

2015 No. 598

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning (Compensation) (England)
Regulations 2015**

<i>Made</i> - - - -	<i>18th March 2015</i>
<i>Laid before Parliament</i>	<i>24th March 2015</i>
<i>Coming into force</i> - -	<i>15th April 2015</i>

The Secretary of State, in exercise of the powers conferred by sections 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 2015 and shall come into force on 15th April 2015.

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

(3) In these Regulations—

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

“the Permitted Development Order” means the Town and Country Planning (General Permitted Development) (England) Order 2015(b); and

“the Procedure Order” means Town and Country Planning (Development Management Procedure) (England) Order 2015(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of section 108(2A)(a) and (3C)(a) of the Act (compensation where planning permission granted by development order is withdrawn), development permitted by the following provisions in Schedule 2 to the Permitted Development Order is prescribed—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);
- (c) Classes C, D, J, L, M, N, O, P, Q, R, S, T and U of Part 3 (certain changes of use);
- (d) Classes C, D and E of Part 4 (temporary uses);
- (e) Classes A to H, L, M and N of Part 7 (non-domestic extensions, alterations etc);

(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 section 121 of, and Schedule 12 to, the Localism Act 2011 (c. 20).

(b) S.I. 2015/596.

(c) S.I. 2015/595.

- (f) Part 14 (installation of renewable energy equipment); and
- (g) Class A of Part 16 (development by electronic communications code operators) to the extent that paragraph A.2(5) of Class A disapplies certain conditions in paragraph A.3 of Class A.

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 article 4 of the Permitted Development Order; 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(1) to (5) of Schedule 3 to the Permitted Development Order; 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 38 of the Procedure Order; 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 40 and 41 of the Procedure Order.

(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 40 and 42 of the Procedure Order(b).
- (3) The prescribed period is—
- (a) 2 years; or
 - (b) where notice of revocation is published in accordance with paragraph (2)(b), 5 years.

Revocations

7. The following instruments are revoked—

- (a) the Town and Country Planning (Compensation) (England) Regulations 2013(c); and
- (b) the Town and Country Planning (Compensation) (England) (Amendment) Regulations 2014(d).

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

Brandon Lewis
Minister of State

18th March 2015

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 2013 (S.I. 2013/1102) and revoke those Regulations and the Town and Country Planning (Compensation) (England) (Amendment) Regulations 2014 (S.I. 2014/565).

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 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.

(a) S.I. 2012/637.

(b) S.I. 2010/2184. Article 37A was inserted by article 4 of S.I. 2012/636.

(c) S.I. 2013/1102.

(d) S.I. 2014/565.

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 permitted development rights in the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596), which amended and consolidated the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) as respects England. These Regulations add new classes of development to the list of permitted development rights for which compensation on withdrawal of the right is limited. The new rights: Classes C, D, J, N and P of Part 3, Class E of Part 4, Classes C, D and L of Part 7 of Schedule 2 to the 2015 Order – permit various changes of use, temporary uses and operational development and have been included in Schedule 2 to the 2015 Order with effect from 15th April 2015.

An impact assessment has been prepared in relation to the Regulations and is published with the Explanatory Memorandum alongside this instrument at www.legislation.gov.uk or a copy may be inspected at the Planning Directorate, the Department for Communities and Local Government, Fry Building, 2 Marsham Street, London SW1P 4DF.

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