



Town and Country Planning Act 1954

1954 CHAPTER 72

PART IV

COMPENSATION FOR REVOCATION OR MODIFICATION OF PLANNING PERMISSION

38 Amendment of s. 22 of principal Act

- (1) In relation to orders to which this section applies subsection (1) of section twenty-two of the principal Act (which confers a right to compensation in respect of orders revoking or modifying planning permission) shall have effect as if the proviso to that subsection (which, with certain exceptions, precludes compensation in respect of the depreciation in value of an interest in land) were omitted.
- (2) This section applies to any order made after the commencement of this Act under section twenty-one of the principal Act (which empowers local planning authorities to make orders revoking or modifying planning permission previously granted).
- (3) In this Act references to compensation to which this Part of this Act applies are references to compensation payable under subsection (1) of section twenty-two of the principal Act in consequence of an order to which this section applies, and in this Part of this Act the expression " compensation for depreciation " means so much of any compensation to which this Part of this Act applies as is payable in respect of loss or damage consisting of the depreciation in value of an interest in land.
- (4) The provisions of this Part of this Act shall have effect in relation to the provisions of subsection (1) of the said section twenty-two as applied by subsection (3) of that section (which relates to planning decisions following upon the withdrawal of permission granted by a development order) as they have effect in relation to the said subsection (1) apart from the said subsection (3):

Provided that, for the purposes of the application of the provisions of this Part of this Act in accordance with the preceding provisions of this subsection, references to an order under section twenty-one of the principal Act shall be construed as references to the planning decision whereby the permission in question is refused, or is granted subject to such conditions as are mentioned in the said subsection (3).

Status: This is the original version (as it was originally enacted).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

39 Registration and apportionment of compensation for depreciation

- (1) Where compensation to which this Part of this Act applies becomes payable and includes compensation for depreciation of an amount exceeding twenty pounds, the local planning authority shall (if it appears to them to be practicable to do so) apportion the amount of the compensation for depreciation between different parts of the land to which the claim for that compensation relates and give particulars of any such apportionment to the claimant and to every other person (if any) entitled to an interest in land which appears to the authority to be substantially affected by the apportionment.
- (2) In carrying out an apportionment under the preceding subsection, the local planning authority shall divide the land into parts, and shall distribute the compensation for depreciation between those parts, according to the way in which different parts of the land appear to the authority to be differently affected by the order in consequence of which the compensation is payable.
- (3) Subsection (2) of section twenty-seven of this Act, and any regulations made by virtue thereof, shall have effect with respect to any such apportionment, subject to any necessary modifications, as they have effect with respect to an apportionment under subsection (1) of section twenty-eight of this Act; and on a reference to the Lands Tribunal by virtue of this subsection, subsections (1) and (2) of this section, so far as they relate to the making of an apportionment, shall apply with the substitution for references to the local planning authority of references to the Lands Tribunal.
- (4) Where compensation to which this Part of this Act applies becomes payable and includes compensation for depreciation exceeding twenty pounds, the local planning authority shall give notice thereof to the Minister, specifying the amount of the compensation for depreciation and any apportionment thereof under this section, and subsections (4) to (6) of section twenty-eight of this Act shall have effect with respect thereto as they have effect with respect to compensation under Part II of this Act, subject, however, to any necessary modifications, and, in particular, with the substitution—
 - (a) for references to the compensation mentioned in that section of references to the compensation for depreciation specified in the notice ; and
 - (b) for references to the planning decision of references to the order under section twenty-one of the principal Act in consequence of which the compensation is payable.

40 Exchequer contribution towards compensation in certain cases

- (1) Where a notice under the last preceding section is given to the Minister in consequence of the making of an order under section twenty-one of the principal Act, and the circumstances are such that, if the permission revoked or modified by the order had been refused, or, as the case may be, had been granted as so modified, at the time when it was granted, compensation under Part II or Part V of this Act could have been claimed and would have been payable by the Minister, the Minister may, subject to the provisions of this section, pay to the local planning authority a contribution of the amount appearing to him to be the amount of compensation which would have been payable by him as aforesaid under the said Part II or Part V:

Provided that the amount of any such contribution shall not exceed—

- (a) the amount of the compensation for depreciation paid by the local planning authority ; or

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- (b) the unexpended balance of established development value at the date of the making of the order of the land in respect of which that compensation was paid.
- (2) Regulations made under this section shall provide, as respects cases where the Minister proposes to pay a contribution under this section—
- (a) for requiring the Minister to give notice of his proposal to persons entitled to such interests as may be prescribed in the land to which the proposal relates, and to such other persons (if any) as may be determined in accordance with the regulations to be affected by the proposal;
 - (b) for enabling persons to whom notice of the proposal is given to object to the proposal, on the grounds that compensation would not have been payable as mentioned in the preceding subsection, or that the amount of the compensation so payable would have been less than the amount of the proposed contribution;
 - (c) for enabling any person making such an objection to require the matter in dispute to be referred to the Lands Tribunal for determination ; and
 - (d) where a contribution under this section is paid, for applying with any necessary modifications the provisions of Part II of this Act as to the reduction or extinguishment of the unexpended balance of established development value of land as if the contribution had been a payment of compensation under Part II of this Act.

41 Recovery, on subsequent development, of compensation under s. 22 of principal Act

- (1) Subsections (1) to (8) of section twenty-nine of this Act shall have effect in relation to notices registered under the provisions of section twenty-eight of this Act as applied by the preceding provisions of this Part of this Act as they have effect in relation to notices registered under the said section twenty-eight:

Provided that, in a case where the compensation to which this Part of this Act applies specified in such a notice became payable in respect of an order modifying planning permission, the said section twenty-nine shall not apply to development in accordance with that permission as modified by the order.

- (2) Subject to the next following subsection, any sum recovered by the Minister under the said section twenty-nine as applied by the preceding subsection shall be paid to the local planning authority who paid the compensation for depreciation to which that sum relates.
- (3) In paying any such sum to the local planning authority, the Minister shall deduct therefrom—
- (a) the amount of any contribution paid by him under the last preceding section in respect of the compensation to which the sum relates;
 - (b) the amount of any grant paid by him under Part IX of the principal Act in respect of that compensation:

Provided that, if the sum recovered by the Minister is an instalment of the total sum recoverable, or is recovered by reference to development of part of the land in respect of which the compensation was payable, any deduction to be made under paragraph (a) or paragraph (b) of this subsection shall be a deduction of such amount as the Minister may determine to be the proper proportion of the amount referred to in that paragraph.