



# Town and Country Planning Act 1959

## 1959 CHAPTER 53

### PART IV

#### OBLIGATION TO PURCHASE INTERESTS OF OWNER-OCCUPIERS AFFECTED BY PLANNING PROPOSALS

#### **39 Notice requiring purchase of owner-occupier's interest**

- (1) The provisions of this Part of this Act shall have effect in relation to land which—
- (a) is land designated by a development plan as subject to compulsory acquisition, or
  - (b) is land allocated by a development plan for the purposes of any functions of a government department, local authority or statutory undertakers, or of the National Coal Board, or is land defined in such a plan as the site of proposed development for the purposes of any such functions, or
  - (c) is land indicated in a development plan (otherwise than by being allocated or defined as mentioned in the last preceding paragraph) as land on which a highway is proposed to be constructed or land to be included in a highway as proposed to be improved or altered, or
  - (d) is land authorised by a special enactment to be compulsorily acquired, or land falling within the limits of deviation within which powers of compulsory acquisition conferred by a special enactment are exercisable, or
  - (e) is land on or adjacent to the line of a highway proposed to be constructed, improved or altered, as indicated in an order or scheme which has come into operation under the provisions of Part II of the Highways Act, 1959, relating to trunk roads or special roads, being land in relation to which a power of compulsory acquisition conferred by any of the provisions of Part X of that Act may become exercisable, as being land required for purposes of construction, improvement or alteration as indicated in the order or scheme, or
  - (f) is land shown on plans approved by a resolution of a local highway authority as land comprised in the site of a highway as proposed to be constructed, improved or altered by that authority.

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- (2) Where the whole or part of a hereditament or agricultural unit is comprised in land of any of the specified descriptions, and a person claims that—
- (a) he is entitled to an interest in that hereditament or unit, and
  - (b) the interest is one which qualifies for protection under this Part of this Act, and
  - (c) since the relevant date he has made reasonable endeavours to sell that interest, and
  - (d) he has been unable to sell it except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were comprised in land of any of the specified descriptions,

he may serve on the appropriate authority a notice in the prescribed form requiring that authority to purchase that interest to the extent specified in, and otherwise in accordance with, the following provisions of this Part of this Act.

- (3) The last preceding subsection shall apply in relation to an interest in part of a hereditament or agricultural unit as it applies in relation to an interest in the entirety of a hereditament or agricultural unit:

Provided that this subsection shall not enable any person—

- (a) if he is entitled to an interest in the entirety of a hereditament or agricultural unit, to make any claim or serve any notice under the last preceding subsection in respect of his interest in part of the hereditament or unit, or
  - (b) if he is entitled to an interest only in part of a hereditament or agricultural unit, to make or serve any such claim or notice in respect of his interest in less than the entirety of that part.
- (4) An interest in the whole or part of a hereditament shall be taken to be an interest qualifying for protection under this Part of this Act if, on the date of service of a notice under this section in respect thereof, either—
- (a) the annual value of the hereditament does not exceed the prescribed limit, and the interest in question is the interest of an owner-occupier of the hereditament, or
  - (b) in a case not falling within the preceding paragraph, the interest in question is the interest of a resident owner-occupier of the hereditament.
- (5) An interest in the whole or part of an agricultural unit shall be taken to be an interest qualifying for protection under this Part of this Act if, on the date of service of a notice under this section in respect thereof, it is the interest of an owner-occupier of the unit.
- (6) In the following provisions of this Part of this Act "the claimant", in relation to a notice served under this section, means the person who served that notice, and any reference to the interest of the claimant, in relation to such a notice, is a reference to the interest which the notice requires the appropriate authority to purchase as mentioned in subsection (2) of this section.
- (7) In the application of this section to Scotland—
- (a) for any reference to the provisions of Part II of the Highways Act, 1959, relating to trunk roads or special roads, there shall be substituted a reference to the provisions of the Trunk Roads Act, 1946, or the Special Roads Act, 1949;
  - (b) for any reference to any of the provisions of Part X of the said Act of 1959, there shall be substituted a reference to section thirteen of the Restriction of Ribbon Development Act, 1935, as read with any of the following enactments,

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that is to say section four of the Trunk Roads Act, 1936, section five of the Trunk Roads Act, 1946, and sections nine, ten and fourteen of the Special Roads Act, 1949; and

- (c) for any reference to a highway there shall be substituted a reference to a road.