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Legal &
Parliamentary

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evebrief

Editorial



In this issue we report on a number of planning matters including the newly published PPS12 in respect of local spatial planning and the proposals to increase the level of policy protection within World Heritage Sites.

PPS12

The new PPS simplifies the plan making process and claims that it will make it more flexible, providing for development needs. The consultation process is reviewed and a key change is that local planning authorities can now allocate strategic sites for development through the Core Strategy. This brings forward the timescale for consideration of such strategic sites. Landowners/developers promoting strategic sites will have to be even more vigilant in tracking the progress of local planning policy.

World Heritage Site protection

The proposal for World Heritage Sites puts forward additional planning policy protection for these heritage assets. Prospective developers in Bath should be well aware of the implications of this potential tightening of the already strong controls on development within this City.

We report on three compensation cases, surely a record! The Union Railways case provides a helpful clarification in respect of the extent of property interests which must be considered when compulsory purchase is pursued. The Hodson case is a reminder of the rigorous nature of CPO procedures. Fail to follow these at your peril!

Peter Dines

Planning

01

Court of Appeal

Coffee shop in conservation area — compliance with enforcement notice

* FRANCIS V FIRST SEC OF STATE
(2008) PLSCS 165 — Decision given 11.06.08

Facts: F owned the ground floor of a listed brick and timber building located in a mixed-use street in a conservation area. In 1987 planning permission was granted for use of the premises as a tea-room and coffee shop, subject to condition 3 which stated that there should be no cooking at the premises without the council's prior approval. In 2004 F obtained planning permission to construct a single-storey extension at the rear, subject to a condition that the premises should not be used for an A3 use. F was served with an enforcement notice requiring her to comply with the 1987 condition. Her subsequent application for its removal was refused on the grounds that the removal of condition 3 would alter the use of the premises to an A3 use, which was prohibited under the 2004 permission.

Point of dispute: Whether the inspector's decision that the condition was reasonable and enforceable should be quashed. F's argument was that the decision was procedurally unfair as the inspector had accepted, without giving her an opportunity to deal with the issues, that (i) a proposed ventilation system would be inadequate to eliminate cooking odours to acceptable levels; (ii) there was a continuing requirement for a high-level ventilation duct; and (iii) noise would be an issue. The judge dismissed F's application finding that there was no reasonable basis for F to conclude that the requirement for a high-level ventilation duct was not ongoing.

Held: F's appeal against the decision of the judge in the court below not to quash the inspector's decision was dismissed. The inspector had been entitled to conclude that F should have known that the high-level ventilation duct was still in issue. He had identified the main issues to be considered at the hearing and the matters on which he required further explanation and F should have been aware of those and the fact that the council was insisting on the provision of a high-level duct. F was professionally represented and in those circumstances a planning inspector was entitled to expect that his or her case would be put forward adequately.

02

Administrative Court

Officer's report

* R (ON THE APPLICATION OF CATHCO PROPERTY HOLDINGS LTD) V GWYNEDD COUNCIL
(2008) PLSCS 161 — Decision given 06.06.08

Facts: In 1995 GC granted planning permission for the extension of an out-of-town furniture store to provide three additional retail units. CPC sought judicial review of that decision on the ground that proper consideration had not been given to certain policies in the relevant 1993 structure plan and the applicant submitted a further application for consideration. By the time that the second application came to be considered a new unitary development plan (UDP) was being developed and had been subject to public consultation. The new policies relating to out-of-town developments differed from those in the existing structure plan and were in line with new national planning guidance which imposed sequential test under which town centre locations were to be preferred for retail development.

Point of dispute: Whether CPH's application should be allowed for judicial review of GC's decision to grant planning permission for the development in 2006. The planning officer who submitted a report to the planning committee had advised that the emerging UDP should only be taken into account in respect of those policies to which no objections had been received. He also advised that no impact assessment on town centre retailers was necessary as two such assessments had been submitted in relation to two recent applications by food retailers. The officer submitted that the proposed development was needed and an application of the sequential approach favoured it. CPH contended that the officer's advice, on the basis of which permission had been granted, was erroneous and misleading.

Held: CPH's claim was allowed. The officer had been wrong to advise that weight should only be given to those policies to which objections had not been received. The policies relating to out-of-town development had only suggested revisions and the committee should not have been advised not to attach weight to them. Secondly, the impact assessments had been received in relation to food retail units and were irrelevant to this application since they dealt with different kinds of goods and one was not for an out-of-town development. Thirdly, the officer had failed to set out the evidence he had relied upon in order to reach the conclusion that the test of need and the sequential approach had been met.

03

Administrative Court

Conditional planning permission for defunct industrial site

* SAMUEL SMITH OLD BREWERY (TADCASTER) V SEC OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT (2008) All ER (D) 162 (Jun) — Decision given 13.06.08

Facts: An application for planning permission to retain and reuse four buildings on a defunct industrial site was called in by the Sec of State who agreed with the inspector's recommendation that planning permission should be granted subject to a number of conditions, notwithstanding that the proposal was not in accordance with the relevant development plan and government policy relating to the location of employment uses and accessibility. The Sec of State took the view that it would be appropriate to grant permission with the proposed conditions in order to promote sustainable development. Condition 7 required the removal of the buildings on the site in the event that they were not brought back into use within five years of the permission being granted.

Point of dispute: Whether SSOB's application to quash the permission should be allowed. SSOB contended that the Sec of State had ignored its evidence that it would not be financially viable to convert the structures on the site, secondly, there was no evidence of any demand for the buildings, although their availability was widely known by property consultants in the area, and, thirdly that Condition 7 was deficient.

Held: SSOB's application was dismissed. The evidence did not show that the Sec of State had erred in any of the ways alleged by SSOB. She had considered the issue of 'need' and 'demand' for the site to be put to alternative use and applied the principles of sustainable development. The Sec of State had been entitled to conclude on the basis of the available material that Condition 7 was both necessary and reasonable and would achieve its stated purpose.

04

High Court

Council seeking final injunction to evict gypsies from a site in the green belt while gypsies' appeal against refusal of planning permission still pending

* SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL V PRICE (2008) PLSCS 159 — Decision given 05.06.08

Facts: P and others were gypsies occupying a site in the green belt. SCDC obtained an injunction and subsequently served an enforcement notice requiring them to leave the site. P applied for planning permission to use the land as a caravan site but this application was refused and SCDC applied for a final injunction under s187B of the Town and Country Planning Act 1990 to evict them.

Point of dispute: Whether SCDC's application for a final injunction should be dismissed on the grounds that P had a real chance of success against the refusal of planning permission and they should not be forced to leave the site while the appeal was pending.

Held: SCDC's application was dismissed. It would be disproportionate to grant an injunction while there was a possibility that an appeal against an enforcement notice or a new application by P for planning permission might succeed and at this stage it was disproportionate as P would have to vacate the site with nowhere else to go.

05

Statutory Instrument

SI 2008/1371 The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008

These Regulations, which come into force on 27.06.08, amend the 2004 Regulations which contain provisions relating to the system of local development planning established by Part 2 of the Planning and Compulsory Purchase Act 2004. The definition of "relevant authority" in regulation 2(1) of the 2004 Regulations is amended to include police authorities and the definition of specific consultation bodies is amended to refer to the Sec of State for Transport (instead of the Highways Agency and the Strategic Rail Authority) and to Primary Care Trusts (instead of Strategic Health Authorities). The Coal Authority becomes a "specific consultation body" as does Natural England, which has taken over the functions of English Nature and the Countryside Agency. Various minor amendments are made relating to the preparation and revision of local development schemes.

http://www.opsi.gov.uk/si/si2008/pdf/uksi_20081371_en.pdf

06

CLG Planning Policy Statement

Planning Policy Statement 12: creating strong safe and prosperous communities through Local Spatial Planning

This Planning Policy Statement, which replaces *Planning Policy Guidance 12: Development plans (PPG12)* published on 14.12.99, explains what local spatial planning is, and how it benefits communities. It also sets out what the key ingredients of local spatial plans are and the main government policies on how they should be prepared. It should be taken into account by local planning authorities in preparing development plan documents and other local development documents. It also replaces *Planning Policy Statement 12: Local Development Frameworks*, published on 07.09.04, and *Creating Local Development Frameworks: A Companion guide to PPS12*, published on 02.11.04.

<http://www.communities.gov.uk/planningandbuilding/planning/regionallocal/localdevelopmentframeworks/pps12/>

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/pps12isp.pdf>

<http://www.communities.gov.uk/documents/planningandbuilding/doc/pps12.doc>

07

CLG Planning Policy Statement

Planning Policy Statement 25: Development and Flood Risk

Planning Policy Statement 25 sets out the Government's policy approach on how to deliver appropriate sustainable development in the right places, taking full account of flood risk and the aim of this Practice Guide is to explain further how to implement this approach. The key message of PPS 25 is to avoid inappropriate development in flood risk areas and whenever possible to locate development away from areas at risk from flooding. The approach used to assess risk so that it can be avoided and managed is:- assess, avoid, substitute, control, mitigate. The hierarchy used in this practice guide further develops the appraise, manage and reduce flood risk approach in PPS25.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/pps25practiceguide.pdf>

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/pps25summaryresponses.pdf>

08

CLG Consultation Paper

Protection of World Heritage Sites: Consultation paper

Deadline for Comments: 22.08.08

This paper seeks views on proposed measures to enhance the protection of World Heritage Sites in England. The government gave a commitment to introduce two of these measures in its White Paper *Heritage Protection for the 21st Century* published in March 2007:

- A planning circular which would recognise the need in national policy to protect World Heritage Sites (WHS) as sites of outstanding value and the need to create a management plan for each WHS, including the delineation of a buffer zone around it. A draft of the proposed circular is included in this consultation together with a draft guidance note prepared by English Heritage explaining the national and international context, the role of the planning system and community strategies and covering the preparation of management plans for protecting WHS.
- The inclusion of WHS as Article 1(5) land under the Town and Country Planning (General Permitted Development) Order 1995 which would have the effect of restricting permitted development rights for certain types of development such as the addition of artificial stone cladding or dormer windows. This measure would put WHS onto the same footing as other protected areas such as conservation areas, National Parks and Areas of Outstanding Natural Beauty.

The Government has also recently conducted a consultation on a third proposal, which would introduce specific notification and call-in requirements for significant development affecting WHS.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/821646.pdf>

09

CLG Letter to Chief Planning Officers

Model planning conditions for development on land affected by contamination

The purpose of this letter is to circulate a new set of model conditions intended for use by local planning authorities granting planning permission for development on land affected by contamination. The new conditions are intended to support effective implementation of the policy contained in PPS23: *Planning and Pollution Control* and its supporting Annex 2: *Development on Land Affected by Contamination*.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/letterconditioncontamination.pdf>

10

English Partnerships Report

Carbon Footprint Millennium Communities

Millennium Communities aim to meet the following objectives:

- minimise resource consumption;
- maximise design quality;
- improve construction quality and efficiency;
- increase social inclusion and participation;
- improve quality of life; and
- achieve long-term economic viability

As part of its monitoring and evaluation process English Partnerships commissioned a firm of consultants to calculate a forecast carbon footprint for the Millennium Communities. By gathering information about energy spent during the construction of a building and the metered energy-in-use it is possible to identify the amount of energy likely to be used over the lifetime of a home. The amount of energy used was compared to 1990 standards to highlight how the developments have performed against the Kyoto Protocol targets, and also against the Building Regulations in force in 2002 and the current 2006 Building Regulations.

<http://www.englishpartnerships.co.uk/publications.htm#research>

11

CLG Report

Final Report: Spatial Plans in Practice — Supporting the reform of local planning

The purpose of the Spatial Plans in Practice project has been to look into the way in which planning authorities and others have used the new legislation introduced by the Planning and Compulsory Purchase Act 2004 for preparing development plans at local level. This research sought to answer five questions concerning the impact of the reforms:

- are the reforms leading to more dynamic development plans so enabling planning policy to be more effective?
- are the reforms encouraging effective and inclusive participation?
- are the reforms leading to more effective collaboration between local planning authorities and other sector policy makers and stakeholders in identifying issues and priorities?
- are the reforms delivering evidence-based, positive planning?
- does the new system help to achieve the implementation of national, regional and local objectives and strategies and contribute to the goal of sustainable development?

Using literature reviews, strategic surveys of local planning authorities, learning events with planners and stakeholders, thematic studies and case studies, four lessons reports have been produced. This report is a summary of the findings from all the components of this research project and contains some advice for practitioners.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/spatialplanfinal.pdf>

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CLG Report

Infrastructure Delivery: Spatial Plans in Practice — Supporting the reform of local planning

This report contains the findings of the fifth thematic study prepared as part of the Spatial Plans in Practice Study. Its main focus is on the role of spatial plans in the delivery of infrastructure requirements resulting from the reformed planning process.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/spatialplaninfrastructure.pdf>

Compulsory Purchase

13

Lands Tribunal

Limitation period — whether compensation claim referred to Lands Tribunal within six years of date upon which applicant first knew of vesting

** HODSON V ROCHFORD DISTRICT COUNCIL

(2008) PLSCS 159 — Decision given 02.06.08

Facts: Under a compulsory purchase order made in 2000 and confirmed in 2001 RDC acquired three houses owned by H. A general vesting declaration was made in respect of the properties in July 2001 and this was sent to H, together with a notice in the form prescribed by the Compulsory Purchase of Land (Vesting Declarations) Regulations 1999 specifying the land affected and setting out the effect of the declaration. The properties vested in RDC in August 2001. H referred his claim for compensation to the Lands Tribunal in October 2007.

Point of dispute: Whether H's claim was time-barred under s19(3) of the Compulsory Purchase (Vesting Declarations) Act 1981 under which the claim had to be referred within six years of the date upon which the applicant first knew, or could reasonably be expected to have known, of the vesting of his interest. RDC contended that H had known of the vesting by the July 2001 letter and a further letter, which it claimed was sent in August that year, confirming the vesting. H's argument was that the July letter had not informed him that the vesting had taken place, but had given him a last chance to dispute it, and he denied having ever received the August letter.

Held: The preliminary issue of whether H's claim was time-barred was determined in his favour. The effect of the general vesting declaration was not to vest the property in RDC on a specific date, but to provide for vesting 28 days, or longer, after the service of notices on any occupiers of the properties as required by s6 of the 1981 Act. H could not be said to have known of the vesting by virtue of having received the declaration and accompanying notice in July 2001 — he could not have known when his interest would vest in RDC since the vesting was dependent upon service of these s6 notices. There was no evidence to show that he had either been sent or had received the August letter.

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Lands Tribunal

Claimants alleging interest in land compulsorily acquired by respondents — whether acquiring authority obliged to serve notice to treat on owners of all interests in land acquired — whether omission to serve notice to treat on claimants precluded claim for compensation

* UNION RAILWAYS (NORTH) LTD V KENT COUNTY COUNCIL
(2008) PLSCS 160 — Decision given 03.06.08

Facts: UR needed to divert some electricity cables in connection with its construction work on the new channel tunnel rail link to St Pancras station. The route that it had planned for the diversion was included in an area of land that KCC had acquired pursuant to a 1996 compulsory purchase order for the purpose of constructing a new road. UR claimed compensation for disturbance on the basis that it had had an interest in the land in question and had incurred additional costs in diverting the cables by a different route. UR asserted that it had an equitable interest in the land derived from the Sec of State for Transport through a number of agreements dealing with the arrangements for constructing the rail link and the transfer of interests in the land on which it was to be built.

Point of dispute: As a preliminary issue, whether service of a notice to treat was a pre-requisite to entitlement to compensation and whether failure to serve such a notice meant that UR was precluded from claiming compensation.

Held: The preliminary issues were determined in favour of UR.

- (i) An acquiring authority could not choose which interests in the land that it needed to acquire it wished to purchase and it could not choose to serve notices to treat only in respect of those interests. It should serve notice to treat on all parties interested in the land.
- (ii) A party that had not been served with notice to treat could still have compensation assessed under s10 of the Compulsory Purchase Act 1965 which sweeps up claims for compensation for which other provisions had not provided. It did not matter that the interest of the person applying for compensation was an equitable one.
- (iii) Where the acquiring authority contended that the Lands Tribunal had no jurisdiction because the claimants had no compensatable interest, the tribunal had the power to determine that issue.

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Lands Tribunal

Assessment of compensation

* ESSO PETROLEUM CO LTD V SEC OF STATE FOR TRANSPORT
(2008) PLSCS 164 — Decision given 06.06.08

Facts: Part of one of EP's service stations was compulsorily acquired under a scheme which resulted in EP losing one of its two accesses to the service station. This meant that the station could not be accessed by heavy good vehicles. In May 2002 a new order was made stopping up part of the old redundant highway abutting EP's remaining land and thus enabling EP to construct a new access.

Point of dispute: Whether, when assessing compensation for the value of the land taken, the sum should be reduced to take account of betterment resulting from the new access provided for EP under the 2002 order. The acquiring authority relied upon s261(1)(a) of the Highways Act 1980 which requires the tribunal, when assessing compensation, to have regard to the extent to which the claimant's remaining lands "may be benefited by the purpose for which the land is authorised to be acquired". EP argued that the "purpose" of the compulsory acquisition of its land was to build a new highway, and the provision of a new access was merely a consequence and not part of the relevant purpose within the meaning of s261(1)(a).

Held: This preliminary issue was determined in favour of the acquiring authority. Although the "land...authorised to be acquired" in s261(1)(a) meant specifically the land of the party claiming compensation, the 'purpose' of its acquisition was the entire scheme or project. One of the stated purposes of the CPO included the "provision of new means of access" and that purpose was not excluded from the 'purpose' under s261(1)(a) merely because that access was to be provided on land other than the subject land. In assessing the amount of compensation it was the benefit derived by the retained land from the scheme that had to be brought into the reckoning. Any increase in the value of EP's retained land arising from the scheme had to be set off against the value of the land acquired.

Contract

16

High Court

Rectification — overage provisions

* TRANSVIEW PROPERTIES LTD V CITY SITE PROPERTIES LTD
(2008) PLSCS 158 — Decision given 03.06.08

Facts: In December 2004 TP purchased the freehold of an office block, of which it was already the tenant, from CSP for £13.5m. It was a term of the sale agreement that a further overage was to be paid to CSP in the event that CSP obtained planning permission for residential development of the site. CSP's parent company lent £2.5m of the purchase price, secured by a second charge. At the time of the sale TP was in arrears of rent and it was a term of the sale agreement that these were to be paid off by six equal monthly instalments. No planning application was made and TP paid off the second charge. A dispute arose over the overage provisions.

Point of dispute: Whether TP was released from its obligation to pay any overage. TP claimed that it was if it had paid all outstanding sums due to CSP before the latter applied for planning permission and that such a clause had mistakenly been omitted from the final sale agreement. CSP's argument was (i) that the clause had been removed by mutual consent with the intention that a similar provision should be the subject of a side letter; (ii) that the parties had agreed that the rent arrears had to be paid off within six months of completion of the sale, rather than before any planning application, for CSP's entitlement to overage to be abated; (iii) the abatement agreement had been incorporated in a side letter that CSP had sent to TP on the completion date; and (iv) since the payments had not been made by June 2005 CSP was still entitled to overage.

Held: TP's claim was dismissed. On the evidence the parties had agreed that the overage abatement provisions should be put into a side letter and that had been initiated by TP. When, by mistake, CSP's solicitors had put them into the draft sale agreement TP had asked for them to be removed and put into a side letter. TP's claim for rectification failed because on the evidence it was clear that neither party had intended at the time of execution of the sale agreement that it should contain an overage abatement clause. There had been no unilateral mistake, and CSP had not been guilty of sharp practice as it had taken steps to inform TP and its solicitor about the removal of the clause.

Construction

17

CLG Consultation

Part L of the Building Regulations, Proposed New Editions of the Approved Documents L: Consultation **Deadline for Responses: 09.09.08**

This consultation package includes revised versions of the Approved Documents for Part L of the Building Regulations which were issued in April 2006. The revised Documents reflect recent legislative changes to the Regulations which amended the provisions for commissioning, self certification and notifiable work. They also make corrections to a number of errors in the 2006 documents. The consultation also covers the appropriateness of the references in the Approved Documents to a BRE technical document describing the thermal performance of building elements (in response to a judicial review judgement).
<http://www.communities.gov.uk/publications/planningandbuilding/partlconsultation>

General

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CLG Statistical Release

Land Use Change Statistics (England) 2007 — provisional estimates

This Release contains information on:

- changes in previously developed land: in 2007 it is provisionally estimated that 75% of dwellings were built on previously developed land, compared to 76% in 2006;
- density of new dwellings: in 2007 it is provisionally estimated that new dwellings were built at an average density of 45 per hectare. This compares to 41 per hectare in 2006.
- changes in the green belt: in 2006 2% of dwellings were built within the 2007 Designated green belt. In 2006 5% of land changing to residential use was within the green belt and this figure is unchanged from 2005;
- changes within areas of high flood risk: in 2006 10% of dwellings were built within areas of high flood risk and 7% of land changing to residential use was within areas of high flood risk;
- land changing to residential use; and
- changes to developed uses

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/823589.pdf>

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CLG Statistics

House Price Index — April 2008

- in April the mix-adjusted average house price index stood at £218,875, up from £217,344 in March;
- in the year to April 2008 house prices in the UK went up by 4.9% while in London the rise was 7.5%;
- by country, house price growth was highest in Scotland (+7.7%) and lowest in Northern Ireland (-2.8%); and
- UK house prices fell by 1% in the quarter ending April 2008, compared with a rise of 0.6% for the quarter ending January 2008

<http://www.communities.gov.uk/documents/housing/pdf/housepriceapril.pdf>

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CLG Report

Local Property Searches and Leasehold Information Report to the Rt Hon Caroline Flint MP, Minister for Housing and Planning

The terms of reference for this report, commissioned by the Housing Minister and prepared by Ted Beardsall CBE as the Land Registry's representative, were to advise on ways in which the local authority/local land charge search process could be improved and ways of making leasehold information more readily available. This required:

- consideration of the functioning of the property searches market in the light of Home Information Packs (HIPs), Communities and Local Government Access Guidance and consultation on local authority charging; and
- clarification of the issues surrounding the availability of leasehold information for the purposes of including them in HIPs

<http://www.communities.gov.uk/documents/housing/pdf/localpropertysearches.pdf>

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focus.focusnet.co.uk
[www.newLawonline.com](http://www.newlawonline.com)

Abbreviations

The following abbreviations are used in evebrief:

BLD	Lexis Nexis Butterworths (internal abbreviation)
EG	Estates Gazette
EGLR	Estates Gazette Law Reports
EWCA	England & Wales Court of Appeal
EWHC	England & Wales High Court
P&CR	Property, Planning and Compensation Reports
PLSCS	Property Law Service Case Summaries

The star system

Cases are marked with one, two or three stars as follows:

- *** Essential reading on the point of law or valuation with which the case is concerned, because it adds to, or clarifies or changes, the law.
- ** Noteworthy case which does not significantly alter the law or which relates to a relatively obscure point.
- * Interesting but non-essential reading.

Contact details

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evebrief

SCOTLAND

Planning

01

Statutory Instrument

SSI2007/203 The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2008

This Order came into force on 20.06.08. It amends the 1992 Order which permits certain classes of development without the need for express planning permission being given under the Town and Country Planning (Scotland) Act 1997. Where such development takes place within a national scenic area there are various exceptions to these permitted development rights. This Order amends the definition of "national scenic area" in the 1992 Order by substituting a reference to Part II of "Scotland's Scenic Heritage" published by the Countryside Commission for Scotland on 26.04.78.

http://www.opsi.gov.uk/legislation/scotland/ssi2008/pdf/ssi_20080203_en.pdf

02

Planning Advice Note

Planning Advice Note: PAN 65 Planning and Open Space

This Planning Advice Note contains advice on the role of the planning system in protecting and enhancing existing open spaces and providing high quality new spaces. It supports *Scottish Planning Policy (SPP) 11: Open Space and Physical Activity*. The PAN also sets out how local authorities can prepare open space strategies and gives examples of good practice in the provision, management and maintenance of open spaces. The advice relates to open spaces within settlements; villages, towns and major urban areas.

<http://www.scotland.gov.uk/Resource/Doc/225179/0060935.pdf>

Northern Ireland

Planning

03

Statutory Rule

SR 2008/235 The Planning (Avian Influenza) (Special Development) Order (Northern Ireland) 2008

This Order, which comes into force on 01.07.08, grants planning permission in respect of necessary development for the purposes of housing poultry and other captive birds to protect them from avian influenza. The Order applies to land within a controlled zone, H5N1 controlled zone, wild bird control area or wild bird monitoring area declared by the Department of Agriculture and Rural Development and to any identified premises. Where this Order applies no specific application for planning permission is needed for the development which it permits. Planning permission is granted subject to conditions requiring notification to the Department of the Environment and removal of the development within a specified period or a longer period agreed with the Department.

http://www.opsi.gov.uk/sr/sr2008/pdf/nisr_20080235_en.pdf

Construction

04

Statutory Rule

SR 2008/241 The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2008

These Regulations come into force on 30.06.08 and make some minor amendments to the Energy Performance (Certificates and Inspections) Regulations (Northern Ireland) 2008.

http://www.opsi.gov.uk/sr/sr2008/pdf/nisr_20080241_en.pdf