

Compulsory Purchase and Compensation

- Compensation is a complex area
- Seek advice from specialist professionals
- Entering into early dialogue can be beneficial
- Keep detailed records

We regularly act for property owners and occupiers affected by regeneration and transport schemes who receive notice under a Compulsory Purchase Order (CPO).

Compensation is payable where an interest in land is acquired. This may include an outright purchase of all or part of the freehold or leasehold interest, but can also include the purchase of rights such as an easement or wayleave. Compensation will be payable for the value of the land/property being acquired but also for reasonable consequential losses (disturbance) which directly flow from the CPO such as removal/storage costs, redundancy costs, and professional and legal fees.

There is no definitive list of items of claim for disturbance. Each case is considered on its merits. However, depending on the nature of the premises acquired, typical disturbance items include:

- Removal costs
- Notification of change of address
- Legal costs and stamp duty
- Temporary loss of profits
- Double overheads
- Interest costs (in some cases)

Negotiations can often result in settlements being achieved prior to the date the land is actually required. Entering into an early dialogue with the acquiring authority will often be beneficial. In advance of and during negotiations, we recommend the following:

- Keep detailed records of how an impending or proposed CPO impacts your business.
- Assemble accounts for a period of 3 to 5 years prior to the CPO and be able to explain trends in trading performance.
- Keep a detailed record of the time you spend dealing with the CPO from inception.
- Focus on running your business – don't allow the CPO to distract you from your business.

Our services include:

- Advice on acquisition strategy and advanced purchase options
- Valuation and preparation of the compensation claim including business disturbance
- Negotiation and settlement of claims with the acquiring authority
- Expert Witness reports and evidence at Upper Tribunal (Lands Chamber)

Compensation is a complex area and should be dealt with by a compulsory purchase surveyor who has specialist knowledge and expertise for the type of property affected.

For confidential and expert garden centre property advice, please contact the partners:

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Gilbert Evans is the sole preferred supplier of property advice to the HTA. Members can contact us via gardencentres@hta.co.uk

