“(2) If it appears to the Minister to be expedient to do so, he may, in lieu of confirming the purchase notice, cancel the order revoking the planning permission, or, where the order modified the permission by the imposition of conditions, revoke or amend those conditions so far as appears to him to be required in order to enable the land to be rendered capable of reasonably beneficial use by the carrying out of the development in respect of which the permission was granted”.

136 Purchase notice in respect of order requiring discontinuance of use or alteration or removal of buildings or works

- (1) If any person entitled to an interest in land in respect of which an order is made under section twenty-eight of this Act claims—
- (a) that by reason of the order the land is incapable of reasonably beneficial use in its existing state, and
 - (b) that it cannot be rendered capable of reasonably beneficial use by the carrying out of any development for which planning permission has been granted, whether by that order or otherwise,

he may, within the time and in the manner prescribed by regulations under this Act, serve on the council of the county borough or county district in which the land is situated a notice requiring that council to purchase his interest in the land in accordance with the preceding provisions of this Part of this Act.

- (2) Subsection (3) of section one hundred and twenty-nine of this Act shall apply to this section ; and, subject to the next following subsection, subsection (2) of that section and sections one hundred and thirty to one hundred and thirty-four of this Act shall apply to a notice served by virtue of subsection (1) of this section as they apply to a notice served by virtue of subsection (1) of section one hundred and twenty-nine of this Act

- (3) In the application of section one hundred and thirty-two of this Act to a purchase notice served by virtue of subsection (1) of this section, that section shall have effect subject to the following modifications, that is to say.—

- (a) in subsection (1), for the reference to the conditions therein mentioned, there shall be substituted a reference to the conditions specified in paragraphs (a) and (b) of subsection (1) of this section ; and
- (b) the following subsection shall be substituted for subsection (2):—

“(2) If it appears to the Minister to be expedient to do so, he may, in lieu of confirming the purchase notice, revoke the order under section twenty-eight of this Act, or, as the case may be, amend that order so far as appears to him to be required in order to prevent the land from being rendered incapable of reasonably beneficial use by the order”.

- (4) Where a purchase notice in respect of an interest in land is served in consequence of such an order as is mentioned in subsection (1) of this section, then if—
- (a) that interest is acquired in accordance with the preceding provisions of this Part of this Act, or

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (b) compensation is payable in respect of that interest under subsection (2) of section one hundred and thirty-four of this Act,
no compensation shall be payable in respect of that order under section one hundred and twenty-four of this Act.
- (5) Except as provided by this section, no purchase notice shall be served in respect of an interest in land while the land is incapable of reasonably beneficial use by reason only of such an order as is mentioned in subsection (1) of this section.

137 Purchase notices in other cases

- (1) Sections one hundred and twenty-nine to one hundred and thirty-four of this Act are provisions falling within subsection (2) of section twenty-nine of this Act; and subsection (1) of the said section twenty-nine, and subsection (5) of section thirty and subsection (2) of section thirty-four of this Act, shall have effect accordingly.
- (2) Where, in the case of an application for planning permission, a notice under subsection (1) of section forty of this Act is served in respect of the whole or part of the land to which the application relates, the provisions of sections one hundred and twenty-nine to one hundred and thirty-four of this Act shall have effect as if the application had been an effective application for planning permission, and as if that permission had been refused in respect of that land or that part thereof, as the case may be.