

2013 No. 1102

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning (Compensation) (England)
Regulations 2013**

<i>Made</i> - - - -	<i>7th May 2013</i>
<i>Laid before Parliament</i>	<i>9th May 2013</i>
<i>Coming into force</i> - -	<i>30th May 2013</i>

The Secretary of State, in exercise of the powers conferred by section 108(2A), (3C), (3D), (3E), (5) and (6) of the Town and Country Planning Act 1990(a), makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Compensation) (England) Regulations 2013 and shall come into force on 30th May 2013.

(2) These Regulations apply in relation to England only.

(3) In these Regulations—

“the Act” means the Town and Country Planning Act 1990;

“the DMPO” means Town and Country Planning (Development Management Procedure) (England) Order 2010(b);

“the GPDO” means the Town and Country Planning (General Permitted Development) Order 1995(c).

Prescribed development

2. For the purposes of section 108(2A)(a) and (3C)(a) of the Act (compensation where planning permission granted by development order is withdrawn), development permitted by the following provisions in Schedule 2 to the GPDO is prescribed—

(a) Part 1 (development within the curtilage of a dwellinghouse);

(b) Classes D and E of Part 2 (minor operations relating to electric vehicle charging points);

(a) 1990 c. 8; section 108 was amended by section 13 of the Planning and Compensation Act 1991 (c. 34) and section 40 of the Planning and Compulsory Purchase Act 2004 (c. 5) and sections 108(2A), (3C), (3D), (5) and (6) were inserted by section 189 of the Planning Act 2008 (c. 29). Section 108(3E) was inserted by the Localism Act 2011 (c. 20). These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672; see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c. 8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers.

(b) S.I. 2010/2184; relevant amendments were made by S.I. 2011/1824 and S.I. 2012/636.

(c) S.I. 1995/418; relevant amendments were made by S.I. 2008/2362, 2010/654, 2010/2134, 2011/2056, 2012/748 and 2013/1101.

- (c) Classes I, J, K, L and M of Part 3 (changes of use);
- (d) Classes C and D of Part 4 (temporary uses);
- (e) Class A of Part 8 (erection, extension or alteration of an industrial building or a warehouse);
- (f) Class A of Part 24 (development by electronic communications code operators) to the extent that paragraph A.2(4A) of Class A disapplies certain conditions in paragraph A.3 of Class A;
- (g) Part 32 (schools, colleges, universities and hospitals);
- (h) Part 40 (installation of domestic microgeneration equipment);
- (i) Part 41 (office buildings);
- (j) Part 42 (shops or catering, financial or professional services establishments); and
- (k) Part 43 (installation of non-domestic microgeneration equipment).

Prescribed manner for withdrawing planning permission in a development order

3. For the purposes of section 108(3C)(b) of the Act the prescribed manner for withdrawing planning permission is—

- (a) by direction in accordance with articles 4, 5 and (as appropriate) 6 of the GPDO; or
- (b) by providing in a development order that planning permission—
 - (i) is for a limited period; or
 - (ii) is withdrawn after a date specified in the development order.

Notice of withdrawal – prescribed manner of publication and period for development orders

4.—(1) For the purposes of section 108(3C)(c) of the Act the following matters are prescribed.

(2) The prescribed manner in which notice of withdrawal is to be published is—

- (a) in the manner described in paragraphs (1) to (5) of article 5 of the GPDO; or
- (b) by providing in a development order that planning permission—
 - (i) is for a limited period; or
 - (ii) is withdrawn after a date specified in the development order.

(3) The prescribed period is—

- (a) 2 years; or
- (b) where notice of withdrawal is published in accordance with paragraph (2)(b), 5 years.

Notice of withdrawal – prescribed manner of publication and period for local development orders

5.—(1) For the purposes of section 108(3D)(c) of the Act the following matters are prescribed.

(2) The prescribed manner for publication of notice of the revocation, amendment or directions is—

- (a) in the manner described in paragraphs (7) and (8) of article 34 of the DMPO; or
- (b) where a local development order grants planning permission for a limited period, or provides that planning permission is withdrawn after a date specified in the local development order, by placing a copy of that local development order in the appropriate section of the Register kept by the local planning authority in accordance with articles 36 and 37 the DMPO.

(3) The prescribed period is—

- (a) 2 years; or

- (b) where notice of revocation or amendment is published in accordance with paragraph (2)(b), 5 years.

Notice of withdrawal – prescribed manner of publication and period for neighbourhood development orders

- 6.—(1) For the purposes of section 108(3E)(b) of the Act the following matters are prescribed.
- (2) The prescribed manner for publication of notice of the revocation is—
- (a) in the manner described in regulation 23(1)(a)(i) to (iii) of the Neighbourhood Planning (General) Regulations 2012(a); or
 - (b) where a neighbourhood development order grants planning permission for a limited period, or provides that planning permission is withdrawn after a date specified in the neighbourhood development order, by placing a copy of that neighbourhood development order in the appropriate section of the Register kept by the local planning authority in accordance with articles 36 and 37A the DMPO.
- (3) The prescribed period is—
- (a) 2 years; or
 - (b) where notice of revocation is published in accordance with paragraph (2)(b), 5 years.

Transitional provision

7. These Regulations shall not apply in relation to any withdrawal of planning permission for development of a description prescribed in regulation 2(h) where, before 1st December 2011, notice of the direction withdrawing that permission has been given in accordance with article 5(1) of the GPDO.

Revocation

8. The Town and Country Planning (Compensation) (England) Regulations 2012(b) are revoked.

Signed by the authority of the Secretary of State for Communities and Local Government

7th May 2013

Nick Boles
Parliamentary Under Secretary of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend and consolidate the Town and Country Planning (Compensation) (England) Regulations 2012 (S.I. 2012/749), which are revoked by regulation 8.

These Regulations are made under section 108 of the Town and Country Planning Act 1990, which provides for the payment of compensation to land owners in certain cases where planning permission for development granted by a development order, local development order or neighbourhood development order is withdrawn and where on an application for planning permission for that development, the application is refused or permission is granted subject to conditions.

Section 108(2A) and (3B) to (3E) enable the circumstances in which compensation is payable to be limited. These Regulations prescribe certain types of development permitted by development

(a) S.I. 2012/637
(b) S.I. 2012/749

order for the purposes of section 108(2A) and (3C) (regulation 2), prescribe the manner in which planning permission granted by development order is to be withdrawn (regulation 3) and prescribe the manner of publication of notice of withdrawal, and the maximum period of such notice in respect of permissions granted by a development order (regulation 4), a local development order (regulation 5) and a neighbourhood development order (regulation 6). The prescribed matters include provisions relating to development orders, local development orders and neighbourhood development orders which grant planning permission for a time-limited period. Regulation 7 makes transitional provision.

The effect of these Regulations is that when the permitted development rights identified in regulation 2 are withdrawn, compensation is only payable in respect of planning applications made within 12 months beginning on the date the directions took effect. The matters prescribed in regulations 3 and 4 provide a mechanism for the permitted development rights identified in regulation 2 to be withdrawn without compensation being payable, provided the prescribed procedures are followed as to the manner of withdrawal, the manner of publishing the withdrawal and the maximum period of notice that may be given in respect of withdrawal. Regulation 5 makes similar provision regarding withdrawal of permitted development rights granted by a local development order, and regulation 6 makes similar provision in respect of neighbourhood development orders.

These Regulations make provision consequential on the creation of a number of new time-limited permitted development rights in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, which amends the Town and Country Planning (General Permitted Development) Order 1995.

An impact assessment has been prepared in relation to that instrument. It has been placed in the library of each House of Parliament and copies may be obtained from the Planning Directorate, the Department for Communities and Local Government, Eland House, Bressenden Place, London, SW1E 5DU or at <https://www.gov.uk/government/organisations/department-for-communities-and-local-government>.

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