



# Town and Country Planning Act 1954

## 1954 CHAPTER 72

### PART I

#### SPECIAL PAYMENTS FOR DEPRECIATION OF LAND VALUES

#### 10 Payments in cases analogous to Case B

- (1) The holder of a claim holding shall, subject to the provisions of this Part of this Act, be entitled by virtue of this section to a payment in respect of that holding if the interest in land to which the claim holding related or another interest in which that interest had merged was affected by an act or event such as is mentioned in the next following subsection, and the Central Land Board or, where the Board's findings are referred to the Lands Tribunal under section thirteen of this Act, that Tribunal, having regard to the circumstances in which the act or event occurred, are satisfied that he would have been entitled to a payment under Case B if the interest so affected (in the next following subsection referred to as the "relevant interest") had been compulsorily acquired, or sold, in comparable circumstances.
- (2) The said acts and events are—
  - (a) the grant of a tenancy immediately out of the relevant interest, or the renewal or continuance of a tenancy so granted;
  - (b) a sale of the relevant interest or of that interest in so far as it subsisted in particular land, where the consideration for the sale consisted wholly or partly of a rentcharge;
  - (c) the compulsory acquisition of land other than the land in which the relevant interest subsisted, or the sale of such land to a public authority possessing compulsory purchase powers, resulting (in either case) in damage sustained in respect of the relevant interest by reason of the severance of the land acquired or sold from the land in which the interest subsisted, or by reason that the relevant interest was injuriously affected, being damage in respect of which compensation fell, or if the sale had been a compulsory acquisition would have fallen, to be assessed in accordance with the provisions of Part V of the principal Act (which provides for compensation on the basis of existing use

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*Status: This is the original version (as it was originally enacted).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

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value) as applied by subsection (4) of section one hundred and nineteen of that Act; and

- (d) the occurrence of damage to the land in which the relevant interest subsisted, where the land was requisitioned land and the damage occurred during the period of requisition, being damage in respect of which compensation fell to be assessed in accordance with section two of the Compensation (Defence) Act, 1939, as modified by section ten of the Requisitioned Land and War Works Act, 1948 (which limits the compensation to an amount calculated on the basis of existing use value).

- (3) In determining, for the purposes of subsection (1) of this section, whether the holder of the claim holding would have been entitled to a payment under Case B as mentioned in that subsection, the Central Land Board or, as the case may be, the Lands Tribunal shall have regard in particular to the time at which the act or event occurred, and to the times specified in subsection (3) of section five of this Act, and—

- (a) in the case of a tenancy, to the capital value of the consideration for the grant, renewal or continuance thereof;
- (b) in the case of a sale falling within paragraph (b) of the last preceding subsection, to the capital value of the rentcharge or, as the case may be, to the aggregate consideration represented by the price paid and the capital value of the rentcharge;
- (c) in the case of a compulsory acquisition falling within paragraph (c) of the last preceding subsection or in a case falling within paragraph (d) of that subsection, to the compensation paid or payable in respect of the damage referred to in that paragraph ;
- (d) in the case of a sale falling within paragraph (c) of the last preceding subsection, to the sale price in so far as it represented compensation in respect of the damage referred to in that paragraph,

and (in each such case) to the extent to which the consideration, rentcharge, compensation or price, as the case may be, failed adequately to reflect the development value of the interest in land to which the claim holding related, as measured by the value of the claim holding.

- (4) In the case of the grant, renewal or continuance of a tenancy, a payment shall not be made by virtue of this section if the Central Land Board or, as the case may be, the Lands Tribunal are satisfied, having regard—

- (a) to the duration of the term for which the tenancy was granted, renewed or continued ; and
- (b) to any restrictions on development subject to which the tenancy was granted, renewed or continued,

that the consideration could not reasonably be expected to have been greater if Part VII of the principal Act (which relates to development charges) had not been enacted.

- (5) The principal amount of a payment made by virtue of this section shall be such amount as the Board or, as the case may be, the Tribunal may determine to be appropriate, having regard to the matters specified in subsection (3) of this section and to the provisions of subsection (4) of section five of this Act.