



Town and Country Planning Act 1990

1990 CHAPTER 8

PART IV

COMPENSATION FOR EFFECTS OF CERTAIN ORDERS, NOTICES, ETC.

Compensation for revocation of planning permission, etc.

^{F2}108 Compensation for refusal or conditional grant of planning permission [^{F1}etc] formerly granted by development order [^{F2}, local development order or neighbourhood development order].

(1) Where—

- (a) planning permission granted by a development order [^{F3}, a local development order or a neighbourhood development order] is withdrawn (whether by the revocation or amendment of the order or by the issue of directions under powers conferred by the order); and
- (b) on an application made under [^{F4}Part III [^{F5}or section 293A]] [^{F4}Parts 3 or 13] planning permission for development formerly permitted by that order is refused or is granted subject to conditions other than those imposed by that order,

section 107 shall apply as if the planning permission granted by the development order [^{F6}, the local development order or the neighbourhood development order]—

- (i) had been granted by the local planning authority under Part III [^{F7}^{F8}or section 293A]] [^{F8}or by the Secretary of State or Welsh Ministers under Part 13]]; and
- (ii) had been revoked or modified by an order under section 97.

- (2) Where planning permission granted by a development order [^{F9}, a local development order or a neighbourhood development order] is withdrawn by revocation or amendment of the order, this section applies only if the application referred to in subsection (1)(b) is made before the end of the period of 12 months beginning with the date on which the revocation or amendment came into operation.

Status: Point in time view as at 01/05/2025.

Changes to legislation: Town and Country Planning Act 1990, Section 108 is up to date with all changes known to be in force on or before 27 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F10}(2A) Where—

- (a) planning permission granted by a development order for development [^{F11}in England] of a prescribed description is withdrawn by the issue of directions under powers conferred by the order, or
- (b) planning permission granted by a local development order for development [^{F12}in England] is withdrawn by the issue of directions under powers conferred by the order,

this section applies only if the application referred to in subsection (1)(b) is made before the end of the period of 12 months beginning with the date on which the directions took effect.]

[^{F13}(2B) Where—

- (a) permission in principle granted by a development order is withdrawn by the revocation or amendment of the order, and
- (b) on an application made under [^{F14}Part 3 or section 293A][^{F14}Parts 3 or 13] before the end of the period of 12 months beginning with the date on which the revocation or amendment came into operation, permission in principle is refused for development of a description that is the same as, or falls within, that to which the withdrawn permission in principle related,

section 107 shall apply as if the permission in principle granted by the development order had been granted by the local planning authority under Part 3 [^{F15}or section 293A][^{F15}or by the Secretary of State or Welsh Ministers under Part 13], and had been revoked or modified by an order under section 97.]

- (3) This section shall not apply in relation to planning permission[^{F16}, or permission in principle,] for the development of operational land of statutory undertakers.

[^{F17}(3B) This section does not apply if—

- (a) in the case of planning permission [^{F18}or permission in principle] granted by a development order, the condition in subsection (3C) is met;
- (b) in the case of planning permission granted by a local development order, the condition in subsection (3D) is met.
- [^{F19}(c) in the case of planning permission granted by a neighbourhood development order, the condition in subsection (3E) is met.]

(3C) The condition referred to in subsection (3B)(a) is that—

- (a) the planning permission [^{F20}or permission in principle] is granted for development [^{F21}in England] of a prescribed description,
- (b) the [^{F22}permission] is withdrawn in the prescribed manner,
- (c) notice of the withdrawal was published in the prescribed manner not less than 12 months or more than the prescribed period before the withdrawal took effect, and
- (d) [^{F23}where the development order granted planning permission,] either—
 - (i) the development authorised by the development order had not started before the notice was published, or
 - (ii) the development order includes provision in pursuance of section 61D permitting the development to be completed after the permission is withdrawn.

(3D) The condition referred to in subsection (3B)(b) is that—

- (a) [^{F24}the planning permission is granted for development in England,]

Status: Point in time view as at 01/05/2025.

Changes to legislation: Town and Country Planning Act 1990, Section 108 is up to date with all changes known to be in force on or before 27 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) the planning permission is withdrawn by the revocation or amendment of the local development order, or by the issue of directions under powers conferred by the local development order,
- (c) notice of the revocation, amendment or directions was published in the prescribed manner not less than 12 months or more than the prescribed period before the revocation, amendment or directions (as the case may be) took effect, and
- (d) either—
 - (i) the development authorised by the local development order had not started before the notice was published, or
 - (ii) the local development order includes provision in pursuance of section 61D permitting the development to be completed after the permission is withdrawn.]

[^{F25}(3E) The condition referred to in subsection (3B)(c) is that—

- (a) the planning permission is withdrawn by the revocation of the neighbourhood development order,
- (b) notice of the revocation was published in the prescribed manner not less than 12 months or more than the prescribed period before the revocation took effect, and
- (c) either—
 - (i) the development authorised by the neighbourhood development order had not begun before the notice was published, or
 - (ii) section 61L(7) applies in relation to the development.]

[^{F26}(3F) This section does not apply to the extent that the development referred to in subsection (1)(b) would, while permitted by a development order, have required conservation area consent under the Planning (Listed Buildings and Conservation Areas) Act 1990.]

[^{F27}(4) Regulations made by virtue of this subsection may provide that subsection (1) shall not apply where planning permission granted by a development order [^{F28}or a local development order] for demolition of buildings or any description of buildings is withdrawn by the issue of directions under powers conferred by the order.]

[^{F29}(5) Regulations under this section prescribing a description of development may (in particular) do so by reference to one or more classes or descriptions of development specified in a development order.

(6) In this section “prescribed” means prescribed by regulations made by the Secretary of State [^{F30}in relation to England and the Welsh Ministers in relation to Wales.]]

Textual Amendments

- F1** Word in s. 108 heading inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), [Sch. 12 para. 29\(2\)](#); [S.I. 2016/733](#), reg. 3(d)
- F2** Words in s. 108 title substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), [Sch. 12 para. 15\(6\)](#); [S.I. 2012/57](#), art. 4(1)(h) (with arts. 6, 7, 9-11); [S.I. 2012/628](#), art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by [S.I. 2012/2029](#), arts. 2, 4); [S.I. 2012/2029](#), arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by [S.I. 2013/797](#), art. 4); [S.I. 2013/797](#), arts. 1(2), 2

Status: Point in time view as at 01/05/2025.

Changes to legislation: Town and Country Planning Act 1990, Section 108 is up to date with all changes known to be in force on or before 27 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F3** Words in s. 108(1)(a) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), **Sch. 12 para. 15(2)(a)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2
- F4** Words in s. 108(1)(b) substituted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(3), **Sch. 10 para. 3(a)(i)** (with s. 247); S.I. 2025/430, reg. 2(b)
- F5** Words in s. 108(1)(b) inserted (7.6.2006) by [The Planning and Compulsory Purchase Act 2004 \(Commencement No. 9 and Consequential Provisions\) Order 2006 \(S.I. 2006/1281\)](#), **art. 5(a)(i)**
- F6** Words in s. 108(1) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), **Sch. 12 para. 15(2)(b)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2
- F7** Words in s. 108(1)(b)(i) inserted (7.6.2006) by [The Planning and Compulsory Purchase Act 2004 \(Commencement No. 9 and Consequential Provisions\) Order 2006 \(S.I. 2006/1281\)](#), **art. 5(a)(ii)**
- F8** Words in s. 108(1)(i) substituted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(3), **Sch. 10 para. 3(a)(ii)** (with s. 247); S.I. 2025/430, reg. 2(b)
- F9** Words in s. 108(2) substituted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), **Sch. 12 para. 15(3)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2
- F10** S. 108(2A) inserted (6.4.2010) by [Planning Act 2008 \(c. 29\)](#), **ss. 189(2)**, 241 (with s. 226); S.I. 2010/566, **art. 3(a)** (with art. 4)
- F11** Words in s. 108(2A)(a) omitted (W.) (31.1.2012) by virtue of [The Planning Permission \(Withdrawal of Development Order or Local Development Order\) \(Compensation\) \(Wales\) Order 2012 \(S.I. 2012/210\)](#), arts. 1(2), **2(a)**
- F12** Words in s. 108(2A)(b) omitted (W.) (31.1.2012) by virtue of [The Planning Permission \(Withdrawal of Development Order or Local Development Order\) \(Compensation\) \(Wales\) Order 2012 \(S.I. 2012/210\)](#), arts. 1(2), **2(b)**
- F13** S. 108(2B) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 12 para. 29(3)**; S.I. 2016/733, reg. 3(d)
- F14** Words in s. 108(2B)(b) substituted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(3), **Sch. 10 para. 3(b)(i)** (with s. 247); S.I. 2025/430, reg. 2(b)
- F15** Words in s. 108(2B) substituted (26.12.2023 for specified purposes, 1.5.2025 for specified purposes) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(3), **Sch. 10 para. 3(b)(ii)** (with s. 247); S.I. 2025/430, reg. 2(b)
- F16** Words in s. 108(3) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 12 para. 29(4)**; S.I. 2016/733, reg. 3(d)
- F17** S. 108(3B)-(3D) inserted (6.4.2010) by [Planning Act 2008 \(c. 29\)](#), **ss. 189(3)**, 241 (with s. 226); S.I. 2010/566, **art. 3(a)** (with art. 4)
- F18** Words in s. 108(3B)(a) inserted (13.7.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), s. 216(3), **Sch. 12 para. 29(5)**; S.I. 2016/733, reg. 3(d)
- F19** S. 108(3B)(c) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(j), **Sch. 12 para. 15(4)**; S.I. 2012/57, art. 4(1)(h) (with

Status: Point in time view as at 01/05/2025.

Changes to legislation: Town and Country Planning Act 1990, Section 108 is up to date with all changes known to be in force on or before 27 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2
- F20** Words in s. 108(3C)(a) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 29(5)**; S.I. 2016/733, reg. 3(d)
- F21** Words in s. 108(3C)(a) omitted (W.) (31.1.2012) by virtue of The Planning Permission (Withdrawal of Development Order or Local Development Order) (Compensation) (Wales) Order 2012 (S.I. 2012/210), arts. 1(2), **2(c)**
- F22** Word in s. 108(3C)(b) substituted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 29(6)**; S.I. 2016/733, reg. 3(d)
- F23** Words in s. 108(3C)(d) inserted (13.7.2016) by Housing and Planning Act 2016 (c. 22), s. 216(3), **Sch. 12 para. 29(7)**; S.I. 2016/733, reg. 3(d)
- F24** S. 108(3D)(a) omitted (W.) (31.1.2012) by virtue of The Planning Permission (Withdrawal of Development Order or Local Development Order) (Compensation) (Wales) Order 2012 (S.I. 2012/210), arts. 1(2), **2(d)**
- F25** S. 108(3E) inserted (15.11.2011 for specified purposes, 15.1.2012 for specified purposes, 6.4.2012 for specified purposes, 3.8.2012 for specified purposes, 6.4.2013 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(5)(j), **Sch. 12 para. 15(5)**; S.I. 2012/57, art. 4(1)(h) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 8(a) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4); S.I. 2012/2029, arts. 2, 3(a) (with art. 5) (as amended (6.4.2013) by S.I. 2013/797, art. 4); S.I. 2013/797, arts. 1(2), 2
- F26** S. 108(3F) inserted (1.10.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 17 para. 3**; S.I. 2013/2227, art. 2(m)
- F27** S. 108(4) inserted (27.7.1992) by Planning and Compensation Act 1991 (c. 34, SIF 123:1), **s. 13(3)** (with s. 84(5)); S.I. 1992/1279, **art. 2** (with art. 3)
- F28** Words in s. 108 inserted (6.8.2004 for specified purposes, 10.5.2006 for E. so far as not already in force, 30.4.2012 for W. so far as not already in force) by Planning and Compulsory Purchase Act 2004 (c. 5), **s. 40(2)(h)** (with s. 111); S.I. 2004/2097, art. 2; S.I. 2006/1061, art. 2(a); S.I. 2012/1100, art. 2
- F29** S. 108(5)(6) inserted (6.4.2010) by Planning Act 2008 (c. 29), **ss. 189(4)**, 241 (with s. 226); S.I. 2010/566, **art. 3(a)** (with art. 4)
- F30** Words in s. 108(6) inserted (W.) (31.1.2012) by The Planning Permission (Withdrawal of Development Order or Local Development Order) (Compensation) (Wales) Order 2012 (S.I. 2012/210), arts. 1(2), **2(e)**

Modifications etc. (not altering text)

- C1** S. 108 applied (29.7.2021) by Space Industry Act 2018 (c. 5), **ss. 47(3)(a)**, 70(1); S.I. 2021/817, reg. 2, **Sch. para. 84** (with reg. 3)
- C2** S. 108(3F) transitional provisions for effects of 2003 c. 24, s. 63, Sch. 17 paras. 1-6 (2.10.2013) by The Town and Country Planning (Isles of Scilly) Order 2013 (S.I. 2013/2148), arts. 1(1), **5(4)(b)**

Status:

Point in time view as at 01/05/2025.

Changes to legislation:

Town and Country Planning Act 1990, Section 108 is up to date with all changes known to be in force on or before 27 May 2025. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.