

EVEBRIEF

Legal & Parliamentary

Volume 32(06) 26 April 2010

01 Planning
09 Rating
11 Housing
13 Leasehold Reform

14 Real Property
16 Construction
18 Environment
21 General

WELCOME CHANGES TO RULE AGAINST PERPETUITIES



Ben Aldridge
Senior Surveyor

In this edition we report at item 15 on the Perpetuities and Accumulations Act 2009 which came into force on 6 April, bringing in significant changes for property owners and developers. Previously the rule against perpetuities meant that future land interests had to vest within 80 years and often less – 21 years in the case of option agreements. The result was often that parties were forced to enter into complex arrangements to avoid it. The rule no longer applies to commercial interests such as future easements or options to lease or purchase land, and there is now a single perpetuity period of 125 years for future estates and interests in land held in trust.

The effects of the rule will still be felt for many years as the new regime only applies to documents executed after 6 April, and it may be that landowners will often wish to time limit agreements in any event.

Nonetheless, the changes are welcome and will bring flexibility into commercial property transactions, facilitating contractual arrangements and enabling developers to take a longer term strategic view.

Elsewhere at item 22 we report on the Government's Statement on the Historic Environment for England, which provides important clarification for the future implementation of PPS5. It recognises the importance of the historic environment but at the same time recognises that change is inevitable. It emphasises that change must be managed intelligently and be balanced. Such sentiments will be welcomed by developers.

A handwritten signature in black ink, appearing to read 'B. Aldridge', with a long horizontal line underneath.

PLANNING

01 Administrative Court

Appeal against inspector's decision to allow gypsies' appeal against refusal of permission for change of use of rural land for travelling showpeople's winter quarters

** SMARDEN PARISH COUNCIL V SEC OF STATE OF COMMUNITIES AND LOCAL GOVERNMENT (2010) All ER (D) 303 (Mar) – Decision given 30.03.10

Facts: Part of a large field within a special landscape area in SPC's district was owned by a circus. Following two unsuccessful applications, in January 2009 the circus applied for change of use of the land to travelling showpeople's winter quarters and alterations to the existing access. Permission was refused again and the matter was remitted to an inspector appointed by the Sec of State for determination. The inspector allowed the circus' appeal, subject to conditions, on the basis it was unlikely to be on the land between March and October each year, and that the harm to the character and appearance of the area was outweighed by other considerations, in particular the circus' need for a site and the lack of available alternative sites. He noted that although the circus did not envisage the need to return to the site during the summer, it should have flexibility to do so on the grounds that "it would be unreasonable to preclude such summer occupation" and that Circular 04/2007 recognised that the term 'winter quarters' was something of a misnomer as some members of the travelling showfamilies might stay on a site for much of the year because of their particular educational or welfare needs.

Point of dispute: Whether to allow SPC's application for judicial review of the inspector's decision under s288 of the Town and Country Planning Act 1990. Its argument was that the inspector had, in fact, granted permission for the whole year when the circus' application was for winter quarters only. On the true construction of Circular 04/2007 the term winter quarters qualified the general term "quarters" in respect of duration or extent of use.

Held: The application was dismissed. The inspector's approach mirrored what was required by Circular 04/2007. He had granted what had been applied for, and not expanded the permission.

02 Administrative Court

Whether permission for a new supermarket should be quashed on grounds that inadequate reasons for the grant of permission had been given

** R (ON THE APPLICATION OF TESCO STORES LTD) V TEIGNBRIDGE DISTRICT COUNCIL(2010) All ER (D) 269 (Mar) – Decision given 16.12.09

Facts: In April 2008 Sainsburys (S) applied to TDC for permission to build a supermarket on a site in TDC's area while two months later Tesco (T) informed TDC that it was pursuing a sequentially preferable site for a retail store of its own in the same area. In his report on S's application, TDC's planning officer concluded that the proposal was in breach of development plan policies as the site had been identified for employment, that the site was not the most sequentially favourable location and that in light of that, the need for a supermarket was not a sufficiently material consideration to justify a departure from development plan policies. Soon afterwards T submitted a planning application and three days later TDC's planning committee granted S permission on the grounds that there was a need for a supermarket in the location and it would generate employment opportunities. The notice of permission included an "informative" essentially listing the development plan policies with which the proposal complied and then adding reasons for the grant of permission, which it was later accepted did not properly convey those agreed upon by the committee. T's application was refused, mainly because the need for a supermarket in the area had been met by the grant of permission to S. The planning authority held a meeting in November at which the reasons for the decision to grant permission for S's application were confirmed and two further ones added.

Point of dispute: Whether T's application for judicial review of the decision to grant S planning permission should be allowed. T submitted the reasons given by TDC for the grant of permission were inadequate. It was common ground that the notice was defective as the reasons for the grant had not been accurately recorded in it, and accordingly there had been a breach of Article 22 of the Town and Country Planning (General Development Procedure) Order 1995.

Held: The permission to S would be quashed. Read as a whole the reasons were not adequate and did not comply with Article 22 of the 1995 Order. Even if a summary of the minutes of TDC's planning authority's meetings were prepared these would not set out in adequate detail the development plan policies that were said to be relevant, and this was particularly important in a case such as this where the grant of planning permission was in breach of certain policies in the development plan.

03 Administrative Court

Immunity from enforcement action

* NESTOROVA-GOREMSANDU V SEC OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT (2010) PLSCS 106 – Decision given 16.04.10

Facts: In November 2006 N-G's application for planning permission to construct a single-storey rear extension to her bungalow was refused. In November 2007 N-G's appeal against that decision was dismissed by a planning inspector appointed by the Sec of State. However, by that time the extension had almost been built and N-G's further applications for permission were either turned down or not determined. The lpa issued an enforcement notice alleging that the erection of the extension was in breach of planning control and requiring it to be demolished.

Point of dispute: Whether N-G's appeal would be allowed against the inspector's decision that the enforcement notice should stand. Relying on ground (d) in s174(2) of the Town and Country Planning Act 1990 N-G alleged that the extension had become immune from enforcement as more than four years had elapsed since it had been substantially completed in January 2002, but that owing to defects the roof timbers and roof had been replaced after that date.

Held: N-G's appeal against the inspector's finding that the extension had not been in existence for more than four years prior to the date of the enforcement notice was dismissed. The inspector had reached this conclusion after considering aerial photographs taken in 2003 and the earlier inspector's finding about the state of the extension in 2007. N-G's argument that the inspector had failed to take into account a material consideration, being evidence from her builder regarding replacement of the roof, was rejected. Although it was accepted that this was a material consideration which was not referred to in the inspector's decision, this did not matter as the inspector would have come to the same conclusion in any case. It was for an inspector to decide what weight, if any, should be attached to a material consideration. In any event the builder's evidence did not necessarily show that the extension had been substantially completed by January 2002 as his evidence was inconclusive as to the internal state of the extension and the test of substantial completion required consideration of the totality of the operations that were originally contemplated.

04 Statutory Instrument

SI 2010/1220 The Town and Country Planning (Compensation) (No 2) (England) Regulations 2010

Section 108 of the Town and Country Planning Act 1990 provides for payment of compensation in certain cases where planning permission for development granted by a development order or a local development order is withdrawn and where on an application for planning permission for that development, the application is refused. Section 108(2A) and (3B) to (3D) (inserted by s189 of the Planning Act 2008) limits the circumstances in which compensation is payable. These Regulations prescribe types of development for the purposes of s108(2A) and (3C), the manner in which planning permission is to be withdrawn and the manner, and maximum period, in which notice of withdrawal, revocation, amendment or directions is to be given. They come into force on 03.05.10 and revoke the Town and Country Planning (Compensation) (England) Regulations 2010 (SI 2010/655).

http://www.opsi.gov.uk/si/si2010/pdf/uksi_20101220_en.pdf

05 Planning Policy Statement

Planning Policy Statement 25: Development and Flood Risk

Planning Policy Statement 25 (PPS25), which sets out the Government's spatial planning policy on development and flood risk, replaced Planning Policy Guidance 25: Development and Flood Risk (PPG25), published in July 2001. This revised edition replaces the December 2006 version of PPS25 and includes amendments to the definition of Flood Zone 3b, The Functional Floodplain, in Table D.1 in Annex D, and to some of the Flood Risk Vulnerability Classifications in Table D.2, Annex D. A supplement on Development and Coastal Change has also been added to the PPS setting out planning policies for managing development in coastal areas affected by coastal change.

<http://www.communities.gov.uk/publications/planningandbuilding/pps25floodrisk>

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement25.pdf>

06 CLG Summary of Responses to Consultation

Consultation on proposed amendments to Planning Policy Statement 25: Development and Flood Risk – Summary of responses and key issues raised

This is a summary of the responses received to the public consultation document published on 11.08.09 which set out the Government's proposals to amend and clarify tables D1 and D2 in Annex D to Planning Policy Statement 25: Development and Flood Risk (PPS25).

<http://www.communities.gov.uk/publications/planningandbuilding/floodriskresponses>

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1522226.pdf>

07 CLG Circular

Circular 04/10: Compulsory Purchase and the Crichel Down Rules

This Circular replaces Appendix C to Part 1 of the Memorandum to Circular 06/04: Compulsory Purchase and the Crichel Down Rules. Its purpose is to reflect the creation of the Homes and Communities Agency (HCA) and it sets out the kinds of considerations that should be taken into account by the HCA before submitting a compulsory purchase order (CPO) to the Sec of State for confirmation, and matters which the Sec of State will consider when examining a request to confirm a CPO.

<http://www.communities.gov.uk/publications/planningandbuilding/circularcompulsoryannexc>

08 CLG Circular

Circular 05/10: Changes to Planning Regulations for Dwelling Houses and Houses in Multiple Occupation

This circular contains guidance on the planning regulations for dwelling houses and houses in multiple occupation, as these have been amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (SI 2010/ 653) and the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 (SI 2010/ 654). It gives general guidance on the new use classes. The changes apply from 06.04.10 and follow on from the consultation "Houses in multiple occupation and possible planning responses".

<http://www.communities.gov.uk/publications/planningandbuilding/circulardwellinghouses>

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1528858>

RATING

09 Business Rates Information Letter

Business Rates Information Letter (5/2010): Interest Rates and Backdating SBRR

This letter covers:

- interest rate for 2010/2011, which is 0%; and
- backdating of Small Business Rate Relief (SBRR).

<http://www.communities.gov.uk/publications/localgovernment/bril052010>

<http://www.communities.gov.uk/documents/localgovernment/pdf/1513124.pdf>

10 Business Rates Information Letter

Business Rates Information Letter (6/2010): Budget Announcement – Changes to the Small Business Rate Relief

This letter covers the increase in the level of Small Business Rate Relief. This means that eligible ratepayers will receive relief at 100% on properties with rateable values up to £6,000. Tapered relief of between 100% and 0% will be available for properties with rateable values between £6,001 and £12,000. The new levels of relief will be available from 01.10.2010 to 30.09.2011.

<http://www.communities.gov.uk/publications/localgovernment/bril062010>

<http://www.communities.gov.uk/documents/localgovernment/pdf/1517419.pdf>

HOUSING

11 CLG Research Report

The housebuilding industry: Promoting recovery in housing supply

This report explores the challenges to recovery in the house building industry. The findings in the report have been informed by consultation with the sector and the report proposes a range of actions for government to consider. These include increasing the supply of viable land for private house building, further streamlining of planning processes, improving the formulation and implementation of regulations which affect the sector, access to finance and improving the provision of utilities to housing sites.

<http://www.communities.gov.uk/publications/housing/housebuildingrecovery>

<http://www.communities.gov.uk/documents/housing/pdf/1526670.pdf>

12 CLG Statistical Release

House Price Index – February 2010

- UK house prices were 7.4% higher than in February 2009 and 0.1% lower than in January 2010 (seasonally adjusted).
- The mix-adjusted average house price in the UK stood at £204,359 in February 2010 (not seasonally adjusted).
- UK house prices rose by 2.9% in the quarter ending February 2010. In the quarter ending November 2009 they rose by 3.4% (seasonally adjusted).
- Annual average house prices rose in England by 7.9%, in Scotland by 4.2%, in Wales by 4.7% but fell in Northern Ireland by 8.3%.
- Annual average house prices paid by first time buyers in February 2010 were 9.3% higher than a year ago, while average house prices paid by former owner occupiers were 6.6% higher.
- Annual average house prices paid for new properties in February 2010 were 3.9% lower than a year ago. Average prices paid for pre-owned dwellings were 8.2% higher.

<http://www.communities.gov.uk/documents/statistics/pdf/1537735.pdf>

LEASEHOLD REFORM

13 Court of Appeal

Collective enfranchisement – notices

** HILMI & ASSOCIATES LTD V 20 PEMBRIDGE VILLAS FREEHOLD LTD
(2010) PLSCS 97 – Decision given 30.03.10

Facts: Four out of seven qualifying tenants of flats in a building applied to acquire the freehold by collective enfranchisement under the Leasehold Reform, Housing and Urban Development Act 1993. Three were individuals while the fourth was a company. Notice of the application, signed by the three individual tenants and by a director of the company, was given to H, the freeholder, under s13 of the 1993 Act.

Point of dispute: Whether the notice had been given by a majority of the qualifying tenants as required by the 1993 Act. H argued it had not, since the notice had not been validly “signed” by the company within the meaning of s99(5) of the 1993 Act because it did not bear the company’s common seal or the signatures of two directors, or one director and the company secretary, as provided by s36A of the Companies Act 1985.

Held: H’s appeal against the county court decision in favour of the tenants was allowed. The judge had ruled that there was a distinction between the requirements for executing a document as set out in s36A of the 1985 Companies Act and a signature for the purposes of s99(5) of the 1993 Act. The question of how an artificial person can sign a document had to be answered by looking at the company’s own constitutional documents, or the general law, or both. In this case, where there was no reliance on the former, the material provision of general law was s36A of the 1985 Act. Although that referred to “execution” of a document that term was not confined the execution of deeds, but could apply also to a document made under hand rather than by deed. A notice under s13 of the 1993 Act required a degree of formality to make it valid, and because it had to be signed “by” rather than “on behalf of” a legal entity it was not sufficient for it to be signed by only one director of the company, notwithstanding that the company had given authority to the single director to sign. The appropriate legal process under s36A had to be followed.

REAL PROPERTY

14 Court of Appeal

Constructive Trust

* BAYNES CLARKE V CORLESS
(2010) PLSCS 101 – Decision given 31.03.10

Facts: In 2001 BC and C each bought one of two new houses that had been built by a developer in the plot of an existing detached house. The developer retained land to the west of the plot, on which it constructed an access road to serve all three houses. A grass strip between the road and the plot housed a sewage treatment plant. All the parties had a right of way over the road and a right to drain sewage into the plant, subject to paying a proportion of the costs of repairs and maintenance. After experiencing problems with the sewage plant the owners of the three houses held a meeting in January 2003 when they agreed they would try and buy the access road and grass strip from the developer. Later in 2003 the developer sold the original house to the sitting tenant, including part of the grass strip. In 2004, without the appellant’s knowledge, the respondent bought the remainder of the grass strip and the access road for £3,000.

Point of dispute: Whether the respondent held the grass strip and access strip on constructive trust. The appellant argued that the respondent had acted unconscionably in the way in which he had acquired them contrary to the 2003 agreement and that as a result he held them on constructive trust for all the residents.

Held: The appellant’s appeal against the judge’s finding in the court below in favour of the respondent was dismissed. A constructive trust could be imposed in joint venture cases involving an arrangement short of a contract where the parties had agreed to acquire property for their mutual benefit. Such a trust would be imposed if it would be unconscionable for the purchasing party to retain ownership of the land for its own benefit having regard to the prior agreement and the claimant’s reliance on it. These questions had to be decided on an objective basis. The judge had found that all the parties had understood they would acquire an interest in the developer’s retained land. The agreement reached was sufficient to found the necessary equity if it was relied on. The judge had been wrong to find that the agreement was insufficient to found the equity but had correctly concluded the appellants had not relied on the 2003 agreement and accordingly no constructive trust had arisen.

15 End of the Rule against perpetuities for property transactions

The Perpetuities and Accumulations Act 2009 came into force on 06.04.10 and makes major changes to the rule against perpetuities and the rule against excessive accumulations, giving effect to the Law Commission's 1998 report on both. The rule against perpetuities states the period within which future interests must take effect. The majority of land transactions are being taken out of the rule. As a result it no longer applies to commercial interests such as future easements, options to purchase or lease land and rights of pre-emption. The perpetuity period for interests held in a trust is now 125 years, regardless of the period stipulated in a document. The old rules will continue to apply to transactions entered into before 6 April. Two statutory restrictions will continue to apply despite the Act as they have never been part of the rule against perpetuities:

- a lease must take effect within 21 years of the date on which it is granted; and
- a contract to renew a lease for a period of more than 60 years from the date on which the existing lease terminates will still be void.

CONSTRUCTION

16 CLG Research Study

Ventilation and Indoor Air Quality in Part F 2006 Homes – BD 2702

This study which was commissioned by CLG examined whether the guidance in the 2006 edition of Approved Document F is effective in providing adequate ventilation and indoor air quality in new dwellings. It also investigated how well modern dwellings comply with Part F 2006.

The study shows that there is a good case for:

- increasing provisions for background ventilation in more airtight, naturally ventilated dwellings; and
- introducing requirements or guidance on the installation, inspection and testing of mechanical ventilation systems to address installation quality concerns.

<http://www.communities.gov.uk/publications/planningandbuilding/ventilationindoorair>

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1526889.pdf>

17 CLG Research

Review of the implementation of Part L 2006: BD 2702

This project explored the implementation of Part L of the Building Regulations for England and Wales following the 2006 revisions which contained far reaching changes to energy efficiency regulation. Since the introduction of these changes, evidence has emerged that the energy performance standards in the Regulations are not being achieved in practice and it is considered that there needs to be a clearer understanding of how the regulations are being interpreted and put into practice.

The project focused on the following:

- interpretation of the regulations and associated guidance;
- practical steps taken to ensure the intent of the regulations is achieved;
- areas of uncertainty that exist;
- co-ordination of different professionals involved in the process; and
- the extent to which the structure of regulations and guidance needs to change for energy performance to match regulatory intention.

<http://www.communities.gov.uk/publications/planningandbuilding/reviewimplementationpartl>

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1526875.pdf>

ENVIRONMENT

18 CLG Publication

Communities and Local Government Carbon Reduction Delivery Plan

Each Government department has been allocated a carbon budget under the Low Carbon Transition Plan to ensure accountability for Green House Gas reduction and management of emissions in the sectors of the economy they directly or indirectly influence. This document sets out the action that Communities and Local Government will take to meet its carbon budget. It also provides an overview of the Department's contribution to cross-Government work to tackle climate change.

<http://www.communities.gov.uk/publications/planningandbuilding/carbonreductionplan>

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1524251.pdf>

19 CLG Publication

Communities and Local Government Departmental Adaptation Plan

This Plan sets out how Communities and Local Government will help people and communities in England adapt and become resilient to future climate change. It draws on the latest UKCP09 climate projections to identify and manage the risks that climate change poses to delivery of CLG's departmental objectives. It also provides an overview of the Department's contribution to cross-Government work on climate change adaptation.

<http://www.communities.gov.uk/publications/planningandbuilding/adaptationplan>

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1524131.pdf>

 20 European Commission Guidance note

Preparing a waste management plan

The competent authority in each EU Member State is required by EU legislation to draw up one or more waste management plans in accordance with the relevant EU Directives. It is the responsibility of each individual Member State to apply the principles of these directives when implementing a national waste management system. This guidance note aims to provide a tool for waste management planning and promote the development of more coherent and appropriate planning practices across the EU Member States which comply with the requirements of the relevant legislation.

http://ec.europa.eu/environment/waste/plans/pdf/wasteguide_final.pdf

GENERAL

21 CLG Publication

Strategy for seaside success: Securing the future of seaside economies

This strategy aims to ensure seaside towns are given the support they require to build on their heritage and take advantage of new opportunities to develop strong economies and communities for the future. It recognises these towns have unique histories and retain a special place in the development of modern Britain. Whilst this heritage has been put at risk due to the economic decline suffered by many of these towns in recent years, renewed interest coupled with new possibilities to cultivate low carbon economies and online services, will provide opportunities to secure economic regeneration.

<http://www.communities.gov.uk/publications/citiesandregions/strategyseasideeconomies>

<http://www.communities.gov.uk/documents/citiesandregions/pdf/1518282.pdf>

22 Government Statement

The Government's Statement On The Historic Environment For England

This document, published in three parts, complements PPS5 and is intended to assist the Government realise its vision for the historic environment and assist it in working with others to achieve those aims. It recognises the cultural, social and environmental value of the historic environment and the contribution that it makes to quality of life and quality of individual places.

http://www.culture.gov.uk/reference_library/publications/6763.aspx

http://www.culture.gov.uk/images/publications/Acc_HeritageVision_Part1.pdf

http://www.culture.gov.uk/images/publications/Acc_HeritageVision_Part2.pdf

<http://www.culture.gov.uk/images/publications/HeritageVision.rtf>

GERALD EVE'S UK OFFICE NETWORK

Gerald Eve LLP is an independent firm of chartered surveyors and property consultants, employing more than 330 staff across the UK.

We provide a comprehensive range of services to our private and public sector clients — including more than 40 per cent of the FTSE100 — covering agency, corporate property management, professional and transaction-based advice.

Our philosophy is to serve clients by identifying opportunities and solving problems relating to property through the provision of high quality, thoroughly researched cost effective advice.

London (West End)

Hugh Bullock Tel. 020 7333 6302
hbullock@geraldev.com

London (City)

Simon Prichard Tel. 020 7489 8900
sprichard@geraldev.com

Birmingham

Chris Kershaw Tel. 0121 616 4800
ckershaw@geraldev.com

Cardiff

Joseph Funtek Tel. 029 2038 8044
jfuntek@geraldev.com

Glasgow

Ken Thurtell Tel. 0141 221 6397
kthurtell@geraldev.com

Leeds

Mike Roberts Tel. 0113 244 0708
mroberts@geraldev.com

Manchester

Mike Roocroft Tel. 0161 830 7070
mroocroft@geraldev.com

Milton Keynes

Simon Dye Tel. 01908 685950
sdye@geraldev.com

West Malling

Lisa Laws Tel. 01732 229423
llaws@geraldev.com



To add your name to the evebrief distribution list, please contact us at evebrief@geraldev.com

Evebrief has been established for more than 30 years. It is a summary of the latest statutory and legal cases affecting the property industry and is widely regarded in the industry as the most comprehensive document of its type.

Useful web links

www.ukonline.gov.uk
www.odpm.gov.uk
www.dft.gov.uk
www.inlandrevenue.gov.uk
www.hms.gov.uk
www.egi.co.uk
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

If you require full details of any of the cases presented in this publication, or would like to discuss them in further detail, please contact our specialists:

Agency

Chris Kershaw Tel. 0121 616 4800
ckershaw@geraldev.com

Compensation & Compulsory Purchase

Tony Chase Tel. 020 7333 6282
tchase@geraldev.com

Building Consultancy

Michael Robinson Tel. 0161 830 7091
mrobinson@geraldev.com

Environment & Contamination

Keith Norman Tel. 020 7333 6346
knorman@geraldev.com

Landlord & Tenant

Graham Foster Tel. 020 7653 6832
gfoster@geraldev.com

Leasehold Reform

Julian Clark Tel. 020 7333 6361
jclark@geraldev.com

Minerals & Waste Management

Philip King Tel. 0113 244 0708
pking@geraldev.com

Planning & Development

Hugh Bullock Tel. 020 7333 6302
hbullock@geraldev.com

Rating

Jerry Schurder Tel. 020 7333 6324
jschurder@geraldev.com

Real Property

Annette Lanaghan Tel. 020 7333 6419
alanaghan@geraldev.com

Valuation

Mark Fox Tel. 020 7333 6273
mfox@geraldev.com

Gerald Eve Research

One of our key roles at Gerald Eve Research is to communicate with our clients and others; to inform them, for example, on our latest thinking on topical issues such as legal matters and the implications for broader property market trends.

For more information on our research services please contact:

Robert Fourt
Partner
Tel. 020 7333 6202
rfourt@geraldev.com

Disclaimer & Copyright

Evebrief is a short summary and is not intended to be definitive advice. No responsibility can be accepted for loss or damage caused by any reliance on it.

© All rights reserved

The reproduction of the whole or part of this publication is strictly prohibited without permission from Gerald Eve LLP.

EVEBRIEF

Legal & Parliamentary

Volume 32(06) 26 April 2010

- 01 Scotland – Planning
- 02 Scotland – Leasehold Reform
- 03 Wales – Rating
- 04 Northern Ireland – Planning

SCOTLAND

PLANNING

- 01 Statutory Instrument
-

SSI 2010/141 The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Amendment Regulations 2010

These Regulations, which came into force on 01.04.10, amend the 2004 Regulations which provide for the payment of fees to planning authorities. With the exception of fees for marine fish farming, all fees currently payable under the 2004 Regulations are increased by approximately 10%.

http://www.opsi.gov.uk/legislation/scotland/ssi2010/pdf/ssi_20100141_en.pdf

LEASEHOLD REFORM

- 02 Scottish Government Consultation
-

Consultation on Long Leases (Scotland Bill)

Deadline for Comments: 30.06.10

This consultation seeks views on the Government's proposed approach to implementing the Scottish Law Commission report on Conversion of Long Leases, the broad principle of which is that ultra-long leases should be converted to ownership with appropriate compensation for landlords. The Report recommended the introduction of a Long Leases (Scotland) Bill under which leases of longer terms than 175 years which have more than 100 years left to run would be converted to ownership.

<http://www.scotland.gov.uk/Resource/Doc/307902/0096874.pdf>

WALES

RATING

03 Statutory Instrument

WSI 2010/713 The Valuation Tribunal for Wales Regulations 2010

These Regulations create a single valuation tribunal for Wales which will replace the four existing tribunals and the valuation tribunal service for Wales.

http://www.opsi.gov.uk/legislation/wales/wsi2010/pdf/wsi_20100713_mi.pdf

NORTHERN IRELAND

PLANNING

04 The Planning Service – Development Management Statistics Northern Ireland

2009/2010 Third Quarterly Statistical Bulletin (October to December 09)

These statistics include figures on the following:

- applications received and decided;
- applications received by type of development; and
- performance on processing planning applications.

The Planning Service received 8% more applications than in the corresponding quarter in 2008/09 but decided 15% fewer. 73% of applications received and decided were for residential development.

http://www.planningni.gov.uk/index/tools/about-statistics/quarter3_0910_publicationfinal_2.pdf