EVEBRIEF

Legal & Parliamentary

Volume 39(01) 06 February 2017

THE NEED TO PLAN FOR DEMENTIA CARE RECOGNISED

At item 12 we report on the first Royal Town Planning Institute practice note on "Dementia and Town Planning". This highlights the critical need to provide housing for older people, particularly those with dementia. Town planning could play an important role in addressing this issue but unfortunately the study comments that so far adopted local plans make little specific mention of dementia identifying only two examples. Highlighting the real need to plan for a rise in the prevalence of dementia is to be applauded. However, it would have been helpful if the document could have referred to and supported modern models of care and care homes whilst showcasing best practice.

At the time of writing this editorial we are waiting for the much delayed Housing White Paper. I do hope that when you read this it will have been published and the Government's plans for increasing significantly the supply of housing are clear and positive.

Peter Dines
Editor

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LANDLORD & TENANT

01 Court of Appeal

Lease or licence – almshouses – charity trustees claiming possession on grounds of anti-social behaviour

*STEWART V WATTS
(2016) PLSCS 342 – Decision given 08.12.16

Facts: S, the respondents, were the trustees of a registered charity, the principal object of which was to provide almshouse accommodation to poor single women. The appellant, W, was a beneficiary of the charity who lived in one of S's flats. Her letter of appointment provided for payment of a monthly "rent" and also made references to a "tenancy". However, it also set out regulations that applied to residents, including one which stated that neither W, nor any relation of hers, would be a tenant of the charity or have any legal interest in the almshouse. In August 2014, S served notice to quit on W and later brought proceedings for possession of the flat on the grounds of her anti-social behaviour.

Point of dispute: Whether W's appeal would be allowed against the decision of the county court, which was upheld by the judge in the court below, that W was a licensee. The judge found that the charity owed no fiduciary duty to W and that the proceedings were not "charity proceedings" within s115 of the Charities Act 2011 and therefore did not require authorisation by the Charity Commission.

Held: The appeal was dismissed.

i. W did not have exclusive legal possession of the flat, which was a prerequisite for a tenancy to arise. Whether an occupier was a licensee or a tenant was not necessarily determined by the labels or language used by the parties, but turned on their intention having regard to all the evidence. There were a number of provisions in the appointment letter pointing away from the grant of legal exclusive possession and a tenancy including the statement that W would not be a tenant, giving S the right to move W into another of its almshouses, prohibiting W from having visitors staying without S's prior permission, prohibiting W from being away from the flat for more than 28 days in any one year without S's prior consent, and the power for S to remove a resident's appointment for good cause, such as serious misconduct or breach of the regulations.

ii. S could only properly discharge the trusts of the charity if a personal revocable licence was granted, which could be revoked if the occupier ceased to meet the qualifications under the scheme of arrangement.

iii. W's occupation could not be construed as a tenancy at will.

iv. The judge had correctly found that the possession proceedings were not "charity proceedings" within s115 of the 2011 Act as they had nothing to do with the administration of the charity.

v. W had conceded that the charity was not a public authority within s6 of the Human Rights Act 1998. Therefore the possession proceedings did not give rise to any potential actionable interference with W's Article 8 rights.

02 Upper Tribunal: Lands Chamber

Service charge estimate – not including cost of contemplated major works – whether omission rendered estimate invalid – whether lessee had to pay for any of the estimated service charge

*SOUTHWARK LONDON BOROUGH COUNCIL V PROKTOR
[2016] PLSCS 335 – Decision given 14.11.16

Facts: The respondent, P, had a lease of a flat in London SE1; the appellant, SLBC, was the local authority landlord. Under the terms of the lease SLBC had to notify P of their reasonable estimate of the service charge at the start of each service charge year, after which P was to pay that sum by four equal payments in advance. At the end of the year SLBC were to ascertain and notify P of the final service charge amount for the year and any difference was either to be paid by P or credited to his account. In 2012/13 the estimated service charge for the year was £1,277.38, but this sum did not include any sum in respect of major works which SLBC contemplated carrying out during the service charge year. Major works were carried out, but the cost of these proved to be irrecoverable for legal reasons. P claimed that the omission of the major works from the service charge estimate for 2012/13 made it invalid so that he did not have to pay any of the estimated service charge for the year.

Point of dispute: Whether to allow SLBC's appeal against the FTT's decision which accepted P's claim.

Held: The appeal was allowed. A valid estimate could not become invalid when at some later date during the service charge year a landlord decided to carry out major works which were not mentioned in the original estimate. If a landlord reasonably anticipated that their expenditure during the year would include expenditure on major works, they were required to include that in its estimate. Omitting such expenditure from the estimate was not consistent with the contract, but the fact that SLBC had acted inconsistently did not have the result of making no service charges payable pursuant to the estimate.

03 Upper Tribunal: Lands Chamber

Reasonableness of service charge

*THOMAS HOMES LTD V MACGREGOR
[2016] PLSCS 334 – Decision given 14.11.16

Facts: M was the long leaseholder of a flat in a development on a former hospital site, the freeholder of which was TH. The development included 31 units of affordable housing and the service charges in respect of each of those were capped. TH sought to recover the shortfall in its service charge recovery from the affordable housing units by charging more to the purchasers of the open-market flats. M's lease specified a service charge of 10% of TH's total service charge expenditure for the whole development, but a drafting error meant that the percentages payable for all the open-market flats together amounted to about 3,000% of TH's expenditure. In practice, TH calculated the service charge expenditure for M's building, deducted the amount recoverable from the social housing units and divided the rest between the remaining flats according to a formula based on bedroom numbers. For each of the years 2013 to 2015 TH demanded an on-account service charge of more than £2,000 from M.

Point of dispute: Whether to allow TH's appeal against the finding of the First-tier Tribunal (FTT) that, so far as the service charges demanded included an element of subsidy towards the costs of the social housing units, they were unreasonable since the terms of M's lease contained no express or implied obligation to subsidise the occupiers of the social housing units. TH argued that as it was charging a much lower sum than the percentage provided for in the lease the FTT should have found that the amounts demanded were reasonable.

Held: The appeal was allowed.

i. The FTT's decision could not stand because it did not constitute a decision on whether the amount payable in respect of any of the three years was reasonable. Its approach to the problem had been incorrect.

ii. TH could not succeed in arguing that as M was contractually liable to pay a larger sum it therefore had no defence to the demand for a smaller sum. Only a reasonable sum was payable in any event.

iii. If TH ever tried to recover such service charge sum as would be due if the lease was followed to the letter, it would not succeed in doing so as M would successfully apply to vary the lease and the order would be backdated to when the defect arose.

iv. Notwithstanding the above, each of the sums demanded by TH was reasonable. The sums demanded for 2013 were the same as notified to M when he bought the lease and the sums for the following two years were in line with that amount; the sums demanded for 2014 and 2015 were each less than 10% of the relevant costs assessed solely by reference to M's building, thus removing the main effect of the drafting error; and the demands were for on-account payments so the amount finally due for a particular year would be assessed in the future, possibly after the lease had been varied. The amounts demanded by way of on-account payments for the three relevant years were properly payable.

04 Upper Tribunal: Lands Chamber

Local authority carrying out major works to block of flats, including replacement of doors – whether doors in "disrepair" so as to fall within repairing covenant and scope of service charge provisions in leases of flats

*SOUTHWARK COUNCIL V LESSEES OF ST SAVIOURS ESTATE
[2017] PLSCS 12 – Decision given 12.01.17

Facts: Between 2013 and 2014 the appellant local authority, SC, carried out major works to a residential estate comprising 12 blocks of flats in Bermondsey, London SE1. The respondents, who were long leaseholders of 80 flats which they had purchased under the right-to-buy legislation, challenged the estimated service charges so far as they included the cost of replacing the front entrance doors to the flats and works to the communal fire doors. They considered these to be improvements rather than repairs and as a result they would fall outside the scope of the landlord's repairing obligations and the service charge provisions in the leases. The original fire doors had complied with the fire regulations then in force which meant that they were "FD20-compliant". A witness for SC indicated that where individual leaseholders had replaced or altered original doors he had considered they were no longer fit for purpose and not to FD20 standard – as a result he had concluded that they were in disrepair and needed replacing.

Point of dispute: Whether to allow SC's appeal against the decision of the FTT only to allow the cost of replacing specific doors and installing closers where the fire risk assessments (FRA) indicated this was necessary. It considered that as there was little evidence of the state of the communal doors it would allow only 50% of the cost of the works to these. SC contended that the FTT had given inadequate reasons for its decision, had failed properly to define "disrepair" and had wrongly rejected the evidence of its witness.

Held: The appeal was dismissed.

i. The relevant standard was FD20 because that was the applicable standard when the doors were built.

ii. The FTT had not been obliged to accept the evidence of SC's witness as to whether doors were in disrepair. He was not an expert in fire resistance; his statement that original doors which had been replaced or altered were not FD20 compliant, and therefore in disrepair, was insufficient to pass the burden of proof to the leaseholders to produce evidence to show that was not the case.

iii. Using FRA, the FTT had properly approached the issue of disrepair on a door-by-door basis as best it could on the available evidence before it.

iv. Based on FRA reports reinforced by its own inspection of the blocks, the FTT was entitled to allow only 50% of the works to the communal doors. This was a practical and robust approach to the matter.

05 Upper Tribunal: Lands Chamber

Service charges – works to windows – whether works of repair within repairing covenants in leases

*TEDWORTH NORTH MANAGEMENT LTD V MILLER
(2016) PLSCS 353 – Decision given 25.11.16

Facts: M and others were the long leaseholders of two flats in a building in Chelsea which were owned and managed by the appellants, TNM. The leaseholders contributed through a service charge to the costs incurred by TNM in performing its obligations under the lease, including a covenant to keep the building in good repair and condition. In 2013 when TNM resolved to carry out a programme of repairs and redecoration to the windows of the flats, 28 leaseholders personally agreed to meet the cost of replacing their windows with new modern units which would not require repair or decoration in the future; the old windows of the remaining flats were repaired and redecorated. The appellants claimed £405,000 from the leaseholders through the service charge, to include the cost of supplying and installing new powder-coated sub-frames to receive the new double-glazed units for the 28 flats which had those, plus the costs of making good consequential damage.

Point of dispute: Whether to allow TNM's appeal against the finding of the FTT that since the work of installing the new sub-frames and consequential work went beyond "repair" it did not fall within the repairing covenant in the leases and the leaseholders were not liable to contribute towards the cost of it. TNM argued that replacing the windows would be more economical in the long term and that they only had to show that some work of repair was needed in order to engage the repairing covenant and proceed with their preferred route of replacing the windows.

Held: The appeal was allowed in part.

i. While on economic grounds replacing the old windows with modern units might have been justified, particularly since the individual leaseholders were prepared to pay for them, it was not justified on the grounds of the state of disrepair of the old windows as this had not been particularly bad. The general principle was that the work which the landlord was obliged or entitled to carry out was limited to that which was reasonably required to remedy the defect. If the deterioration had been significant, window replacement would have been an appropriate response, but in this case the FTT had been justified in finding that work required was too trivial to give TNM the right to replace all the sub-frames at the collective expense of the leaseholders.

ii. However, the UT allowed one ground of appeal relating to the recovery of managing agents' fees.

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PLANNING

06 Court of Appeal

Condition in planning permission for new retail-led development to prevent retailers in existing shopping centre from moving to new development within first five years – whether condition enforceable

*R (ON THE APPLICATION OF SKELMERSDALE LIMITED PARTNERSHIP) V WEST LANCASHIRE BOROUGH COUNCIL
[2016] PLSCS 346 – Decision given 08.12.16

Facts: The claimant, SLP, which owned the Concourse shopping centre in Skelmersdale, Lancs, applied for judicial review proceedings to challenge WLBC's decision to grant planning permission for a new retail-led development in the town centre. The permission was subject to a condition, the intention of which was to ensure that the viability and vitality of the existing Concourse Centre was maintained by minimising the risk that key anchor stores would relocate to the new development. For a period of five years from when the new development was first occupied no retail floor space should be occupied by any retailer who, at the date of the grant of permission, or within 12 months prior to the occupation of the development, occupied retail floor space of more 250m2 within the Concourse; this was subject to an exception where a retailer submitted, and WLBC approved in writing, a scheme committing to retaining its presence in the Concourse Centre for the first five years following their proposed occupation of the new development.

Point of dispute: Whether to allow SLP's appeal against the decision of the court below to dismiss its application for judicial review of the grant of planning permission. SLP had argued that the condition was inadequate because: (i) it did not require a retailer to enter into any legally binding commitment to retain its presence as a retailer in the Concourse Centre; (ii) the condition was too vague to be enforceable; and (iii) members of the planning committee were not given adequate advice by planning officers regarding possible difficulties in enforcing the condition.

Held: The appeal was dismissed.

i. The judge's interpretation of the word "commits" in the condition was correct. The reference to retailers submitting a scheme that committed them to retaining their presence as a retailer in the Concourse could only be construed as requiring a scheme that included a legally binding obligation to that effect. No implementation clause was required because the word "commits" already connoted a legally binding commitment.

ii. The condition was not too vague and was capable of being enforced to achieve its intended purpose. The relevant contractual obligation on a specified retailer did not have to take the form of a positive obligation not carry on a business in the Concourse, and it could be framed as a negative covenant not to occupy retail floor space in the new development unless that retailer continued to retain its presence in the Concourse.

iii. The condition was adequate to protect the Concourse Centre. It could not be said that the planning officer had significantly misled the committee about any material matters.

07 Court of Appeal

Outline planning permission for mixed use development – application including proposed floor space for each use and illustrative drawings – permission refused on grounds of height and massing of proposed building – whether inspector's decision wrongly taking into account issues of "scale"

*CRYSTAL PROPERTY (LONDON) LTD V SEC OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT
(2016) PLSCS – Decision given 09.12.16

Facts: The appellant, CP, sought outline planning permission for a large mixed use development in East London. The application specified the amount of floor space intended for each of the proposed uses and was accompanied by illustrative drawings showing elevations of the planned building and a view of it in perspective. Permission was refused on the grounds that the proposed building was too large and tall relative to existing development in the vicinity, including a Grade II listed cinema. CP's appeal to an inspector appointed by the Sec of State was refused on similar grounds.

Point of dispute: Whether to allow CP's appeal against the inspector's decision. CP's argument was that the inspector had neglected the fact that this was an application for outline permission only which meant that matters relating to the "scale" of the proposed building, including its height and massing, were reserved for future consideration.

Held: The appeal was dismissed. There was no indication in the application for outline permission that CP intended any of the five possible reserved matters (access, appearance, landscaping, layout and scale) to be decided at that stage. However, the proposed floor areas for each use were specified and were thus properly to be regarded as essential to the proposal, although that was not inconsistent with the "scale" of the proposed development being reserved for future consideration SP's illustrative drawings represented the scheme that SP wanted to develop and in its application for outline permission it was seeking to establish that the parameters of the proposed building would be acceptable on the site. In those circumstances the inspector had not erred in his approach to the appeal. He had not been satisfied that a building of the floor space proposed could be accommodated on the site in accordance with the relevant development plan policies.

08 Planning Court

Application for judicial review of lpa's decision to grant planning permission to interested party to carry out fracking – whether defendants failing to consider assessment of impact of material indirect/secondary/cumulative climate change

*R (ON THE APPLICATION OF FRIENDS OF THE EARTH LTD) V NORTH YORKSHIRE COUNTY COUNCIL
[2016] PLSCS 356 – Decision given 20.12.16

Facts: The defendant council, NYCC, granted petroleum exploration and development licences to the interested party in respect of a property in Kirby Misperton, North Yorkshire. When the company wanted to start gas production it applied to NYCC for a scoping opinion and then for planning permission to commence fracking on the site. This application was accompanied by a detailed environmental statement based on NYCC's scoping opinion. Planning permission was granted in May 2016.

Point of dispute: Whether to allow the claimants' application for judicial review of the decision to grant planning permission to carry out fracking. They contended that NYCC had: (i) unlawfully failed to take into account, in their consideration of the environmental impacts of the proposed development, an assessment of the material indirect/secondary/cumulative climate change impacts arising from the burning of gas in the production phase of the development; and (ii) misdirected themselves in law that they could not require the interested party to provide a financial bond in relation to any long-term environmental pollution impacts arising from the fracking.

Held: The application was dismissed.

i. The claimants' submission that the terms of the scoping opinion required the environmental statement to assess the environmental impacts arising from the burning of the gas in the production phase of the development was incorrect. Nor had the claimants established any defect in the environmental statement or any error of law in NYCC's reliance on it. The claimants' objections were really that energy requirements should be met by other less environmentally damaging means. The committee had been well briefed on climate change issues and government policy and were thus in a position to evaluate the merits of the claimants' representations themselves.

ii. The planning officer had been entitled to advise the committee that this was not an exceptional case justifying a financial guarantee. The officer had reviewed the protection afforded by other regulatory regimes and the proposed conditions to achieve financial protection in another way. The terms of the conditions afforded a considerable degree of protection to residents. NYCC had acted lawfully in the exercise of their discretion, in imposing conditions and deciding not to seek a financial bond.

09 Planning Court

Planning permission granted for sports and leisure complex with a 12-screen cinema – lpa varied condition to permit 13-screen cinema – whether variation making the development substantially different from the original

*R (ON THE APPLICATION OF VUE ENTERTAINMENT LTD V CITY OF YORK
[2017] PLSCS 14 – Decision given 18.01.17

Facts: The defendant lpa granted planning permission to a developer to build a large sports and leisure complex in York, subject to a condition that it should be implemented on the basis of identified plans which included a 12-screen cinema with seating for 2,000. The lpa subsequently approved the developer's application under s73 of the Town and Country Planning Act 1990 to vary the permission to allow a 13-screen cinema with seating for 2,400 and increasing the cinema floor space by 80%. The claimant, V, operated a cinema in York city centre and was concerned about the impact of the new development on its business.

Point of dispute: Whether to allow V's application for judicial review of the defendant's decision to permit the variation. It contended that the lpa did not have power to add another screen as an amendment to the condition because the new screen made the cinema substantially different from the original proposal. It could not be classified as a minor amendment to the planning permission because it entailed an 80% increase in cinema floor space and a 20% increase in the number of seats. In the light of the High Court decision in the case of *R v Coventry District Council ex parte Arrowcroft Group plc* the application under s73 was unlawful.

Held: The application was dismissed.

i. In *Arrowcroft* the court ruled that a planning authority had no power to vary conditions in such a way as to radically alter the nature of the permission. It could not vary a condition if the variation would change the terms of the permission. In this case the change to the condition did not alter the permission itself as it had not mentioned nor defined the size of the cinema, the number of screens or the number of seats that it could hold. The only limitations in the permission related to the size of the whole project and the number of seats in the sports stadium.

ii. The permission had to be looked at as a whole. Section 73 did not limit the extent of amendment of conditions. This was not a situation where the change in conditions was so big that it fundamentally affected the permission. V had not been prejudiced as it had been notified of the application and made representations. The lpa had power to grant the application and the court was satisfied that it had not acted unlawfully.

10 Planning Court

Planning permission granted for football and athletics facility in the green belt – whether lpa misinterpreting para 89 of the NPPF and failing to have regard to a material consideration

*R (ON THE APPLICATION OF BOOT) V ELMBRIDGE BOROUGH COUNCIL
[2017] PLSCS 9 – Decision given 16.01.17

Facts: The defendant local authority, EBC, granted planning permission for a new football and athletics facility in Walton-on-Thames. The former landfill site, which required remediation, was located in the metropolitan green belt adjacent to the River Thames.

Point of dispute: Whether to allow B's application to quash the grant of planning permission on the grounds that: (i) EBC's planning committee had erred in its interpretation of para 89 of the NPPF; and (ii) EBC had erred in failing to have regard to a material consideration, namely an inspector's decision in 2013 to refuse permission for an indoor archery centre on an adjacent site. Paragraph 89 stated that planning authorities should regard the construction of new buildings as inappropriate in the green belt, although there was an exception in relation to the provision of facilities for, inter alia, outdoor sport so long as it preserved the openness of the green belt.

Held: The application was granted.

i. EBC had erred in its interpretation of para 89: the new sports facilities had to "preserve" the openness of the green belt. This would be achieved either by a positive contribution to preservation or by development which left character or appearance unharmed.

ii. EBC had concluded that the proposed development had an impact on openness but had granted permission without considering whether, under paras 87 and 88 of the NPPF, there were any special circumstances that would justify it. EBC's interpretation would significantly weaken policy protection for the green belt.

iii. The 2013 archery centre proposal was distinguishable from this one. It was for an indoor facility which played a significant part in the inspector's reasoning on openness.

11 Planning Court

Tourist development in country park – core strategy – s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and para 134 of the NPPF

*R (ON THE APPLICATION OF AUSTIN FOR AND ON BEHALF OF THE BROKERSWOOD RESIDENTS GROUP) V WILTSHIRE COUNCIL
[2017] PLSCS 15 – Decision given 20.01.17

Facts: The claimant represented a group of local residents who objected to Wiltshire Council's decision to grant planning permission for the erection of 90 holiday lodges, ten touring units and ten camping pods on land at Brokerswood Country Park. The park had been running as a tourist attraction since 1968 and was next to a Grade II listed church; it was open to the public 364 days a year and included a number of facilities for visitors.

Point of dispute: Whether to allow the claimant's application to quash the grant of permission. The claimant contended that the officer's report had: (i) materially misled planning committee members in relation to the extent of the site benefiting from existing planning permission; (ii) misinterpreted and misapplied policy CP39 of the Wiltshire Core Strategy which concerned tourist development; and (iii) failed properly to consider and apply the statutory test required by s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and para 134 of the NPPF in relation to the setting of the church.

Held: The application was dismissed.

i. The officer's report had accurately set out the position following earlier permissions – on the evidence the planning committee members could not have been misled.

ii. Under policy CP39, which related to tourist development, the extensions to existing facilities had to be appropriate in scale to their location and help to ensure the future viability of the business. The use of the existing site was for caravans and tents as tourist development and in planning terms the permission granted was for an extension of the existing facilities. Whether the proposed changes amounted to a change of use was a matter of planning judgment for the council's planning officer and ultimately the planning committee, although it was inevitable that the extension of an existing facility would require a change of use for the extended area. CP39 was an "exception policy" for which development was permitted outside the identified limits of development.

iii. When considering the impact of the proposed development on the setting of the church the officer's report and planning committee had properly applied the criteria set out in s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and para 134 of the NPPF. Although the officer's report did not expressly refer to the evidence of the conservation officer that the proposal would cause some harm, it was not legally deficient. The planning officer was entitled to come to a different conclusion on the issue of harm to the significance of a heritage asset and it was sufficient that she had summarised the conservation officer's report adequately to enable the committee members to understand the issues and reach a conclusion.

12 Royal Town Planning Institute Practice Advice Note

Dementia and Town Planning January 2017

This note sets out that the cost of dementia care will rocket if more is not done to better plan local environments to enable people with dementia to live more independently. The RTPI says that local planning can play a much stronger role in creating dementia-friendly communities across the UK. However, only a minority of local authorities have adopted plans that explicitly mention dementia. The note highlights the need for local planning authorities to address this critical planning issue.

http://rtpi.org.uk/media/2213533/dementia_and_town_planning_final.compressed.pdf

13 CLG Consultation

Amending environmental impact assessment regulations
Deadline for Comments: 01.02.17

This consultation invites comments on proposals for implementing amendments to the European Union Directive on environmental impact assessment in so far as the Directive applies to the town and country planning system in England, and to the nationally significant infrastructure planning regime established by the Planning Act 2008.

https://www.gov.uk/government/consultations/amending-environmental-impact-asssessment-regulations

14 CLG Statistics

Planning applications in England: July to September 2016

This release presents National Statistics on authorities that undertake district and county level planning activities in England. It covers information on planning applications received and decided including decisions on applications for residential developments (dwellings) and enforcement activities.

In the year ending September 2016, district level planning authorities:

- granted 381,300 decisions, 4% more than the previous year; and
- granted 48,300 decisions on residential developments – 6,200 for major developments and 42,100 for minors, 6% and 4% respectively more than the year ending September 2015.

https://www.gov.uk/government/statistics/planning-applications-in-england-july-to-september-2016

15 CLG Response to consultation

Improving the use of planning conditions

This is the Government's response to the consultation on measures in the Neighbourhood Planning Bill to address the inappropriate use of precommencement planning conditions and to prohibit the use of other types of planning conditions which do not meet the tests in the NPPF. The consultation ran from 01.09.16 to 02.11.16.

https://www.gov.uk/government/consultations/improving-the-use-of-planning-conditions

16 CLG Response to consultation

Implementation of neighbourhood planning provisions in the Neighbourhood Planning Bill

This is a summary of responses and the Government response to the neighbourhood provisions in the Neighbourhood Planning Bill. The consultation, which ran from 07.09.16 to 19.10.16, sought views on detailed regulations to implement the neighbourhood planning provisions in the Neighbourhood Planning Bill.

The proposed reforms cover three matters:

- the detailed procedures for modifying neighbourhood plans and Orders;
- the examination of a neighbourhood plan proposal where a neighbourhood area has been modified and a neighbourhood plan has already been made in relation to that area; and
- the requirement for local planning authorities to review their Statements of Community Involvement at regular intervals.

https://www.gov.uk/government/consultations/implementation-of-neighbourhood-planning-provisions-in-the-neighbourhood-planning-bill

17 CLG Policy paper

Neighbourhood Planning Bill: overarching documents

These documents comprise:

- Delegated Powers Memorandum;
- Compulsory purchase letter: important information for property investors;
- Summary of Impacts; and
- Further information on how the Government intends to exercise the Bill's delegated powers.

https://www.gov.uk/government/publications/neighbourhood-planning-bill-overarching-documents

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

RATING

18 Statutory Instrument

SI 2016/1265 The Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2016

The Local Government Finance Act 1988 provides for non-domestic hereditaments to be revalued every five years and the next date on which a new non-domestic rating list will be compiled is 01.04.17. On previous revaluations a transitional relief scheme has been put in place to protect ratepayers from large increases in their rates bills following a revaluation. These Regulations, which apply to England only and come into force on 01.04.17, set out the rules for the transitional relief scheme which will apply to the 2017 non-domestic rating revaluation.

The effect of the scheme is to assist ratepayers whose bills would have increased above a certain amount by phasing in these increases gradually over up to five years. Under the scheme the reduction in bills of some ratepayers who would otherwise have seen their rates bills decrease immediately on 01.04.17 will also be phased in. Phasing in the reductions funds the phasing in of the increases.

http://www.legislation.gov.uk/uksi/2016/1265/contents/made

19 Statutory Instrument

SI 2017/39 The Non-Domestic Rating (Demand Notices) (Amendment) (England) Regulations 2017

W.e.f. 20.02.17 these Regulations amend the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 ("the 1989 Regulations") and the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 2003 ("the 2003 Regulations") in relation to the requirements for non-domestic rating demand notices served by English billing authorities.

- The amendments made to the 1989 Regulations alter the requirements for demand notices relating to more than one financial year; billing authorities must now serve different demand notices for different financial years.
- The amendments made to the 2003 Regulations alter the requirements for the matters that must be included in demand notices. Previously, billing authorities were required to issue explanatory notes with demand notices, but billing authorities must now publish explanatory notes on their website and include a statement in demand notices informing ratepayers of the website address where they may be viewed. The Regulations also make amendments to the wording of the explanatory notes.

http://www.legislation.gov.uk/uksi/2017/39/contents/made

20 CLG Business rates information letter

1/2017: Uprating of business rate relief thresholds

This letter provides information on the following:

- *Non-domestic (Chargeable Amounts) (England) Regulations 2016* which implement the transitional arrangements scheme for the 2017 revaluation.
- *Uprating of business rate relief thresholds* – second property relief thresholds, extended empty property relief threshold, and the stud farms rateable value discount.
- *The Local Government Finance Bill* which provides for the introduction of 100% business rates retention, changes to a number of reliefs, introduction of an infrastructure supplement for mayors of combined authority areas and the introduction of property owner business improvement districts outside London.
- *Updating on Better Billing and Digitalisation Measures.*
- *Explanatory Notes: Amendments to the Council Tax and Non-Domestic Rating Demand Notice (England) Regulations 2003*

https://www.gov.uk/government/publications/12017-uprating-of-business-rate-relief-thresholds

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LEASEHOLD REFORM

21 Upper Tribunal: Lands Chamber

Lease extension – grant of new lease of flat and parking space under Chapter II of Part I of the Leasehold Reform, Housing and Urban Development Act 1993 – marriage value

* THE PORTMAN ESTATE NOMINEES (ONE) LTD V STARLIGHT HEADLEASE LTD [2016] PLSCS 309 – Decision given 01.11.16

Facts: The appellants owned the freehold of a 1960s apartment block with a car park in London W1. The respondent held a headlease of the whole of the building and the car park for 125 years from 1962, it also held underleases of parts of the building for a similar term less two days. The individual flats and parking spaces were let on occupational leases. One occupational lessee applied to acquire an extended lease of his flat plus a parking space under the Leasehold Reform, Housing and Urban Development Act 1993; at the time of the application he held them on separate leases, granted at the same time and for the same term. It was agreed that the premium payable for the new lease was £246,882.

Point of dispute: How to apportion the marriage value between the appellants as "competent landlord" and the respondents as the "intermediate landlord". The FTT determined that the marriage value should be apportioned by making a single calculation of the proportions in which each party's interests in the flat and the parking space together would be diminished by the grant of the new lease. On that basis the marriage value of £128,162 should be apportioned as to £87,755 for the appellants and £40,407 for the respondent. The appellants appealed contending that there should be separate determinations of the extent to which the grant of the new lease would diminish the parties' interest in (i) the flat; and (ii) the parking space. This approach would produce an apportionment of £97,219 for the appellants and £30,943 for the respondent.

Held: The appeal was dismissed.

i. Paragraph 10(2) of Schedule 13 to the 1993 Act required the amount payable to the landlord in respect of its share of the marriage value to be divided between the landlord and the owners of the intermediate interests in proportion to the amounts by which the values of their respective interests in the flat would be diminished in consequence of the grant of the new lease. It required a comparison by reference to the reversionary interests in the flat, including its appurtenant property – the car parking space – viewed as a single parcel. While the flat and its appurtenances might be held separately, it was still necessary to identify a single relationship or ration of the diminution in value of all interests.

ii. The exercise required by para 10(2) was not a valuation, but an arithmetical process to derive ratios between given amounts. Once the necessary valuations had been undertaken, para(2) clarified how they were to be employed in the division of marriage value and was not concerned with how a comparable exercise would be approached in an open market negotiation.

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COMPULSORY PURCHASE

22 Statutory Instrument

SI 2017/3 The Compulsory Purchase of Land (Vesting Declarations) (England) Regulations 2017

W.e.f. 03.02.17 these Regulations prescribe new forms for the purposes of the Compulsory Purchase (Vesting Declarations) Act 1981.

http://www.legislation.gov.uk/uksi/2017/3/contents/made

23 Statutory Instrument

SI 2017/16 The Housing and Planning Act 2016 (Compulsory Purchase) (Corresponding Amendments) Regulations 2017

These Regulations, which came into force on 02.02.17, make amendments to Acts of Parliament in relation to compulsory purchase. Regulation 2 introduces the Schedule which contains amendments corresponding to those made by Schedule 15 to the Housing and Planning Act 2016. Schedule 15 omits s3 of the Compulsory Purchase (Vesting Declarations) Act 1981 so that there is no longer a requirement to serve a preliminary notice before making a general vesting declaration. The information previously included in such a notice is, instead, to be included in the confirmation notice of a compulsory purchase order under s15 of the Acquisition of Land Act or (as the case may be) the making notice under para 6 of Schedule 1 to that Act, and is therefore to be given to the same persons as that confirmation or making notice.

The Acts specified in the Schedule to these Regulations contain compulsory purchase powers which do not depend on the 1981 Act for the procedure to make an order authorising the compulsory acquisition of land. The Schedule amends the Acts so as to make provision corresponding to the amendments made by Schedule 15 to the 2016 Act to s15 of, and para 6 of Schedule 1 to, the 1981 Act.

http://www.legislation.gov.uk/uksi/2017/16/contents/made

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HOUSING

24 Joint Research Report by the Federation of Master Builders (FMB) and Local Government Information Unit (LGIU)

Small is beautiful: Delivering more homes through small sites

This report argues that building on large sites alone will not create sufficient new homes to address Britain's current housing crisis. Ways need to be found to unlock smaller sites for development and to work with smaller and medium-sized enterprises(SME) to develop them. This report looks at some of the barriers to enabling small-scale development and how these might be overcome. It identifies the following key areas for improvement:

- Allocation and use of land – sites suitable for small builders make up the minority of housing delivery identified in local plans and this can be attributed to the resource and time implications for local authorities in identifying and allocating small sites;
- Resources and capacity – resource constraints in planning departments increase the challenges of enabling small site development;
- Planning application process which hinders small scale development; and
- Insufficient engagement between local authorities and small locally-based builders.

The report makes a number of recommendations to address these problems.

http://www.fmb.org.uk/about-the-fmb/newsroom/planning-cuts-make-housing-targets-impossible-says-new-fmblgiu-research/

25 Civitas Briefing Note

Housing supply and household growth, national and local (CIVITAS)

This note considers how many new homes are needed to keep up with population projections for the coming years, and how last year's housebuilding compares with those. It also considers the geographical distribution of those homes. It shows that, while housing output is below the required levels nationally, it is particularly inadequate in those areas that are expected to experience the highest growth in the years ahead. National figures are disguising the scale of the housebuilding challenge, which is not only to get enough homes built, but to build them in the right places.

http://www.civitas.org.uk/reports_articles/housing-supply-and-household-growth-national-and-local/

26 Home Builders Federation (HBF) Report

Reversing the decline of small housebuilders: Reinvigorating entrepreneurialism and building more homes

From the 1960s until the 1980s many small building companies were started up, grew quickly and were significant contributors to regional economies and most of the large home building companies operating today were set up at this time. However, since the 1980s the number of smaller companies (SMEs) working in the construction industry has fallen significantly – in 1988 small builders were responsible for four in ten new build homes, while that figure has fallen to just 12% today. The introduction of the plan-led planning system in 1990 has contributed to the fall in number of SMEs working in the industry while the fact that many housing schemes are now much larger than before has meant that many sites allocated for housing in local plans are on too big a scale for smaller companies. The financial crisis of 2008 and delay and risk during the planning stage has also led to a decline in the number of SMEs – in the period 2007-09 one third of small companies ceased building homes. This report suggests a number of ways of assisting SMEs operating in the construction industry which would in turn help boost the supply of new housing

http://www.hbf.co.uk/fileadmin/documents/Policy/Publications/HBF_SME_Report_2017_Web.pdf

27 Local Government Association Housing Commission Report

Building our Homes, Communities and Future

In advance of the Housing White Paper, this final commission report sets out recommendations for how local councils and national government could work together to build more homes, and more homes that meet the diverse needs of individuals, partners and localities. The report focuses on the following areas:

- Building more homes;
- Creating prosperous places where people want to live;
- Putting housing at the heart of integrated health and care;
- Increasing the employment and earnings of households in need of affordable rented housing; and
- Next steps.

http://www.local.gov.uk/documents/10180/7632544/LGA+Housing+Commission+Final+Report/a84df8b5-4631-4320-8b33-567c549aadfa?utm_source=update&utm_campaign=01baea575a-BPF+Update&utm_medium=email&utm_term=0_0134d0d4b0-01baea575a-246675113&mc_cid=01baea575a&mc_eid=01069531d7

REAL PROPERTY

28 Upper Tribunal: Lands Chamber

Discharge or modification of restrictive covenants – housing already built by date of application – s84(1)(aa) and 84(1A) of Law of Property Act 1925

* RE MILLGATE DEVELOPMENTS LTSD'S APPLICATION
[2016] PLSCS 339 - Decision given 18.11.16

Facts: The applicants obtained planning permission to build 23 social housing units on previously developed land in the green belt near Maidenhead. After work on the development had commenced they applied to the UT, under s84 of the Law of Property Act 1925, to modify certain restrictive covenants which prohibited the use of part of the land for any purpose other than for car parking.

By the time of the application 13 units had been built on the former car park, ten had been built on the adjoining, but unaffected land, and transferred to new occupiers, and the applicants had contracted to sell the whole development to a registered provider of social housing. The applicants argued that the restriction impeded reasonable user of the land within the meaning of s84(1)(aa) of the 1925 Act and that it should be modified under s84(1A) because the restriction: (a) did not secure for those entitled to its benefit any practical benefits of substantial value or advantage; and/or (b) was contrary to the public interest. The trustees of a children's cancer trust who were building a hospice on some adjoining land objected to the application on the grounds that the amenity of the hospice would be seriously compromised by new housing so close to their boundary. The trustees rejected the applicants' offer of £150,000 in return for their agreement to modify the covenants. This would cover the cost of planting a thick conifer hedge along the boundary and compensate them for any residual impact from noise and disturbance.

Point of dispute: Whether the application should be allowed.

Held: The application was allowed.

i. The restriction secured a practical benefit in protecting the privacy and seclusion of the hospice site and those benefits were of substantial value or advantage to the objectors. Accordingly the tribunal had no power to modify the restriction under the first limb of s84(1)(aa) and 84(1A).

ii. However, the restriction was contrary to the public interest and under the second limb the tribunal had power to modify it. The fact that there was planning permission for use of the land for housing was a material consideration and it was also highly material that the permission was for the construction of social housing. It was not in the public interest for the houses to remain empty when the people who were going to move into them had been waiting for a long time.

iii. The trustees could be adequately compensated with money.

iv. The tribunal could still exercise its discretion not to modify or discharge the covenants. In this case it was influenced by the offer of £150,000 that had been made to the trustees in return for their consent to the modification. The public interest outweighed all other factors in this case and the tribunal should exercise its discretion to grant modification.

v. The trustees should be awarded compensation in the sum of £150,000.

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CONTRACT

29 High Court

Conditional sale agreement – contract included power to rescind – whether rescission valid

*DOOBA DEVELOPMENTS LTD V MCLAGAN INVESTMENTS LTD
[2016] PLSCS 328 – Decision given 23.11.16

Facts: The claimant, DDL owned a property in Worksop. In 2010 it entered into a conditional agreement with the defendant, MI, under which MI was to purchase the property and DDL would build a retail superstore on it. DDL also agreed to construct a road linking the new store to the highway. The agreement was subject to four conditions being satisfied, including the grant of satisfactory planning permission and the grant of permission and consent for the highway works. Paragraph 2.2 of Schedule 4 of the agreement provided that either party could rescind the agreement if "any of the Conditions have not been discharged" by the date stipulated for each particular condition, while para 2.3 entitled either party to rescind the agreement "if all the Conditions have not been discharged in accordance with this Schedule by the Longstop Date" which was 23.07.14. Planning permission was granted in March 2014. On 24.07.14 MI served a notice purporting to rescind the agreement on the basis that the highway condition had not been fulfilled. DDL sought a declaration that the rescission notice was invalid as being premature.

Point of dispute: Whether to allow DDL's appeal against the master's finding that the agreement had been validly rescinded under para 2.3 since at least one of the conditions had not been satisfied by the longstop date. The question which had to be determined was whether, on the true construction of the agreement, the power to rescind arose if any of the conditions had not been discharged by the longstop date, or only if none of them had been discharged by then.

Held: The appeal was allowed. The literal meaning of the clause "if all the Conditions have not been discharged" was that the power to rescind under para 2.3 arose only if none of the conditions had been discharged by the longstop date. This was a case involving complex highway and planning issues and four conditions had to be satisfied before MI could acquire the land with the superstore. There had to come a time when the agreement would come to an end, either automatically or pursuant to the exercise of one or more powers to rescind. Paragraphs 2 and 3 of Schedule 4 to the agreement stated when those powers arose and how they were to be exercised. The property was useless to MI unless all the conditions had been fulfilled; however, the power to rescind arose only if none of the conditions had been discharged by the longstop date. MI had not been entitled to rescind on 24.07.14 unless all of the conditions remained undischarged on that date.

ENVIRONMENT

30 Defra consultation

Environmental Impact Assessment – joint technical consultation: planning changes to regulations on forestry, agriculture, water resources, land drainage and marine works Deadline for Comments: 30.01.17

This is a joint consultation between Defra, the Welsh and Scottish Governments and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland inviting comments on proposals to amend the UK EIA regulations on forestry, agriculture, water resources, land drainage and marine works. These changes were agreed in 2014 with the aim of making the regulations work more efficiently and focus more on where environmental protection is particularly needed.

https://www.gov.uk/government/consultations/environmental-impact-assessment-joint-technical-consultation-planning-changes-to-regulations-on-forestry-agriculture-water-resources-land-draina

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CONSTRUCTION

31 CLG Publication

Building control performance standards 2017 edition

This set of revised standards and guidance, introduced in 2017, includes a new Appendix 4 which covers changes to:

- Standard 6: Site inspection; and
- Standard 7: Communications and records,

with the aim of improving transparency and availability of site inspection records to building owners.

The new Appendix 4 and revised Standards 6 and 7 come in to force on 01.04.17 in respect of building work where an initial notice, building notice or full plans application has been given on or after that date.

https://www.gov.uk/government/publications/building-control-performance-standards

32 Circular Letter

Building control performance standards – 2017 changes

This letter informs building control bodies in England and Wales of changes made to the following Building Control Performance Standards and accompanying guidance:

- Standard 6: Site inspection; and
- Standard 7: Communication and records.

This guidance applies to buildings and building work in England and to excepted energy buildings in Wales.

https://www.gov.uk/government/publications/building-control-performance-standards-2017-changes

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LONDON

33 British Property Federation (BPF) report

BPF Submission to A City for all Londoners

This document represents the Federation's feedback to the GLA's first call for submissions on a new London Plan, 'A City for All Londoners'.

http://www.bpf.org.uk/sites/default/files/resources/BPF-submission-ACFAL-Dec-2016.pdf?utm_source=update&utm_campaign=2c654848ce-BPF+Update&utm_medium=email&utm_term=0_0134d0d4b0-2c654848ce-246675113&mc_cid=2c654848ce&mc_eid=01069531d7

34 Greater London Authority Consultation

Draft Affordable Housing and Viability Supplementary Planning Guidance (SPG) 2016
Homes for Londoners
Deadline for Comments: 28.02.17

This SPG focussing on affordable housing and viability includes four parts:

- background and approach;
- the threshold approach to viability proposals;
- detailed guidance on viability assessments; and
- build-to-rent schemes.

https://www.london.gov.uk/sites/default/files/draft_affordable_housing_and_viability_spg_2016.pdf?utm_source=update&utm_campaign=2c654848ce-BPF+Update&utm_medium=email&utm_term=0_0134d0d4b0-2c654848ce-246675113&mc_cid=2c654848ce&mc_eid=01069531d7

35 Historic England Report

Keep it London – Putting heritage at the heart of London's future

This report will form part of Historic England's response to the GLA's consultation on the London Plan due for publication in early 2018. Three studies were commissioned to consider how heritage influences planning decisions and how policy and practice can be improved:

- *London Plan Review* which explores the application of the London Plan's heritage policies to the management of the historic environment;
- *Characterisation of London's historic environment* looks at how the historic environment is being assessed in London and how such data influences planning processes; and
- *London's local character and density* explores different character types that make London distinctive.

The following are the five key recommendations of the panel of experts whose roundtable discussion informed this report:

- Find out what matters to people who live and work in London and make it possible for Londoners to contribute towards plans that will affect the character of their local place;
- The London Plan should encourage future planning and design to be inspired by a place's historic character;
- The London Plan should put heritage at the heart of planning, not as an add-on at the end of the process;
- The Greater London Authority, Historic England and partners should develop a London Heritage Strategy; and
- Historic England should continue to act as a strategic champion for heritage and the contribution it makes to London's future.

https://historicengland.org.uk/whats-new/news/heritage-at-heart-of-londons-future
https://content.historicengland.org.uk/content/docs/get-involved/keep-it-london-roundtable-report.pdf

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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

Legal & Parliamentary

Volume 39(01) 06 February 2017

SCOTLAND

PLANNING

01 Statutory Instrument

SSI 2016/421 The Town and Country Planning (Miscellaneous Amendments and Transitional Saving Provision) (Scotland) Order 2016

W.e.f. 10.02.17 this Order amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 ("the Permitted Development Order") and the Town and Country Planning (Use Classes) (Scotland) Order 1997 ("the Use Classes Order").

The Permitted Development Order includes permitted development rights for various changes of use of a building. This Order amends the Permitted Development Order by providing a new permitted development right to allow a change of use to a shop and financial, professional and other services from a betting office or pay day loan shop.

It also amends the Use Classes Order by providing that use as a betting office and use as a pay day loan shop are included in article 3(5) of the Use Classes Order: the list of uses excluded from the specified classes.

http://www.legislation.gov.uk/ssi/2016/421/contents/made

02 Scottish Government Consultation

Raising Planning Fees
Deadline for comments: 27.02.17

This paper seeks views on a new fee maximum of £125,000 for major applications for most categories of development (£62,500 for applications for planning permission in principle).

https://consult.scotland.gov.uk/planning-architecture/consultation-on-raising-planning-fees/

GERALDEVE

03 Scottish Government Consultation

Places, People and Planning – a consultation on the future of the Scottish Planning System
Deadline for Comments: 04.04.17

This consultation paper contains details of proposed changes to Scotland's planning system and seeks respondents' views on them. The four main suggested areas of change are as follows:

- *Making plans for the future* – simplifying and strengthening development planning;
- *People make the system work* – improve the way in which people can be involved in the planning process;
- *Building more homes and delivering infrastructure* – to deliver more high quality homes and create better and more healthy places for people to live in; and
- *Stronger leadership and smarter resourcing* – reduce bureaucracy and improve the resources of the Scottish planning system.

https://consult.scotland.gov.uk/planning-architecture/a-consultation-on-the-future-of-planning/

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RATING

04 Statutory Instrument

SSI 2017/8 The Non-Domestic Rate (Scotland) Order 2017

W.e.f. 01.04.17 this Order prescribes a rate of 46.6 pence in the pound as the non-domestic rate to be levied throughout Scotland for the financial year 2017-18, down by 1.8 pence in the pound from the previous year.

http://www.legislation.gov.uk/ssi/2017/8/contents/made

05 Statutory Instrument

SSI 2017/9 The Non-Domestic Rates (Levying) (Scotland) Regulations 2017

These Regulations make provision for the amount payable in certain circumstances as non-domestic rates in respect of non-domestic subjects in Scotland. The non-domestic rate for subjects not covered by these Regulations is fixed by order made under the Local Government (Scotland) Act 1975 – for the year 2017-2018, the rate is fixed by the Non-Domestic Rate (Scotland) Order 2017 (SSI 2017/8). Regulation 3 provides for the general reduction in rates for a ratepayer of non-domestic subjects with a rateable value of £18,000 or less. Regulation 3(3) sets out the reduction of either 25% or 100% depending on the value of the subjects. This regulation applies to the financial year 2017-2018.

http://www.legislation.gov.uk/ssi/2017/9/contents/made

06 Scottish Government response to consultation

2017 Non-Domestic Rating Revaluation Consultation on Possible Transitional Arrangements: Analysis of responses

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

Between 16.08.16 and 12.10.16, the Scottish Government undertook a public consultation on possible transitional arrangements relating to the 2017 non-domestic rating revaluation. This report presents an analysis of the responses to this consultation.

http://www.gov.scot/Publications/2016/12/7882

HOUSING

07 Scottish Government Consultation

A Consultation on Procedure of the First Tier Tribunal Housing and Property Chamber Deadline for Comments: 31.03.17

The Tribunals (Scotland) Act 2014 established an integrated structure of tribunals with a First-tier Tribunal (FTT) and an Upper Tribunal. Jurisdictions within the First-tier Tribunal will be organised into 'chambers' according to the nature of the dispute. On 01.12.16 the Private Rented Housing Panel/ Homeowner Housing Panel transferred to the FTT – the first of the existing tribunals to move to the new structure. A single set of operational rules is being developed to apply across all jurisdictions in the Housing and Property Chamber. This consultation seeks views on the operational procedure of the Housing & Property Chamber for hearing disputes transferred from the Sheriff Court, disputes under the new letting agents regime and disputes involving the new tenancies established by the Private Tenancies (Scotland) Act 2016.

https://consult.scotland.gov.uk/better-homes-division/procedure-first-tier-tribunal-housing/

GENERAL

08 Scottish Government Consultation

Land Rights and Responsibilities Statement: A Consultation
Deadline for Comments: 10.03.17

Under Part 1 of the Land Reform (Scotland) Act 2016 Scottish Ministers must prepare, consult upon and publish a Land Rights and Responsibilities Statement. This is a set of principles to guide the development of public policy on the nature and character of land rights and responsibilities in Scotland.

https://consult.scotland.gov.uk/land-reform-and-tenancy-unit/land-rights-and-responsibilities-statement/

WALES

RATING

09 Statutory Instrument

WSI 2016/1247 The Non-Domestic Rating (Chargeable Amounts) (Wales) Regulations 2016

These Regulations which came into force on 31.12.16 and apply in relation to Wales prescribe rules to be used to find the chargeable amount for cases which fall within the descriptions prescribed in the Regulations.

http://www.legislation.gov.uk/wsi/2016/1247/contents/made

10 Statutory Instrument

WSI 2107/25 The Non-Domestic Rating (Small Business Relief) (Wales) (Amendment) Order 2017

This Order amends the 2015 Non-Domestic Rating (Small Business Relief) (Wales) Order which provided for a rate relief scheme and a temporary rate relief scheme for certain categories of hereditament. The original scheme was to run from 01.04.15 until 31.03.16 and it was extended by the 2016 Amendment Order until 31.03.17. This Order further extends the temporary rate relief scheme until 31.03.17.

http://www.legislation.gov.uk/wsi/2017/25/contents/made

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