

LANDS TRIBUNAL FOR NORTHERN IRELAND
IN THE MATTER OF A REFERENCE UNDER PART 1 OF THE LAND DEVELOPMENT
VALUES (COMPENSATION) ACT (NORTHERN IRELAND) 1965

LDV/1/1981

BETWEEN

ORCHARD CARAVANS LTD – CLAIMANT

AND

DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND – RESPONDENT

Lands Tribunal for Northern Ireland – Mr A L Jacobson FRICS

Belfast – 28th October 1983

After the decision on 18th July 1983 had been read the parties requested a further hearing so that the matter of interest for the period between the date of the Revocation Order (28th May 1976) and the date of the Lands Tribunal decision (18th July 1983) could be canvassed. This took place on 28th October 1983.

It was agreed that the long period of time (over seven years) was not caused by one party alone but each had contributed to a greater or lesser degree. Counsel could not refer to any statutory right to interest on compensation for a revocation of planning permission although there were specific statutory rights to interest on compensation for compulsory purchase and blight notice purchase. The Tribunal was referred to Hobbs (Quarries) Ltd v Somerset County Council 30 P&CR 286. This was a case regarding a revocation of planning permission for the winning and working of limestone in the Mendip Hills in England. Sir Douglas Frank QC at p292 deals specifically with payment of interest from date of revocation. The statutory right to compensation in that case was provided in Section 118(1) of the Town and Country Planning Act 1962 in terms which did not significantly differ from the wording of the Land Development Values (Compensation) Act (Northern Ireland) 1965 Section 26(1). Sir Douglas Frank QC (at p293) said:- “In our view we have to assess the amount necessary fully to compensate the Claimants as at the date of the revocation and discontinuance orders, and having done that we are functus officio. It follows from those considerations that we are entitled neither to compensate for a loss which arose not from the making of the order and notice, but from the fact that the compensation moneys were not paid on or immediately following the date of service, nor

are we to compensate for a loss which in truth is not part of the damage to the interest in the land but arises from the fact that the Claimants had not had the use of the money”.

Counsel also agreed that in a similar manner to the English Lands Tribunal, the Northern Ireland Lands Tribunal is a creature of statute and has no equitable jurisdiction.

The Tribunal is of the opinion that Sir Douglas Frank’s quoted words clearly define the matter of interest payable on compensation for revocation of planning permission in Northern Ireland.

The Tribunal finds that no sum is payable in respect of interest between the date of the Revocation Order on 28th May 1976 and the date of the Lands Tribunal decision (18th July 1983) which finally ascertained the amount of compensation.

Having heard the parties the Tribunal doth order that the Claimant shall pay to the Respondent the measured sum of £50 (Fifty pounds) for costs of this Application.

ORDERS ACCORDINGLY

10th November 1983

A L JACOBSON FRICS

LANDS TRIBUNAL FOR NORTHERN IRELAND

Appearances:-

Claimant – Mr J Pringle QC (instructed by Messrs Sheldon and Stewart, Solicitors).

Respondent – Mr K R M McMahon of Counsel (instructed by W E M Reid, Solicitor).