EVEBRIEF

Legal & Parliamentary

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HEALTHY PEOPLE NEED HEALTHY CITIES!

Our report at item 32 regarding the need for 'Promoting Healthy Cities' gives food for thought as this links in to a number of other items also reported in this edition. 'Being Healthy' is a combination of factors - not just food or exercise or just infrastructure or facilities! We report at items 13 and 14 that unemployment continues to fall, possibly linked to the continued number of permissions for home extensions being granted due to increased consumer spending power, and also that there has been a good take-up of permitted development measures for changes from office to residential use. With a growing population, the associated sectors such as health and education must also be appropriately provided for along with suitable transport infrastructures (item 28) which should be cost effective, and efficient in movement between them, to ensure that all are being fully utilised.

Elsewhere, at item 23, we report the Supreme Court's decision on homes sold under 'sale and rent back' arrangements where the sellers often find that, post-sale their interest in their homes is not as they had envisaged due to the terms of the sale agreements and of the purchasers' mortgage conditions. Some have found themselves with no security of a home having sold them at discounted prices. Terms and conditions of such agreements need to be considered very carefully.

Bhavesh Shah
Editor

GERALDEVE

LANDLORD & TENANT

01 Upper Tribunal: Lands Chamber

Service Charge

*CASTLE ROCK 2002 MANAGEMENT LTD V JEFFERY
[2014] PLSCS 281 – Decision given 10.09.14

Facts: The appellant company, CRM, was the landlord and manager of a block of flats overlooking Woolacombe Bay in Devon. J, the respondent, was the long leaseholder of one of the flats. The eight upper flats all had balconies, while the middle ground-floor flat originally had a wooden-decked balcony with a balustrade. Various problems arose caused by the defective construction of the property and the balcony of the middle ground-floor flat had to be replaced with a paved patio similar to the other ground floor flats. At the same time a wall was constructed to separate the patio areas from the steep slope below. CRM sought to recover the cost of the works through the service charge.

Point of dispute: Whether CRM's appeal would be allowed against the LVT's ruling that J was not liable to contribute to the costs of these works. Under the terms of the leases the "property" demised by each lease was confined to the internal surfaces of all load-bearing walls, door frames and window frames, plus any internal non load-bearing partition walls and doors and the surface of the floors and ceilings, but expressly excluding "all such parts of the Building as are below the floor surface". The LVT found that the works were carried out to parts of the property which were included in the tenants' individual demises. With regard to the new wall, the LVT found that this was not constructed for safety reasons, but with the purpose of improving the views from the building which meant that its cost was not reasonably incurred for the purposes of s19(1) of the 1985 Act.

Held: The appeal was allowed in part.

i. There was no express reference in the leases to the patios, but on a proper construction of the leases these formed part of the "building". Since the demise of the ground floor flat in question excluded anything beneath the patio surface and the works to that flat involved works below the surface of the original wooden decked area, these were works to the common parts and therefore properly included in the service charge.

ii. Regarding the wall, there was no reason to depart from the LVT's findings. The cost of the wall works was not recoverable through the service charge provisions.

02 Upper Tribunal: Lands Chamber

Service charge – whether landlord entitled to include in service charge a reserve fund for anticipated expenditure in future service charge year

*GARRICK ESTATE LTD V BALCHIN
[2014] PLSCS 286 – Decision given 11.09.14

Facts: B was the long leaseholder of a property on an estate of which GE was the freeholder. Under the terms of his lease B was required to pay to GE "on demand by way of service charge the due proportion as hereafter defined of the expenditure incurred or to be incurred by the Lessors" in respect of various listed matters relating to maintenance of the estate. A further clause provided that two thirds of the estimated service charge for each calendar year was to be paid in advance in February on account.

Point of dispute: Whether it was reasonable for GE to demand £425 from B on account of the service charge for 2013. That sum included a reserve fund to cover anticipated expenditure in the following year.

Held: GE's appeal against the LVT's finding that the sum demanded was unreasonable was allowed. The LVT considered that the terms of the lease did not permit GE to claim service charges for expenses outside the current year, but the UT found that GE could claim for expenditure that it anticipated would be incurred in the following service charge year, due to the presence of the words "incurred or to be incurred" in the relevant provision of the lease. The expenditure had to fall within specified categories and satisfy the statutory requirement of reasonableness.

03 CLG Information Leaflet

Lettings agents and property managers: redress schemes

W.e.f. 01.10.14 it is a legal requirement for lettings agents and property managers in England to join one of three government approved redress schemes. This leaflet contains information about the requirement and who it applies to. It will be enforced by local authorities who can impose fines of up to £5,000 where an agent or property manager who should have joined a scheme has not done so.

https://www.gov.uk/government/publications/lettings-agents-and-property-managers-redress-schemes

If you require advice on landlord & tenant issues, contact Graham Foster on Tel. +44 (0)20 7653 6832 gfoster@geraldeve.com

PLANNING

04 Court of Appeal

Appeal against enforcement notice – whether inspector had power to permit three flat scheme by variation of enforcement notice on appeal under s174(2)(f) of the Town and Country Planning Act 1990

*IANNOU V SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT
[2014] PLSCS 301 – Decision given 31.10.14

Facts: The lpa issued an enforcement notice against I in respect of an alleged breach of planning control by an unauthorised conversion of a single family house into five flats. I appealed against the notice relying upon the statutory grounds of appeal in s174(2) of the TCPA 1990 including ground (a) that planning permission should be granted for the matters stated in the notice and ground (f) that the notice requirements exceeded what was necessary to remedy the breach of planning control or injury to amenity caused by the breach. In relation to ground (a) I argued that permission should be granted for an alternative three flat scheme. I's appeal was dismissed by the Sec of State's planning inspector who took the view that the only available course under ground (a) was to grant or refuse permission for the works complained of in the notice, rather than some other scheme and the ground (f) appeal also failed because nothing short of the works specified in the notice would be sufficient to remedy the breaches of planning control

Point of dispute: Whether the court would allow the Sec of State's appeal against the decision of the court below, which reversed the inspector's findings. The judge held that the three-flat scheme could be permitted if, as a matter of fact and degree, it was not "substantially different" from the five flats actually developed applying the principle in *Bernard Wheatcroft Ltd v Secretary of State for the Environment (1982).*

Held: The appeal was allowed. It was not open to the inspector to grant permission for the three flat scheme under the ground (f) appeal. If an alternative scheme was put forward which was not part of the matters stated in the enforcement notice as constituting a breach of planning control, but which the inspector considered potentially acceptable in planning terms, the inspector could allow the appeal on ground (g) and extend the period for compliance with the notice so that the planning merits of the alternative could be properly explored.

05 Court of Appeal

Residential development on former school site – whether respondent lpa erring in adopting core strategy without taking into account as "reasonable alternative" proposals for relocation of another school to the site – whether erring in granting planning permission without requiring replacement of school facilities

*R (ON THE APPLICATION OF CHALFONT ST PETER PARISH COUNCIL) V CHILTERN DISTRICT COUNCIL [2014] PLSCS 295 – Decision given 28.10.14

Facts: In December 2010 the lpa, CDC, granted planning permission for a mixed use development on the site of a former convent school in Chalfont St Peter, Bucks. In granting this permission it adopted a core strategy that identified the convent site as one of three strategic housing sites in their area. The parish council had wanted to relocate a Church of England school to the site in order to relieve overcrowding elsewhere. It challenged the core strategy under s113 of the Planning and Compulsory Purchase Act 2004 and sought judicial review of the grant of planning permission. The parish council challenged CDC's conclusion that the relocation plan was impractical and maintained that it could be realised by a "land swap" under which the Church of England school's existing site could be sold for development to finance the new project. It also contended that the grant of planning permission was vitiated by errors of fact as to the extent of the playing fields on the convent school site.

Point of dispute: Whether to allow the parish council's appeal against the dismissal of its claims in the court below.

Held: The appeal was dismissed.

i. CDC had been entitled to find that the parish council's land swap proposal did not meet the threshold for consideration as a reasonable alternative. It was significant that the education authority did not consider there was a need for a new school and no funding had been agreed for the proposal. Housing capacity on the Church of England site had not been assessed. The inspector who examined the core strategy had made it clear that he considered the land swap proposal to be unsound because of the education authority's position and the decision he had come to was a lawful one, notwithstanding the inadequacy of his reasoning.

ii. There had been no mistake of fact that gave rise to a ground of challenge in public law. There was conflicting evidence on the playing field issue; in the absence of irrationality or perversity it was for CDC to decide the extent of the playing fields on the convent school site and their decision on that matter had been open to them to make on the basis of the material before them.

iii. It was agreed by everyone involved that the requirements of CSF2 of the local plan were met because the convent and the school buildings as they stood at the date of the decision were no longer required for the existing use or for the community.

06A Administrative Court

Extension of aerodrome runway in the green belt – whether inspector erring in taking non green belt harm into account

*REDHILL AERODROME LTD V SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT [2014] PLSCS 263 – Decision given 18.07.14

Facts: RAL, which operated an aerodrome within the metropolitan green belt, sought planning permission to replace the grass runways with a hard runway and other works. The lpa refused the application and an inspector was appointed by the Sec of State to determine RAL's appeal against that decision.

Point of dispute: Whether RAL's appeal would be allowed against the inspector's decision to dismiss its appeal against refusal of planning permission for the development. Taking into account the relevant considerations in the NPPF and other factors such as the appearance and landscape character of the area, quality of life for local communities, highway capacity and safety which constituted "non-green belt harm", the inspector concluded that the overall weight against the proposal was very strong. RAL argued that the inspector had not been correct to take non green belt harm into account, either individually or as part of the cumulative green belt harm assessment.

Held: RAL's application for an order quashing the inspector's decision was granted.
The green belt was not a landscape designation. Effect upon landscape character and the visual impact of a development proposal were material considerations, but were different from the consideration of harm to a green belt and the inspector had been right to treat those impacts separately from Green Belt considerations.

Given the clear guidance in the NPPF it was not right to take non green belt harm into account. The phrase "any other harm" in para 88 of the NPPF meant only harm to the green belt. Individual considerations should not be considered cumulatively where each of the harms identified were at a lesser level than prescribed for refusal in the NPPF on an individual basis. The inspector's conclusion had been tainted by an impermissible approach to the NPPF.

06B

On 24.10.14 the Secretary of State's appeal against the above decision was decided:-
Court of Appeal [2014] PLSCS 292.

Held: The appeal was allowed. The protection of the green belt around urban areas was one of the 12 "core planning principles" in the NPPF and there was not intended to be a separation of green belt harm from "any other harm" in para 88. Otherwise it would be easier to applicants to obtain planning permission for inappropriate development in the green belt because it would be less difficult to establish "very special circumstances" justifying development. All the considerations in favour of granting planning permission would be weighed against only some, rather than all, of the planning harm that would be caused by an inappropriate development. The NPPF had not made any significant changes to previous green belt policy. Further, it was common ground that non green belt considerations, such as employment and economic advantages, could be included in the weighing exercise as "other considerations" when deciding whether "very special circumstances" existing to outweigh the presumption against inappropriate development in the green belt.

07 High Court

Judicial review of decision to grant planning permission for commercial development

Facts: The claimant, MCC, owned and operated a supermarket in Cinderford town centre, Gloc. In March 2012 FDDC, the defendant, granted outline permission to a developer to construct an out of town retail store. 13 years earlier the Sec of State, acting on the recommendation of his inspector, and following a ten day public inquiry, had refused an application for outline planning permission on that site for a large retail store. Full planning permission was granted in January 2014 – this was a redetermination of the application following the decision of Stewart J to quash FDDC's earlier grant of permission.

Point of dispute: Whether to grant MCC's application for judicial review of the 2014 decision. MCC argued that in making its new decision MCC had fallen into the same errors that had led to the quashing of the first determination. MCC contended that the committee had: (i) failed to have regard to a material consideration, namely how the s106 contributions would encourage town centre trips; (ii) granted planning permission in breach of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010; (iii) failed to provide a rational and adequately reasoned basis for departing from an earlier decision of the Sec of State to refuse planning permission for the site for a similar development on the basis of similar s106 contributions/obligations; and (iv) materially misconstued para 14 of the NPPF.

Held: MCC's application for judicial review was granted.
The planning committee had relied on a further planning officers' report (OR2) but that had failed to deal with the important material consideration of how the proposed s106 contributions would or might encourage more visits to the town centre as it was common ground that the development proposal would cause substantial harm to it.

This meant that the contributions could not be considered sufficient to render the development acceptable in planning terms.

The inspector and planning committee had failed to grapple with the crucial findings of the inspector and the secretary of state prior to the 1999 decision that enhancements incorporated into the s106 contributions would not, without more, encourage people to visit a town centre seriously adversely affected by the proposed out of town development. The earlier decision was indistinguishable and no analysis or reasons for departing from it had been given.
Ground (iv) was also proved.

08 CLG Statistics

Planning applications in England: April to June 2014

The latest statistics on planning applications were released by the UK Statistics Authority on 02.10.14. Between April and June 2014 district level planning authorities:

- received 123,200 applications for planning permission, 1% fewer than during the same quarter in 2013;
- granted 92,400 permissions, up 1% on the same quarter last year;
- granted 89% of applications – no change on last year;
- decided 79% of major applications within 13 weeks or within the agreed time, up from only 63% a year earlier; and
- made 4% more residential decisions than in the June quarter 2013.

The figures show that there has been a significant increase in the number of applications for home extensions being granted and also that there has been a good take up of permitted development measures to enable redundant office buildings to be turned into new homes.

https://www.gov.uk/government/statistics/planning-applications-in-england-april-to-june-2014

09 CLG Statistics

Live tables on planning application statistics

These are live tables for statistics on planning applications and decisions at national and local planning authority level.

https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics

10 Planning Practice Guidance

Housing and Economic Land Availability Assessment

This guidance, which was published on 06.10.14, reaffirms that Councils must use their Local Plan Development Framework to safeguard their local area against urban sprawl. It explains that established green belt boundaries should only be altered in exceptional cases, through the preparation or review of the Local Plan, and that housing need, including the need for traveller sites, does not justify the harm done to the green belt by inappropriate development. The guidance addresses a number of questions, some of which are as follows:

- What are the standard core outputs from each assessment?
- Do housing and economic needs override constraints on the use of land, such as Green Belt?
- In the decision making process, can unmet need for housing outweigh Green Belt Protection?
- Do local planning authorities have to meet in full housing needs identified in needs assessments?
- How is deliverability (1-5 years) and developability (6-15 years) determined in relation to housing supply?
- What is the starting point for the five-year housing supply?
- What constitutes a ‘deliverable site’ in the context of housing policy?
- What constitutes a ‘developable site’ in the context of housing policy?

https://www.gov.uk/government/news/councils-must-protect-our-precious-green-belt-land

11 CLG National Planning Policy

National planning policy for waste

This document sets out detailed waste planning policies. It should be read in conjunction with the NPPF, the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste. All local planning authorities must have regard to these policies when discharging their responsibilities to the extent that they are appropriate to waste management.

https://www.gov.uk/government/publications/national-planning-policy-for-waste

12 CLG Consultation

The role of planning in preventing major-accident hazards involving hazardous substances Deadline for Comments: 01.12.14

Following a number of accidents in Europe involving hazardous substances, notably at Seveso in Italy, the EU introduced legislation to prevent major accidents. This has been in place since 1992, it was then updated in 1996 ("Seveso II") and the most recent update, "Seveso III" was agreed in 2012 and has to be transposed by 31.5.15. This consultation sets out how it is proposed to transpose the land use planning requirements of Seveso III into English planning legislation and to improve the regulatory framework on planning for hazardous substances.

https://www.gov.uk/government/consultations/the-role-of-planning-in-preventing-major-accident-hazards-involving-hazardous-substances

If you require advice on planning & development issues, contact Hugh Bullock on Tel. +44 (0)20 7333 6302 hbullock@geraldeve.com

HOUSING

13 Housing & Communities Agency Bulletin

Monthly Housing Market Bulletin – September 2014

This HCA bulletin provides the latest information on trends in the housing market and the economy. Key trends in September were as follows:

- Average house prices continued to rise, although the rate appeared to be easing, particularly in the London market;
- The numbers of housing transactions have increased, but were still below their 2007 peak. Numbers of mortgage advances continued to grow;
- Residential land values continued to rise as did the total output of the construction industry; and
- GDP increased by 0.9% in Q2 2014 (3.2% y/y); unemployment is falling and is currently at 6.3%; CPI inflation is at 1.5%

http://www.homesandcommunities.co.uk/ourwork/market-context

14 Housing & Communities Agency Bulletin

Housing Market Bulletin, October 2014

Key trends in October were:

- Average house prices have continued to increase, although the rate is easing;
- Housing transactions have started to decrease; and
- The total output of the construction industry decreased by 0.3%, the first time that there has been a decrease in over a year.

http://www.homesandcommunities.co.uk/ourwork/market-context

15 Research Report

Knight Frank Retirement Report

This report examines the issue of the need for more retirement housing in the UK.

http://offlinehbpl.hbpl.co.uk/NewsAttachments/RLP/KnightFrankRetirementHousing.pdf

16 CLG Statistics

Affordable housing supply in England: 2013 to 2014

These are the latest statistics on gross affordable housing supply in England which were released on 16.10.14. Key points are as follows:

- 42,710 affordable homes were provided in England during this period;
- Overall the number of homes delivered in the social rented sector increased by 24% from 24,600 in 2012-13 to 30,590 in 2013-14; and
- There were 36,520 new build affordable homes provided in 2013-14, an 8% decrease from 39,510 built in 2012-13. New build homes represented 86% of all affordable homes provided in 2013-14.

https://www.gov.uk/government/statistics/affordable-housing-supply-in-england-2013-to-2014

RATING

17 Upper Tribunal: Lands Chamber

Practice and procedure – simplified procedure

*TOTAL FULFILMENT LOGISTICS LTD V MAY (VO)
[2014] PLSCS 267 – Decision given 07.08.14

Facts: The appellant (TFL) sought to appeal a decision of the VTE regarding the RV of commercial premises on an industrial estate in Swindon. TFL requested that the case be dealt with under the simplified procedure, the VO agreed and in February 2014 he filed and served his statement of case. A hearing was listed for June 2014, the parties exchanged expert reports, TFL receiving the VO's report late in May 2014. TFL's agent then informed the tribunal that TFL was withdrawing its appeal on the ground that it could not afford the costs and risks of pursuing the case to a full tribunal hearing. The VO responded that he would agree to withdrawal of the case only if TFL met his abortive costs of £2,700 for drafting the experts' report. The tribunal consented to the withdrawal of the appeal subject to further representations on costs.

Point of dispute: Whether costs should be awarded against TFL. The VO argued that TFL's late withdrawal amounted to unreasonable behaviour within the meaning of para 12.8 of the tribunal's Practice Directions of November 2010 which meant that the tribunal should depart from its usual position in relation to costs under the simplified procedure. He stated that all the information and legal argument in his expert's report had already been contained in his statement of case and that it was unreasonable of TFL's agent to wait to see what was in the expert's report before advising his client to withdraw.

Held: No order for costs was made. Parties to an appeal under the simplified procedure were expected to co-operate with each other. The tribunal would consider applications for wasted costs where it considered that one of the grounds in the Practice Statement had been met and the tribunal could at any time transfer the case to the standard procedure where it considered that the simplified procedure was being abused. In this case there had been a lack of courtesy in TFL's conduct, but the tribunal had to take into account the fact that even if the case had proceeded to a hearing and the VO had been successful on the substantive issue, costs would probably not have been awarded against the appellant. Therefore the VO would probably not have recovered the costs of preparation of his expert's report and by withdrawing the case TFL had saved costs for both parties. On the facts of the case there was no reason to depart from the normal position under the simplified procedure of making no order for costs.

18 Upper Tribunal: Lands Chamber

Beneficial occupation

*R3 PRODUCTS LTD V SALT (VO)
[2014] PLSCS 269 – Decision given 07.08.14

Facts: R3, the appellant, was a company which was engaged in a business requiring a high voltage electricity supply at its premises. In June 2011 it took a lease of a former warehouse but then discovered that the high-voltage cabling had been removed. R3 applied for the premises to be removed from the rating list (in which it was entered at RV £102,000) while it reinstalled the cabling and replaced lighting and then reintroduced on a phased, proportionate basis according to how much of the property was usable, until all the works were completed. This proposal was rejected by the VO and that decision upheld by the VTE on appeal. The VTE found that the premises had not ceased to be a hereditament and were not derelict or incapable of beneficial occupation – although unsuited to R3's needs they could have been used by another occupier.

Point of dispute: Whether to allow R3's appeal against the VTE's decision. R3 contended that the premises were not capable of beneficial occupation during execution of the works or, alternatively, if the premises were to remain on the list their RV should be reduced to a nominal amount.

Held: The appeal was dismissed. Once R3 was in beneficial occupation of the premises it commenced undertaking refurbishment work to suit its particular requirements. This meant the premises were capable of beneficial occupation from that time and R3 therefore failed in its primary case that the hereditament should be deleted from the rating list as being incapable of beneficial occupation. The nominal value argument also failed. For rating purposes it was assumed that a hereditament was in a state of reasonable repair, excluding any repairs that a reasonable landlord would consider uneconomic. Replacement of old lighting was clearly a repair as was reinstalling electricity. On the evidence a reasonable landlord with the opportunity of achieving a letting at a rent of approximately £100,000 pa would consider it economic to carry out those works – it was therefore to be assumed that at the valuation date the lighting had been replaced to comply with legislation and the power supply had been reconnected. On that assumption the rent would not have been less than that which had been agreed and on that basis the RV was £102,000.

19 Statutory Instrument

SI 2014/2841 The Rating Lists (Valuation Date) (England) Order 214

This Order specifies that 01.04.15 will be the day by reference to which properties are to be valued for the purposes of the non-domestic rating lists which are to be compiled on 01.04.17. The Order came into force on 21.11.14 and it revokes the 2008 Order.

http://www.legislation.gov.uk/uksi/2014/2841/pdfs/uksi_20142841_en.pdf

20 CLG Consultation

Business rates retention and shale oil and gas: technical consultation
Deadline for Comments: 05.12.14

In January 2014 the government announced that local authorities would be able to keep 100% of business rates received from shale oil and gas sites. This consultation invites comments on the draft regulations which define the sites on this retention would apply. It also sets out the arrangements for sharing the revenue between different tiers of local government.

https://www.gov.uk/government/consultations/business-rates-retention-and-shale-oil-and-gas-technical-consultation

If you require advice on rating issues, contact Jerry Schurder on Tel. +44 (0)20 7333 6324 jschurder@geraldeve.com

LEASEHOLD REFORM

21 Upper Tribunal (Lands Chamber)

Collective enfranchisement – Leasehold Reform, Housing and Urban Development Act 1993 – whether tenants who were not parties to initial notice subsequently became participating tenants by election – correct approach to calculation of marriage value – whether "purchaser's margin" to be deducted from aggregated leasehold values

*82 PORTLAND PLACE (FREEHOLD) LTD V HOWARD DE WALDEN ESTATES LTD
[2014] UKUT 0133 (LC); [2014] PLSCS 275 – Decision given 8 September 2014

Facts: This was a collective enfranchisement claim to acquire the freehold of a block of flats under the 1993 Act. There were 25 units with unexpired terms of either 11.82 or 101.82 years. The LVT determined a price of £21,340,923, calculated at the relevant valuation date in September 2009.

Points of dispute:

- "The McHale Issue" - whether the interests of the participating tenants should be valued without the benefit of rights under the 1993 Act;
- Whether the tenants of two flats, who were not participators at the time the initial notice was served, should nonetheless be treated as participators;
- The existing leasehold value of flats with leases due to expire in 2021 – "real world relativity" namely the relationship between freehold vacant possession (FHVP) of a flat and the value of a lease with 11.82 years of the term unexpired; and
- Whether a "purchaser's margin" should be deducted from the aggregated FHVP values in relation to the freeholder's interest.

Held:

- "The McHale issue" – appeal dismissed. The UT was bound to follow the Court of Appeal's decision in Mc Hale v Earl Cadogan. The interests of the participating tenants should be valued without the benefit of rights under the Act.
- The tenants of these two flats were to be treated as participating tenants for the purpose of ascertaining marriage value – appeal dismissed.
- The relativity issue – the appeal succeeded in part. The short leasehold interests, excluding the benefit of the Act, were valued at 33% of their FHVP value.
- The purchaser's margin – appeal dismissed. No deduction should be made to reflect a purchaser's margin arising on a hypothetical sale of those interests at the date of reversion.

The enfranchisement price was finally determined at £20,823,592.

If you require advice on leasehold reform, contact Julian Clark on Tel. +44 (0)20 7333 6361 jclark@geraldeve.com

COMPENSATION

22 Upper Tribunal Lands Chamber

Compulsory Purchase – Limitation – Section 10(3) of the Compulsory Purchase (Vesting Declarations) Act 1981

Facts: The claimant, HMT, owned premises in Stratford, East London which the acquiring authority's predecessor in title acquired pursuant to a CPO in 2005 for the purposes of developing the Olympic Park. The CPO identified three plots, a building, an adjoining yard and a stretch of public road, footways and a bridge over a railway line. With regard to the third plot HMT was one of eight possible owners. The building and yard vested in GLA's predecessor in July 2007 while the plot including the road and footways vested in September 2008. Proceedings and appeals ensued when HMT sought a certificate of alternative development in respect of the building and yard for the purposes of its compensation claim; these came to an end in June 2012 when GLA gave an undertaking designed to ensure that compensation was assessed on the basis of planning permission for uses in Classes A1, A3 or as a crèche. In July 2013 HMT submitted a notice of reference seeking a determination of the compensation payable to it under s1 of the Lands Compensation Act 1961.

Point of dispute: Whether to allow GLA's application to have the reference struck out in relation to the building and yard. GLA argued that it was time-barred under s10 of the Compulsory Purchase (Vesting Declarations) Act 1981 because it had been made more than six years after the land had vested and this question was tried as a preliminary issue. HMT argued that the reference was not time barred since time ran from the date when the last of its interests had vested, which was the 2008 vesting date of the road and footways.

Held: The preliminary issue was determined in favour of GLA. The reference had been made after the expiry of the limitation period. The significant date for time starting to run was the date on which the person claiming compensation first knew, or could reasonably be expected to have known, of the vesting of the interest in respect of which compensation was sought – in this case July 2007 when the freehold and leasehold interests in the building and yard had vested in GLA's predecessor. When different interests vested at different times a separate cause of action arose for each of them. HMT had been under a misconception that it could refer the claim for compensation to the tribunal for up to six years after the date on which GLA took possession of the property, but this was not the law in a case where possession had been taken by virtue of a general vesting declaration. In such a case time ran from the date stipulated in s10(3) of the 1981 Act and the date on which the acquiring authority took possession of the land is irrelevant.

If you require advice on compensation, contact Tony Chase on Tel. +44 (0)20 7333 6282 tchase@geraldeve.com

REAL PROPERTY

23 Supreme Court

Sales of residential properties with promise by purchaser that vendors entitled to remain in their homes under tenancies – whether former homeowners acquiring equitable proprietary rights capable of amounting to overriding interests within Schedule 3 to Land Registration Act 2002

***SOUTHERN PACIFIC MORTGAGES LTD V WILKINSON
[2014] PLSCS 288 – Decision given 22.10.14

Facts: The appellant, W, was one of a number of people who, after getting into financial difficulties, sold their homes to companies under "sale and rent back" arrangements under which the company purchased the property at a discount and granted a tenancy back to the homeowner. Although the companies promised the homeowners that they could stay in their homes, there was no mention of this in the sale agreements and the purchases were often funded by "buy to let" mortgage loans which only permitted short fixed term assured shorthold tenancies. The lenders were not made aware of the promises made by the companies to the former homeowners. Exchange of contracts, completion and execution of the mortgages would take place on the same day and thereafter the companies purported to grant tenancies to the homeowners which were not permitted by the mortgage terms. If the purchaser company then defaulted on the loan the former homeowner was evicted following possession proceedings brought by the mortgage lender.

Point of dispute: What was the nature of the rights of the former homeowners, including W, and of the mortgage lenders? The appellants argued that they retained an equitable interest in the property which was an overriding interest protected by their actual occupation, which took priority over the lender's charge. In the courts below the homeowners lost their cases and the possession claims were allowed.

Held: The homeowners' appeals were dismissed. The true nature of the transaction was a sale and leaseback. The purchaser companies could not grant an equitable tenancy that would bind the lenders before their purchase of the land was completed. The homeowners only acquired personal rights against the purchasers when they agreed to sell on the strength of the purchasers' promises regarding their entitlement to remain in occupation. All that the purchaser ever acquired was an equity of redemption, out of which it could not create an interest that was inconsistent with the terms of its mortgage.

If you require advice on real property, contact Annette Lanaghan on Tel. +44 (0)20 7333 6419 alanaghan@geraldeve.com

TORT

24 High Court

Solicitors' negligence

*RENTOKIL INITIAL 1927 PLC V GOODMAN DERRICK LLP
[2014] PLSCS 254 – Decision given 12.09.14

Facts: RI, the claimant, retained the defendant firm of solicitors, GD, to act for it in connection with the sale of commercial premises in East Grinstead to a development company. The developer's purchase of the property was subject to a satisfactory planning consent being obtained, but the developer refused to complete on the basis that the planning conditions imposed were unacceptable, in accordance with the proper meaning of the contract, and that it was entitled to treat the contract as at an end. The sale to the developer eventually completed at a lower price.

Point of dispute: Whether to allow RI's claim for damages against GD. RI argued that GD had been in breach of its retainer and/or for professional negligence at common law because: (i) the contract for the sale of the property had been negligently drafted in such a way that it enabled the purchaser to avoid completing the contract in a falling property market; and (ii) the proper meaning and effect of the contract had not been properly explained. RI asserted that GD had failed properly to draft and advise on the definition of "unacceptable planning conditions" in the contract, and had been negligent in drafting the definition of s106 planning obligation "costs", leading to the possibility of a reduction in the purchase price.

Held: RI's claim was dismissed.

i. The meaning of the clauses in the contract was clear. On their proper construction they had not exposed RI to the risks which it had asserted as the foundation of its claim against GD.

ii. As regards the definition of the planning agreement and the advice in respect of it GD had not been negligent. The drafting of the contract reflected the parties' intentions and a proper understanding of the heads of terms.

iii. In deciding whether GD had been negligent in its drafting of the relevant part of the contract relating to the planning conditions the test was whether the unacceptable conditions were terms which no reasonably competent practitioner could, in the circumstances, have drafted or agreed to.

The burden was on RI to prove this but it was held that GD had not acted in breach of its retainer in this respect.

iv. RI was a sophisticated commercial client and its representative properly understood the risks inherent in the transaction and the detail and effect of the terms of the contract which had been designed to achieve a balance between the buyer and he seller's respective interests.

25 High Court

Negligence

*FREEMONT (DENBIGH) LTD V KNIGHT FRANK LLP
[2014] PLSCS 276 – Decision given 14.10.14

Facts: FDL, the claimant, acquired 17 acres of development land in North Wales. The council had resolved to grant outline planning permission subject to a satisfactory planning obligations agreement being entered into under s106 of the TCPA 1990. One of the terms of that agreement was that FDL had to provide a bond to secure its agreement to deposit around £5m into an account in the council's name to finance works on listed buildings on the site. The bank required a valuation of the site and KF, the defendant, valued it at £17m with the benefit of outline planning permission and £18.7m with detailed planning consent. The bond was provided for the three year duration of the outline consent but detailed consent was never obtained and the site remained unsold. FDL brought proceedings against KF claiming that its valuation had been negligent as it was too high, with the result that FDL had turned down a number of offers by developers to buy the land which meant that it had lost the chance to make substantial profits.

Point of dispute: The court was asked to rule on five preliminary issues:

i. Whether a contract of retainer came into existence between FDL and KF in relation to the valuation;
ii. If so, what were the terms of the contract;
iii. Whether KF owed a common law duty of care to exercise reasonable skill and care in the valuation and preparation of the valuation report;
iv. Whether FDL was precluded from relying on the valuation report; and
v. Whether the loss of profit and other expenses claimed by FDL were too remote or unforeseeable to be recoverable.

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

i. On the evidence in this case a contract of retainer came into existence between FDL and KF in relation to KF's valuation of the property and preparation of its valuation report. A duty of care in tort was unlikely to be owed by a valuer instructed to produce a report for a lender for security purposes to an investor who relied on the report for other purposes.
ii. The term of the contract was that KF would provide a valuation of the development land to enable FDL to obtain the financing that it required. The contract contained neither an express term nor an implied one to the effect that the report was to be provided for FDL to rely upon in the future when making its plans for the land.
iii. KF owed FDL a duty of care to exercise reasonable skill and care in the valuation of the property and preparation of the report but that duty only extended to preparation of a report for secured lending purposes.
iv. Although FDL could rely on the valuation report for other purposes in the future but it could not bring a claim against KF in respect of any loss suffered as a consequence of that reliance.
v. The heads of loss claimed, including loss of future profit on a subsequent sale, did not fall within the scope of the duties owed by KF to FDL.

CONSTRUCTION

26 CLG Publication

Building work, replacements and repairs to your home

This leaflet has been updated in October 2014 to reflect recent changes to building regulations. It informs householders about the types of work that must be notified to a local authority or carried out by a registered installer.

https://www.gov.uk/government/publications/building-work-replacements-and-repairs-to-your-home

27 British Council for Offices (BCO) Publication (available for purchase)

Guide to specification 2014

This comprehensive guide contains useful information about up to date best practice in the specification for offices.

TRANSPORT

28 Centre for Cities Report

Fast track to growth – transport priorities for stronger cities

Centre for Cities is a charity that works with cities, business and the government to develop policy that supports the performance of urban economies through its research and knowledge exchange. This paper examines the role that transport plays in the UK's largest cities and how this is likely to change in the future. The report recommends that transport links within cities other than London need to be improved, as do existing rail links between Manchester and Leeds.

http://www.centreforcities.org/assets/files/2014/14-10-7%20Fast%20Track%20To%20Growth.pdf

29 HS2's Chairman's Report

Rebalancing Britain: From HS2 towards a national transport strategy

In this report Sir David Higgins, the Chairman of HS2, examines the prospects for improving connectivity across the North of England and the Midlands. His four main proposals are:

- both legs of the proposed HS2 Y network should be taken forward;
- improve East-West rail services in order to reduce journey times between Liverpool, Manchester, Leeds, Sheffield and Hull, which would help to stimulate these local economies;
- the local authorities from the five key cities should join up to form one body; and
- set the timetable for developing a new transport strategy.

The report also sets out a series of conclusions from Sir David's review of the proposals for Phase Two of HS2. An announcement on Phase Two is expected from the Transport Secretary before the end of the year.

http://www.hs2.org.uk/news-resources/chairmans-reports

LONDON

30 Supplementary Planning Guidance (SPG)

Accessible London: Achieving an Inclusive Environment

The London Plan 2011 includes a number of policies which promote an inclusive environment with the aim that all of London's diverse communities should be able to participate in everything that the city has to offer, help contribute to London's growing economy and enjoy a high quality of life. This SPG provides advice to boroughs, developers, designers and planning applicants on implementing inclusive design principles effectively and on creating an accessible environment in London, with particular emphasis on access needs of disabled and older people. This SPG provides guidance on the implementation of London Plan Policy 7.2 *An Inclusive Environment* and other policies in the Plan which specifically refer to inclusive design. It also provides guidance on Lifetime Neighbourhoods to support London Plan Policy 7.1 *Building London's neighbourhoods and communities*.

https://www.london.gov.uk/priorities/planning/publications/accessible-london-achieving-an-inclusive-environment

GENERAL

31 High Court

Overage

*HARRIS V BERKELEY (STRATEGIC LAND) LTD
[2014] PLSCS 283 – Decision given 02.10.14

Facts: In 2007 the claimants, H, sold some land to the defendant developers, B. The contract of sale provided for overage payments that would be triggered by a development in excess of 290 units. Following the grant of three planning permissions in 2009 and 2011 B developed the site with 290 of what it considered to be residential units, 15 of which were covered by the 2011 permission, and it also built 60 flats in a care home which formed part of the scheme in the 2011 permission. The care home contained certain communal facilities including a café, a lounge and a hairdresser.

Point of dispute: Whether, as H contended, the overage provision had been triggered. B argued that the 60 units in the care home did not constitute permitted units of residential accommodation under the terms of the contract.

Held: H's claim was allowed. The relevant planning permission had described the permitted development by reference to class C2 of the Town and Country Planning (Use Classes) Order 1987 and there was no difficulty in describing the 60 units as units of residential accommodation even though they were within a greater unit providing other facilities as well. Class C2 referred a physical thing being used for the provision of residential accommodation and care to people in need of care. The definition of permitted units in the contract did not adopt the C2 or C3 classification and the word "units" was a general and wide one. The 60 units in issue were clearly units providing accommodation of a residential character within the terms of the contract and they did not cease to qualify as units of residential accommodation because the building in which they were permitted included additional facilities.

32 RTPI Report

Promoting Healthy Cities

This Planning Horizons project examines the role that planning can play in delivering improvements to health. It summarises the planning and health challenges and provides examples of where planners, other professionals and decision makers are leading responses to them.

http://www.rtpi.org.uk/knowledge/research/planning-horizons/promoting-healthy-cities/

33 CLG Statistics

Local authority green belt statistics for England: 2013 to 2014

These are the latest statistics on the extent of the green belt in England. Main points are:

- The extent of the designated green belt is estimated to be 1,638,610 hectares, around 13% of the land area of England;
- Overall, the extent of the green belt has reduced by 540 hectares between 2012-13 and 2013-14; and
- Since the statistics were first compiled in 1997 there has been an increase in the area of the green belt after taking into account the redesignation of some green belt as part of the New Forest National Park in 2005.

https://www.gov.uk/government/statistics/local-authority-green-belt-statistics-for-england-2013-to-2014

34 BCO Report

Property Data

This report sets out some key data about commercial property.

http://www.bco.org.uk/Research/Publications/Property_Data_Report_2014.aspx

35 HELM Guidance

Pillars of the Community: The Transfer of Local Authority Heritage Assets

Many local authorities are considering rationalising their holdings with a view to making savings while at the same time there are increasing opportunities for communities to take a more active role in their local area. The combination of these factors has led to heritage assets being transferred from local authority ownership to local communities. This guidance aims to provide clear advice to local authorities and community groups on how this can be done. Since the first edition of Pillars of the Community was published in 2011, the Localism Act has introduced new Community Rights, there has been an increase in the number of assets offered for transfer and new grant funds have been introduced; the guidance has been revised in the light of these changes.

http://www.helm.org.uk/guidance-library/pillars-of-the-community/

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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.

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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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EVEBRIEF

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SCOTLAND

LANDLORD & TENANT

01 Scottish Assembly Consultation

Consultation on a New Tenancy for the Private Sector
Deadline for Comments: 28.12.15

If you require advice on landlord & tenant issues, contact Graham Foster on Tel. +44 (0)20 7653 6832 gfoster@geraldeve.com

This paper invites comments on the Scottish Government's proposals for developing a new type of tenancy for the private rented sector. The aim of the proposed changes is to improve security of tenure for tenants, while giving suitable safeguards for landlords, lenders and investors.

http://www.scotland.gov.uk/Publications/2014/08/6425

PLANNING

02 Scottish Government Statistics

Planning Performance Statistics, Quarter 1, 2014/15

If you require advice on planning & development issues, contact Hugh Bullock on Tel. +44 (0)20 7653 6302 hbullock@geraldeve.com

This report presents the latest summary statistics on planning decision-making and timescales for April to June 2014 (Quarter 1), as well as historic data going back to 2012/13.

- The average decision time for a local development in quarter 1 of 2014/15 was 10.1 weeks, the quickest average decision time since average time reporting started in 2012.
- The average decision time for a major development in quarter 1 of 2014/15 was 28.9 weeks, which is the fastest average decision time since average time reporting started.

http://www.scotland.gov.uk/Publications/2014/10/1111

GERALDEVE

03 Scottish Assembly Government Consultation

Housing (Scotland) Act 2014, Section 28 Private Rented Housing: Enhanced Enforcement Areas, Consultation on Regulations
Deadline for Comments: 12.12.14

Section 28 of the Housing (Scotland) Act 2014 requires Scottish Ministers to make regulations for a scheme that would enable local authorities to apply to Scottish Ministers for additional discretionary powers to target enforcement in areas subject to poor housing conditions in the private rented sector. Such areas would be designated as Enhanced Enforcement Areas (EEAs). This consultation seeks views on the approach that the Scottish Government proposes to adopt in preparing the draft regulations: the evidence that a local authority should be asked to submit to support an application for EEA status; the additional powers that would apply in and EEA; and actions that would follow designation as an EEA.

http://www.scotland.gov.uk/Publications/2014/10/3067

CONSTRUCTION

04 Scottish Assembly Government Consultation

Better Regulation - Building Standards Review – 2015
Deadline for Comments: 21.01.15

This consultation forms part of a review considering proposals for a range of topics relating to building standards. The proposals include amendments to the technical guidance that supports building standards within Section 2: Fire; Section 3: Environment; Section 4: Safety; Section 6: Noise and Section 7: Sustainability of the Building Standards Technical Handbooks.

http://www.scotland.gov.uk/Publications/2014/10/7898

WALES

PLANNING

05 Statutory Instrument

WSI 2014/2693 The Town and Country Planning (Compensation) (Wales) (No.2) Regulations 2014

These Regulations, which came into force on 07.11.14, prescribe various matters in connection with s108 of the Town and Country Planning Act 1990. Section 108 provides for the 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 or permission is granted subject to conditions.

http://www.legislation.gov.uk/wsi/2014/2693/contents/made

06 Statutory Instrument

WSI 2014/2692 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No. 2) Order 2014

This Order, which came into force on 07.11.14, amends the GPDO 1995 in relation to Wales. The changes relate to the erection of masts, cell antennas, dish antennas, radio equipment housing, small cell antennas, and telegraph poles, cabinets or lines for fixed-line broadband services.

http://www.legislation.gov.uk/wsi/2014/2692/contents/made

07 Statutory Instrument

WSI 2014/2776 The Planning (Listed Buildings and Conservation Areas) (Determination of Procedure) (Prescribed Period) (Wales) Regulations 2014

These Regulations came into force on 12.11.14 and were made in exercise of the powers conferred on the Welsh Ministers by s88E of the Planning (Listed Buildings and Conservation Areas) Act 1990. These gave the Ministers the power to determine the procedure for proceedings relating to applications referred to them under s12 and appeals under s20 and s39 of the 1990 Act. Determination of procedure for these proceedings must be made before the end of the prescribed period, which, by these Regulations, is prescribed as seven working days from the relevant date.

http://www.legislation.gov.uk/wsi/2014/2776/contents/made

08 Statutory Instrument

WSI 2014/2775 The Town and Country Planning (Determination of Procedure) (Prescribed Period) (Wales) Regulations 2014

These Regulations relate to the procedure for proceedings for applications referred to the Welsh Ministers under s77, and appeals under s78, s174, s195 and s208, of the Town and Country Planning Act 1990. These Regulations, which came into force on 12.11.14, prescribe that the determinations of procedure for such proceedings must be made by the Ministers before the end of seven working days from the relevant date.

http://www.legislation.gov.uk/wsi/2014/2775/contents/made

09 Bill

Planning (Wales) Bill

This Bill, which was introduced on 09.10.15, contains legislative changes to reform the planning system in Wales. It addresses five key objectives:

- a modernised framework for the delivery of planning services – including allowing planning applications to be made directly to Welsh Ministers in limited circumstances;
- strengthening the plan led approach – the Bill will introduce a legal basis for the preparation of a National Development Framework and Strategic Development Plans;
- improved resilience – Welsh Ministers will be able to direct local planning authorities to work together and for local planning authorities to be merged;
- frontloading and improving the development management system by the introduction of a statutory pre-application procedure for defined categories of planning application; and
- enabling effective enforcement and appeals – the Bill will make changes to enforcement procedures to secure prompt action against breaches of planning control and increase the transparency and efficiency of the appeal system.

The Bill is set out in 8 parts and 7 Schedules with the principal provisions being contained in the following sections:

- Development Planning;
- Applications for Welsh Ministers;
- Development Management;
- Enforcement and Appeals; and
- Town and Village Greens.

http://wales.gov.uk/topics/planning/legislation/planningbill-old/?skip=1&lang=en

10 Technical Advice Note

Technical Advice Note (TAN) 12: Design (2014)

This TAN, which should be read in conjunction with Planning Policy Wales (PPW), contains advice on good design, including:

- definition of design
- design process
- design issues by topic
- local planning authority design policy and advice
- design and access statements
- sustainable buildings

PPW, TANs and Circulars should be taken into account by the Welsh Government and Planning Inspectors in the determination of called-in planning applications and appeals.

http://wales.gov.uk/topics/planning/policy/tans/tan12/?lang=en

11 Welsh Assembly Government Consultation

Frontloading the development management system
Deadline for Comments: 16.1.15

This consultation invites views on detailed proposals for the new pre-application procedures that are provided for in the Planning (Wales) Bill. The provisions are designed to "frontload" the development management system by enabling significant issues to be raised before planning applications are submitted and providing the community with an opportunity to provide views to developers at an early stage in the planning process.

http://wales.gov.uk/consultations/planning/frontloading-the-development-management-system/?lang=en

12 Welsh Assembly Government Consultation

Design in the Planning Process
Deadline for Comments: 16.1.15

The Planning (Wales) Bill proposes the removal of the mandatory requirement for Design and Access Statements from primary legislation. This consultation invites views on how the Welsh Government can support its existing policies on design and inclusive access without the need for these.

http://wales.gov.uk/consultations/planning/design-in-the-planning-process/?status=open&lang=en

13 Welsh Assembly Government Consultation

Proposed amendments to legislation on the power to override easements and other rights
Deadline for Comments: 16.01.15

This consultation invites views on amending, by Order the following provisions:

- para 6 of Schedule 28 to the Local Government, Planning and Land Act 1980;
- section 19 of the New Towns Act 1981;
- para 5 of Schedule 10 to the Housing Act 1988; and
- section 237 of the Town and Country Planning Act 1990

with a view to allowing restrictive covenants or other rights over land that has been acquired or appropriated by a public authority to be overridden, thus enabling the land to be used on a permanent basis.

http://wales.gov.uk/consultations/planning/amendments-to-easements-and-other-rights/?status=open&lang=en

14 Welsh Assembly Government Consultation

Planning Committees, delegation and joint planning boards
Deadline for Comments: 16.01.15

This consultation invites views on proposals to introduce a national scheme of delegation in relation to local planning authority planning decisions, and to prescribe the size and make up of planning committees.

http://wales.gov.uk/consultations/planning/planning-committees-delegation-and-joint-housing-boards/?status=open&lang=en

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HOUSING

16 Welsh Government Publication

Homes for Wales Bulletin

This bulletin contains updates on the different areas which fall within the portfolio of the Minister for Communities and Tackling Poverty including:

- Housing Supply (Help to Buy – Wales; Pilot Loan Scheme to Support the Delivery of Affordable Housing);
- Housing Quality (Latest published data on progress to meeting the Welsh Housing Quality Standard);
- Key Policy Developments; and
- Legislation (Housing (Wales) Act 2014; Mobile Homes (Wales) Act 2013; Renting Homes – Illustrative Model Contract – Consultation)

http://wales.gov.uk/docs/desh/publications/141024-homes-for-wales-bulletin-en.pdf

ENERGY

17 Welsh Assembly Government Consultation

The development of an energy efficiency strategy for Wales
Deadline for Comments: 08.01.15

This consultation invites views on how the Welsh Assembly Government can improve energy efficiency in Wales. Regulation of energy efficiency in Wales is the responsibility of the UK Government, so this consultation is limited to promotion of energy efficiency.

http://wales.gov.uk/consultations/environmentandcountryside/energy-efficiency-strategy-for-wales/?lang=en

NORTHERN IRELAND

PLANNING

18 Northern Ireland Assembly Government Consultation

Planning Reform and Transfer to Local Government: Proposals for Subordinate Legislation (Phase 2) Deadline for Comments: 31.12.14

The Department of the Environment has issued the second phase of a two-phased public consultation exercise which sets out the proposals for introducing improvements in the planning process and establishing a new two-tier planning system in Northern Ireland. The proposals relate to subordinate legislation amendments important for the introduction of reforms to the planning system and the transfer of responsibility for the majority of planning functions to the new district councils in April 2015.

http://www.planningni.gov.uk/index/news/news_consultation/consultation_phase_2_reform_and_transfer_31102014.htm

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