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Legal &
Parliamentary

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evebrief

Editorial



Tony Chase

We report in the Rating and Taxation sections of this edition five new regulations coming into effect on 1 October and required because, on that day, the present 56 separate Valuation Tribunals in England are replaced by a single Valuation Tribunal for England — the VTE. This is part of the modernisation of tribunals generally and is intended "to create a unified structure to ensure consistency of practice".

Hearings will generally continue to be administered and held locally, albeit with fewer local 'centres' than the present 56, but a single VTE President has been appointed, Professor Graham Zellick, and he is given considerable powers by the Regulations to set out Tribunal Business Arrangements and President's Directions. These have not yet been published but will have to be in place by 1 October.

Whilst on the face of it this major change may be seen as largely administrative and procedural there is a concern that the President intends to make the procedures more formalised, which could jeopardise the informality which many see as one of the main advantages of the present tribunal system.

The case reported at item 02 is of some general, as well as professional, interest. It has given rise to long-running local, and local press, interest — two adjacent schools which have historically worked in close co-operation and held shared classes having become involved in a bitter legal battle, with the girls' school being accused of acting in self-interest and impeding the provision of new improved facilities for another school. The planning aspects are though of interest in themselves; in particular the court explained that, whilst the extent to which the possibility of reducing harm due to a proposal and the need for, and relevance and suitability of, alternative options are all matters of planning judgement for the local planning authority, in this case the authority had entirely ignored these issues merely because the application did not include the alternative options.

Tony Chase

Local Government

01

CLG Guidance

Local Economic Assessments — Draft Statutory Guidance

The Local Democracy, Economic Development and Construction Bill makes provision for the new local authority economic assessment duty which requires all county councils and unitary district councils to prepare an assessment of the economic conditions of their area. It is anticipated that this duty will commence in April 2010. There will be a formal consultation on draft statutory guidance once the Bill has been enacted, but this pre-consultation draft guidance is to give local authorities and their economic partners an early sight of the Government's thinking on how the new proposed duty should be carried out. It explains what the new duty is intended to achieve, how assessments should be taken forward and what they should contain.

<http://www.communities.gov.uk/documents/localgovernment/pdf/1314939.pdf>

Planning

02

Court of Appeal

Permission granted for replacement boys' school in metropolitan open land — whether planning committee should have considered alternative option of a different siting point for school — material consideration

** R (ON THE APPLICATION OF GOVERNING BODY OF LANGLEY PARK SCHOOL FOR GIRLS) V BROMLEY LONDON BOROUGH COUNCIL

(2009) PLSCS 246 — Decision given 31.07.09

Facts: The appellant and the interested party ran respectively girls' and boys' schools on adjoining sites in an area of metropolitan open land (MOL) which was awarded the same degree of protection as the Green Belt in the development plan for the area. This meant that permission should not be given for inappropriate development save where very special circumstances existed which would outweigh the harm to the MOL. The interested party applied for planning permission to rebuild the boys' school on the basis of option 3 of three possible alternative options for the development that had been identified in a feasibility study. The appellant objected on the ground that option 3 was the most harmful and that it would be less damaging to rebuild the school in its existing location as per option 1.

Point of dispute: Whether the appellant's application for judicial review of BLBC's decision to grant permission for option 3 should be allowed. Although the report to BLBC's planning committee had set out the appellant's objections, it stated that each planning permission should be treated on its individual merits. As a result the committee did not consider option 1 and permission for option 3 was granted on the ground that the educational need for the new school outweighed the harm to the MOL. The appellant argued that BLBC had failed to take into account a material consideration as it had not considered whether a less harmful option was available in the form of option 1.

Held: The appellant's appeal against the decision of the court below dismissing its application was allowed and the grant of permission was quashed. The appellant's objection that option 3 would injure the openness and visual amenity of the MOL because the buildings would be situated on the open part of the site was a highly material consideration, and the argument that the harm would be considerably reduced were the layout to be revised to place the new buildings where the old ones had been could also be a material consideration. Where there are no clear planning objections to a proposed development, alternative proposals whether for an alternative site or alternative positioning within the same site would normally be irrelevant, but if there are clear planning objections to a proposal it would be relevant to consider whether the objection could be overcome by an alternative proposal. The fact that option 1 was not included in the interested party's planning application was not a sound reason for not considering the revised siting point.

03

Administrative Court

Refusal of permission for horticultural development in the Green Belt

* TRANSITIONAL REHABILITATION UNIT LTD V SEC OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT
(2009) All ER (D) 152 (Aug) — Decision given 23.01.09

Facts: TRU was a company which specialised in providing care, education and support to individuals who had suffered a brain injury. It did this in specialised transitional rehabilitation units. In 1991 the local planning authority (lpa) granted permission for the erection of a residential unit and some outbuildings on land within the Green Belt. The permission was conditional upon the unit being used as a transitional rehabilitation unit only. Following deterioration of the buildings TRU decided to replace them with more satisfactory facilities and in 2005 it erected a greenhouse, potting shed and store in an enclosed yard. The lpa refused retrospective planning consent for this development and the inspector appointed by the Sec of State dismissed TRU's appeal against that refusal, on the grounds that the buildings were intended for horticultural activities and that this was an inappropriate development in the Green Belt.

Point of dispute: Whether the inspector's decision should be quashed. TRU argued that the inspector's decision was flawed because horticultural activities meant agricultural use, which was permitted on Green Belt land.

Held: TRU's application was dismissed. The inspector's decision had been correct. It could not realistically be said that the purpose of the new buildings was agriculture. He had properly directed himself in law and could have come to the conclusion that the development was for rehabilitation purposes. The inspector had clearly set out his conclusions and his decision was sufficiently well reasoned.

04

Administrative Court

Application to quash permission for extension of a sand and gravel quarry site near to ancient monument

* R (ON THE APPLICATION OF MILLER) V NORTH YORKSHIRE COUNTY COUNCIL
(2009) All ER (D) 189 (Aug) — Decision given 24.08.09

Facts: A large sand and gravel quarry in North Yorkshire situated close to a scheduled ancient monument comprising three massive henges had been worked for some years by T, pursuant to a planning permission granted by NYCC. Most of the quarry had been worked out and much of the site restored as wetlands. In 2004 T applied unsuccessfully to work a piece of farmland near to the existing quarry and within the safeguarding zone of an RAF airfield. That decision was overturned in 2006, but subsequently the permission was quashed following a successful challenge by M, a local resident and member of a pressure group concerned with quarrying near the henges. In 2008 a revised planning application resulted in conditional permission being granted, subject to T entering into an agreement under s106 of the Town and Country Planning Act 1990.

Point of dispute: Whether M's application to quash the decision to grant planning permission would be allowed. M argued: (i) that the planning committee had failed to take into account a number of material considerations when it had come to its decision because they had not been included in the planning officer's report to the committee; (ii) that insufficient regard had been given to the impact of the works on the setting of the henges; and (iii) that the restoration of the workings to wetlands at the extension site could cause collisions between birds and aircraft because the site had the potential to attract birds.

Held: M's application was refused and the planning permission would not be quashed. (i) It was the duty of a planning officer to provide sufficient information and guidance to enable committee members to reach a decision applying the relevant statutory criteria and to ensure that matters relevant to the decision were brought to the committee's attention. His report was an expert one and had to be respected as such. Members of the planning committee could not be expected to read all the material available. The report in question properly reflected the issues and evidence and had given a clear appraisal of the relevant criteria. (ii) There had been no professional advice on whether the development would have any significant impact on the henges or their setting. (iii) T had agreed to complete a s106 agreement to include a bird management plan. There was no evidence to suggest that the development would lead to any significant effects on the environment arising from birdstrike.

Rating

05

Statutory Instrument

SI 2009/2202 The Business Rate Supplements Act 2009 (Commencement No 1) (England) Order 2009

Under s32 of the Business Rate Supplements Act 2009 that section and ss28-31 of the Act came into force on the day on which it was passed (02.07.09). With the exception of s1(2) and Schedule 2 this Order brought the remaining provisions of the Act into force on 19.08.09. The Act provides county councils, district councils in areas where there is no county council, and, in London, the Greater London Authority with the power to levy a supplement on the national business rate with effect from 01.04.10. Levying authorities who wish to launch a business rate supplement (BRS) must consult on proposals set out in a prospectus and hold ballots where revenue from the BRS will amount to more than one third of the total cost of the project to be funded. It sets a national limit for BRS of 2p per pound of rateable value and enables the Sec of State to prescribe by regulations a rateable value threshold for triggering liability for BRS. The Act enables levying authorities to offset Business Improvement District ("BID") levies under the Local Government Act 2003 against liability for BRS and to grant relief from BRS liability. It makes provision for the calculation of liability, collection and enforcement and, in relation to accounting for BRS revenues, sets out the circumstances in which a BRS may be varied and contains a power for the Sec of State to cancel a BRS.

http://www.opsi.gov.uk/si/si2009/pdf/uksi_20092202_en.pdf

06

Statutory Instrument

SI 2009/2267 The Valuation Tribunal for England (Membership and Transitional Provisions) Regulations 2009

Part 13 of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") establishes the Valuation Tribunal for England (VTE), abolishes existing valuation tribunals in England and transfers their jurisdiction to the VTE. Part 13 and the related Schedules 15 and 16 are already partially in force and the remainder will come into force on 01.10.09. On 01.10.09 English valuation tribunals established under the Local Government Finance Act 1988 are abolished and the VTE, to which existing valuation tribunal chairmen and members will transfer (provided that they have accepted in writing the terms and conditions of membership of the VTE determined by the Sec of State), is established in their place. These Regulations, which come into force on 30.09.09, provide for the initial composition of the VTE and for the transfer of appeals only part-heard by English valuation tribunals at the time when jurisdiction transfers to the VTE. They also provide for the transfer to the VTE of records and other documents.

http://www.opsi.gov.uk/si/si2009/pdf/uksi_20092267_en.pdf

07

Statutory Instrument

SI 2009/2268 The Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009

These Regulations also reflect the establishment on 01.10.09 of the Valuation Tribunal for England (see item 06 above). From that date they revoke and partially replace the 2005 Regulations which are primarily concerned with the alteration of local and central non-domestic rating lists compiled under the 1988 Act. They cover the alteration of non-domestic rating lists by valuation officers, proposals for such alterations from other persons and appeals to the VTE where there is disagreement about a proposal between the valuation officer and another person.

http://www.opsi.gov.uk/si/si2009/pdf/uksi_20092268_en.pdf

08

Statutory Instrument

SI 2009/2271 The Valuation Tribunals (Consequential Modifications and Saving and Transitional Provisions) (England) Regulations 2009

These Regulations are also made in consequence of the transfer of jurisdiction to the VTE and come into force on 01.10.09. The Valuation and Community Charge Tribunals Regulations 1989 ("the 1989 Regulations") are mostly revoked and will have effect as if made under Schedule 11 to the Local Government Finance Act 1988, as amended by the Local Government and Public Involvement in Health Act 2007. Part 5 of the 1989 Regulations, which deals with council tax appeals, is re-enacted with changes to take account of the transfer of jurisdiction to the VTE.

http://www.opsi.gov.uk/si/si2009/pdf/uksi_20092271_en.pdf

Leasehold Reform

09

CLG Publication

Criteria for designating an area as a protected area for the purpose of enfranchisement under the Leasehold Reform Act 1967

Schedule 4A of the Leasehold Reform Act 1967 has been amended by s302 of the Housing and Regeneration Act 2008 to give power to the Sec of State to designate any area in England as a "protected area" if the Sec of State considers it appropriate to do so. If an area is designated as "protected" a tenant of a house cannot exercise his right to enfranchisement if certain statutory conditions are met in respect of the lease. The purpose of the designation is to help to retain affordable housing, for example shared ownership homes, so that they remain available to others who cannot afford to buy at full market price. Before any area is designated as "protected" the Sec of State must publish the criteria which are to be taken into account in deciding whether to designate an area.

The overwhelming criterion is that the location is one in which shared ownership homes would be hard to replace. In deciding this the Sec of State will consider:

- whether the area has already been designated as "rural" for the purposes of the Right to Acquire scheme;
- availability of land for housing development in the particular location and the availability of housing stock;
- availability of shared ownership housing (and the size and type) in the particular location;
- level of need for shared ownership housing; and
- affordability of housing, ie average income vs lower quartile house price.

<http://www.communities.gov.uk/documents/housing/pdf/1303397>

Housing

10

CLG Consultation

Eco-towns — allocations from the eco-towns fund: Consultation Deadline for Responses: 25.09.09

This consultation paper sets out proposals on how the £60m announced to support the four "first-wave" potential eco-town locations — included in the Planning Policy Statement: Eco-towns published on 16.07.09 — might be allocated for the 2009/11 period. It also includes guidance on the preparation of an eco-town Programme of Development to support bids for funding. The majority of costs in developing an eco-town are expected to be met by the private sector with the amount of public sector support being comparable to that available to other large scale building projects. However, it is recognised that local communities will face additional costs in preparing for such a major new development and the proposals contained in this paper set out the potential areas which funding support to local authorities could address. It is envisaged that local authorities which could support an eco-town would prepare programmes of development for the eco-town which would support funding bids, and the proposed criteria against which bids would be assessed are outlined.

<http://www.communities.gov.uk/documents/housing/pdf/1312900.pdf>

11

CLG Statistical Release

House Building: June Quarter 2009, England

- There were an estimated 29,980 seasonally adjusted housing starts in England in the June quarter of 2009, up 63% on the previous quarter but still 9% lower than the June quarter in 2008. This is the second successive quarterly rise in seasonally adjusted starts.
- Private enterprise housing starts (seasonally adjusted) were 73% higher than in the March quarter of 2009, but 12% lower than in the June quarter of 2008.
- Annual housing starts figures for England continued to decline. They totalled 87,190 in the 12 months to June 2009, down 41% compared with the 12 months to June 2008 and 53% below their 2005-06 peak.
- Compared with the previous quarter housing completions in England in the June quarter of 2009 were up by 24% to an estimated 39,320 (seasonally adjusted). That was 7% higher than the June quarter of 2008.
- Private enterprise housing completions (seasonally adjusted) were 27% higher in the June quarter of 2009 than the March quarter of 2009 and 1% higher than in the June quarter 2008.
- Annual housing completions in England totalled 136,140 in the 12 months to June 2009, down by 16% on the 12 months to June 2008.

<http://www.communities.gov.uk/documents/statistics/pdf/1316248.pdf>

12

Homes & Communities Agency (HCA) Statistical Publication

Monthly Housing Market Bulletin — 26.08.09

This bulletin provides HCA staff with the latest information on housing market trends, the economy and the housebuilders' industry.

- The housing market has started to stabilise over the last few months and both the Halifax and Nationwide recorded house price rises in July. Rightmove, however, recorded a 2.2% drop in asking prices in August.
- There were 23% more mortgages issued in June than in May, but they are still at historically low levels.
- The number of transactions remains very low, and according to Land Registry figures has fallen by 42% over the past year.
- Over the past two years there has been a 73% fall in Buy-to-Let loans.
- Housing starts by private enterprise were 79% up on the previous quarter in Q2 2009, but were still 12% lower than a year earlier. There were fewer housing starts in the north than in the south.
- The UK continues to be in recession with GDP falling by 0.8% in Q2 2009 after falling 2.4% in Q1 2009. Unemployment has reached 2.8%.

<http://www.homesandcommunities.co.uk/public/documents/MonthlyHousingBulletinAug09Final.pdf>

Real Property

13

High Court

Farm subject to restrictive covenants in favour of the National Trust — tenant constructing caravan site on land to house migrant workers — appeal against arbitrator's decision upholding right to rely on proviso in deed of covenant permitting cultivation of land in the ordinary course of agriculture

* NATIONAL TRUST FOR PLACES OF HISTORIC INTEREST OR NATURAL BEAUTY V FLEMING
(2009) PLSCS 229 — Decision given 17.07.09

Facts: Under s8 of the National Trust Act 1937 the National Trust (NT) could accept and enforce covenants in respect of any land, even if it did not own an adjacent site. In 1966 it entered into a deed of covenant with L who owned an estate in the Chichester area, in order to protect the land in perpetuity from expansion of local towns. One farm on the estate was subsequently vested in F, the trustees of a family partnership, who had let it to a farming partnership for the production of salad crops. The tenant constructed a caravan site on the farm in order to house migrant workers. This led to a dispute which was heard by an arbitrator under the terms of the 1966 deed.

Point of dispute: Whether NT's application for leave to appeal against the award of the arbitrator should be allowed. The arbitrator had found that F was entitled to rely on a proviso in the 1966 deed, whereby "nothing in the forgoing stipulations shall prevent the cultivation of the said land or any part thereof in the ordinary course of agriculture or husbandry in accordance with the custom of the country", on the basis that the agricultural usage, custom and practice was the growing of salad crops and in order to produce these successfully there was a need for migrant workers. NT's argument was that the arbitrator had erred in failing to appreciate that the proviso to the 1966 deed was concerned with not preventing cultivation of the land in accordance with local custom, but that a custom which merely made such cultivation more convenient, or less expensive, did not fall within the scope of the proviso.

Held: NT's application was dismissed. The arbitrator had found that in the Chichester area it was the custom for salad crops to be cultivated using migrant labour housed on the farms. Housing the workers was an ancillary use that was necessary for the cultivation of the land "in the ordinary course of agriculture in accordance with the custom of the country" and therefore fell within the proviso.

14

High Court

Specific performance of contract for sale of flats

* NORTH EASTERN PROPERTIES LTD V COLEMAN
(2009) PLSCS 249 — Decision given 20.08.09

Facts: NEP, who was developing some flats, agreed to sell 11 of them to C. The parties agreed that C would be given a discount of 10% on the price of each flat, 8% being recorded in the contracts as a "builder's incentive" while at C's request the remaining 2% was to be separately invoiced as a finder's fee. The contracts, entered into in October 2007, incorporated the standard conditions of sale and also included an "entire agreement clause" under which NEP was required to finish the flats with all due dispatch and completion was to take place no more than ten working days after NEP sent C a notice that each of the flats was ready. In May 2008 C served a notice to complete on NEP as it considered that construction of the flats should have been finished. NEP did not comply, but in July 2008 it served notice on C that construction works were completed. C failed to complete its purchase of the flats within ten days, nor did it comply with a subsequent notice to complete served by NEP.

Point of dispute: Whether NEP's claim for specific performance of the contracts should be allowed. C argued that they were not obliged to complete because: (i) the contracts were void and unenforceable for failure to contain all the agreed terms, as required by s2 of the Law of Property (Miscellaneous Provisions) Act 1989, owing to the omission of any reference to the 2% finder's fee; and (ii) NEP's failure to finish the flats within a reasonable time had entitled C to serve its notice to complete; NEP's failure to comply with that entitled C to rescind the contracts.

Held: NEP's claim was allowed. (i) C had expressly instructed that the term relating to the extra 2% finder's fee should not be included in the contract but was to be the subject of a separate agreement. The arrangement relating to that fee did not form part of the contract so there was no non-compliance with the 1989 Act. (ii) The fact that NEC had not completed the flats with all due dispatch had not entitled C to serve a notice to complete the sale. There was no implied term in this contract that completion should take place within a reasonable time and it contained an express clause that completion would happen after NEC served notice that the flats were finished. No such notice had been served by May 2008. C's breach of contract in terms of the delay in completing the flats was not so serious as to amount to a repudiation of the contract.

Taxation

15

SI 2009/2269 The Valuation Tribunal for England (Council Tax and Rating Appeals) (Procedure) Regulations 2009

These regulations, which come into force on 01.10.09 and reflect the establishment of the new Valuation Tribunal for England (VTE) (see item 06 above) on that date, set out the new procedures to be followed in connection with appeals relating to council tax or non-domestic rating.

http://www.opsi.gov.uk/si/si2009/pdf/uksi_20092269_en.pdf

16

Statutory Instrument

SI 2009/2270 The Council Tax (Alteration of Lists and Appeals) (England) Regulations 2009

These Regulations, which come into force on 01.10.09, and which revoke and partially re-enact the 1993 Regulations, are another set of regulations enacted to reflect the establishment of the new Valuation Tribunal for England on that date.

http://www.opsi.gov.uk/si/si2009/pdf/uksi_20092270_en.pdf

Construction

17

CLG Publication

Future of Building Control: Implementation Plan

This plan sets out the government's and the building control industry's new vision for building control. It aims to make the system work better, with higher compliance levels and at a reduced cost to users of the system. A pre-consultation paper issued in 2007 set out the key areas for reform and this was followed by a comprehensive consultation in March 2008. A Review of Building Control working group was set up, representing the operators and users of the building control system, to develop and test the new proposals. This work has culminated in the current programme for change whose aim is to achieve the government and industry's vision of a building control system which ensures that buildings are safe, healthy, accessible and sustainable for current and future generations.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1320090>

18

CLG Review

Review of Approved Document J: Backward and Forward Looks: BD2736

This is the final report to CLG for this project. The results of the review are presented as a list of themes that arose from responses received, followed by some discussion and a recommendation on how Approved Document J should be amended, or the direction that future research should take. The review identified that there is:

- widespread lack of compliance with chimney notices;
- considerable problems being caused by the increase in use of condensing gas boilers;
- possible conflicts between approved documents in particular air tightness requirements in Part L versus combustion air requirements for open fires;
- issues surrounding chimneys, extractor fans and hearths; and
- a concern about pollution from oil storage, particularly in the light of a reported increase in underground storage.

The report concluded that a new section for condensing boilers should be added, containing all aspects of guidance specific to this type of boiler.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1324194>

19

CLG Consultation

Proposals for amending the Approved Document J of the Building Regulations — Consultation Deadline for Responses: November 2009

This consultation follows on from completion of the Review of Approved Document J (see item 18 above) and invites comments on the changes it is proposed to make to the Approved Document for Part J (Combustion appliances and fuel storage systems) of the Building Regulations. It is anticipated that the new Document J will come into force in 2010. The key measures to be considered relate to:

- air supply for combustion in air tight homes;
- better guidance on bio-fuel technology;
- carbon monoxide alarms;
- concealed flues;
- plumbing from condensing boilers; and
- bunding of domestic oil tanks.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1325269.pdf>

20

CLG Study

Study on the Provision of Carbon Monoxide Detectors Under The Building Regulations: BD2754

This report makes a recommendation to CLG regarding the provision of carbon monoxide (CO) detectors under the building regulations. This study has taken into account many factors influencing this decision, including costs, benefits, reliability and effectiveness of detectors. It is recommended that a CO detector be installed with the installation of every new combustion appliance except where gas and LPG appliances conform to the European Gas Appliance Directive or where a pressure jet oil appliance is installed.

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1324663>

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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.

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Legal &
Parliamentary

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evebrief

SCOTLAND

Planning

01

Scottish Government Report

National Planning Framework for Scotland 2: Strategic Appropriate Assessment Report

The proposed National Planning Framework (NPF) has been subjected to a strategic level Appropriate Assessment (AA) to ensure that it does not result in adverse effects on the integrity of Natura 2000 sites: Special Areas for Conservation, and Special Protection Areas. The NPF sets out national spatial planning priorities for the period to 2030 and as such is a strategic level document proposing a long term vision for Scotland as a whole. This document reports on the AA of the potential impacts of the National Planning Framework on the designated features of the Natura 2000 sites in Scotland.

<http://www.scotland.gov.uk/Resource/Doc/283240/0085767.pdf>

WALES

Planning

02

Statutory Instrument

WDI 2009/2193 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2009

This Order, which comes into force on 01.09.09, amends Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 by providing permitted development rights for the installation of specified types of microgeneration equipment (eg wind and solar energy) on or within the curtilage of dwellinghouses or flats.

http://www.opsi.gov.uk/legislation/wales/wsi2009/pdf/wsi_20092193_mi.pdf

Rating

03

Statutory Instrument

WSI 2009/2154 The Non-Domestic Rating (Deferred Payments) (Wales) Regulations 2009

These Regulations, which came into force on 28.08.09, amend the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 and the Non-Domestic Rating (Collection and Enforcement) (Central Lists) Regulations 1989 to make special provision in relation to the collection of non-domestic rates payable in respect of the financial year beginning on 01.04.09.

Under those Regulations annual rates liability can be paid in instalments but must be paid during the financial year to which the demand for payment relates. These Regulations insert provisions to provide that where a ratepayer who is subject to non-domestic rates in respect of the financial year 2009/10 satisfies certain conditions they can defer payment of a specified proportion of that liability to the financial years beginning on 01.04.10 and 01.04.11.

http://www.opsi.gov.uk/legislation/wales/wsi2009/pdf/wsi_20092154_mi.pdf

NORTHERN IRELAND

Planning

04

Northern Ireland Planning Service Consultation

Reform of the Planning System in Northern Ireland: Your chance to influence change

Deadline for Comments: 02.10.09

The proposals for reform of the Northern Ireland planning system contained in this paper are set within the context of the Review of Public Administration which will see responsibility for the majority of planning functions move from the Planning Service to the 11 new councils. Local representatives will become the decision takers on the majority of planning applications and these decisions will be taken within the context of their new local development plan functions. The key aim of the Northern Ireland Executive is to help grow the economy and it is considered that the planning system must assist in achieving this aim by becoming more effective and responsive to the needs of its users. The reformed planning system should enable more timely, transparent and fair decision making and deliver better quality development that is sustainable, protects the environment, addresses climate change and provides for more social and affordable housing. The changes proposed in this paper have a medium to long term focus and are likely to require implementing legislation. Views are also sought on some other related issues, including criminalisation of development without planning permission, developer contributions and enhancing the capacity of the planning system.

http://www.planningni.gov.uk/index/news/news_consultation/consultation_paper_final_200709_2.pdf