

2012 No. 749

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning (Compensation) (England)
Regulations 2012**

Made - - - - - *5th March 2012*

Laid before Parliament *13th March 2012*

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by section 108(2A), (3C), (3D), (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 2012 and shall come into force on 6th April 2012.

(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 the 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); and

“Schedule 2” means Schedule 2 to the GPDO.

Prescribed development

2. For the purposes of paragraphs (2A)(a) and (3C)(a) of section 108 of the Act (compensation where development order or local development order withdrawn), development of the following description is prescribed—

(a) development permitted by Part 1 of Schedule 2 (development within the curtilage of a dwelling house);

(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) 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.

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

- (b) development permitted by Class D and Class E of Part 2 of Schedule 2 (minor operations relating to electric vehicle charging points);
- (c) development permitted by Class I of Part 3 of Schedule 2 (changes of use relating to dwelling houses and houses in multiple occupation);
- (d) development permitted by Class A of Part 8 of Schedule 2 (erection, extension or alteration of an industrial building or a warehouse);
- (e) development permitted by Part 32 of Schedule 2 (schools, colleges, universities and hospitals);
- (f) development permitted by Part 40 of Schedule 2 (installation of domestic microgeneration equipment);
- (g) development permitted by Part 41 of Schedule 2 (office buildings);
- (h) development permitted by Part 42 of Schedule 2 (shops or catering, financial or professional services establishments); and
- (i) development permitted by Part 43 of Schedule 2 (installation of non-domestic microgeneration equipment).

Prescribed manner in which planning permission to be withdrawn

3. For the purposes of section 108(3C)(b) of the Act, the prescribed manner for withdrawing planning permission is by direction in accordance with articles 4, 5 and (as appropriate) 6 of the GPDO.

Notice of withdrawal – prescribed manner and period

4. For the purposes of section 108(3C)(c) of the Act—
- (a) the prescribed manner in which notice of the withdrawal is to be published is in the manner described in paragraphs (1) to (5) of article 5 of the GPDO; and
 - (b) the prescribed period is 24 months.

Notice of withdrawal, revocation, amendment or directions – prescribed manner and period

5. For the purposes of section 108(3D)(c) of the Act—
- (a) the prescribed manner for publication of notice of the revocation, amendment or directions is in the manner described in paragraphs (7) and (8) of article 34 of the DMPO; and
 - (b) the prescribed period is 24 months.

Transitional provision

6. These Regulations shall not apply in relation to any withdrawal of planning permission for development of a description prescribed in regulation 2(f), where, before 1st December 2011, either—

- (a) notice of the direction withdrawing that permission has been given in accordance with article 5(1) of the GPDO, or
- (b) the direction is one to which article 6 of the GPDO (directions with immediate effect) applies and the direction has come into force.

Revocation

7. The Town and Country Planning (Compensation) (England) Regulations 2011(a) are revoked.

(a) S.I. 2011/2058.

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

Greg Clark

Minister of State

5th March 2012

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 108 of the Town and Country Planning Act 1990 provides for the payment of compensation in certain cases where planning permission for development granted by a development order or a local 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 (3A) to (3D) (inserted by section 189 of the Planning Act 2008) limits the circumstances in which compensation is payable. These Regulations prescribe types of development for the purposes of section 108(2A) and (3C) (regulation 2), prescribe the manner in which planning permission is to be withdrawn (regulation 3) and prescribe the manner, and maximum period, in which notice of withdrawal, revocation, amendment or directions is to be given (regulations 4 and 5). The prescribed development now includes the installation of non-domestic microgeneration equipment. Regulation 6 makes transitional provision.

These Regulations replace the Town and Country Planning (Compensation) (England) Regulations 2011 (S.I. 2011/2058) which are revoked by regulation 7.

An impact assessment has been prepared in relation to these Regulations. 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 <http://www.communities.gov.uk>.

© Crown copyright 2012

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.00

E2907 03/2012 122907T 19585

ISBN 978-0-11-152186-1



9 780111 521861