

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For The Following Qualifications:-

M.Phil. M.Sc.

ESGO53: Planning Law

COURSE CODE : ENVSGO53

DATE : 13-MAY-03

TIME : 10.00

TIME ALLOWED : 3 Hours



UNIVERSITY COLLEGE LONDON
BARTLETT SCHOOL OF PLANNING

MSc/MPHIL TOWN PLANNING

PLANNING LAW

DURATION THREE HOURS

13th MAY 2003, 10am until 1pm

ANSWER FOUR QUESTIONS

1. Scholastic University wishes to renovate its campus and they have a number of proposals that they would like to discuss with you, their planning consultant.
- (i) The University wish to renovate a teaching block. They know that the roof needs replacing and suspect that the north and south walls are so damp that they will need to be rebuilt. They are hoping that the east and west walls will not need to be replaced, but have funds to do this if necessary.

While this work is being done, the University will need to have several cranes on site as well as scaffolding. They plan to erect banners to hang from the cranes to advertise the University's courses. (Please do not concern yourself with the advertising control implications of this; the University has a separate advertising consultant working on this).

- (ii) The University Guild of Students are also keen to improve their café. They wish to demolish an internal wall (which gives structural support to the building) and to paint the outside purple and gold. They also wish to install some double doors leading out to a patio and a skylight in the roof to let in more light. On those evenings when they hold events, the Guild would like to switch on fluorescent lights to light up the building.
- (iii) Just as the University have their plans drawn up, they finish going through the archives and find a planning permission, dated 1953, which provides permission for a brand new teaching block where the existing block is due to be renovated.

Please advise the University on whether they will need planning permission for any of the activities they propose.

2. Mike Crawford wishes to acquire a piece of land called Midsummer Meadow. The land is designated as greenbelt but Mike would like to build houses there.

TURN OVER

The local plan confirms that the Council believe that this land should not be developed for housing; however, Mike is hoping to change the Council's mind and get permission to build a stately home for himself. In return he proposes to build 30 affordable homes for local people. Both proposals will be submitted as part of the same planning application.

The large house will be extremely expensive to build as Mike has his heart set on a Georgian style with an impressive flight of steps leading up to the front entrance. Both the Council and local people are concerned that granting the application might set a precedent. The proposal also includes an application for a helipad and parking spaces for 6 large cars.

Please advise the local Council on whether or not Mike Crawford is likely to get planning permission for his application. (Please note that no special knowledge about stately homes or helipads is required to answer this question). N.B. The development is not in a conservation area nor does it affect listed buildings.

3. To what extent does the law on listed buildings and conservation areas strike the correct balance between preservation and good land use planning?
4. Idyllwood farm has decided to diversify its activities. They are currently a dairy farm, with an old farmhouse and 6 barns they've erected in the last three years to house and milk the cows. They've already been selling milk and yoghurt from the farmhouse to local visitors but this will be a whole new venture.

Now however, Idyllwood have decided to expand into beef as well, and are planning to use one of the barns to house beef cows in winter. In one of the other barns they are planning to set up a meat processing factory, to turn their beef into high-quality sausages, and in a third barn they are intending to open a farm shop, selling imported fruit and vegetables, sausages and their dairy products. To advertise their new activities, Idyllwood propose to erect a statue of a large sausage at the entrance to the farm. (Please do not concern yourself with the advertising control implications of this; the farm has a separate advertising consultant working on this).

Local residents are pleased to support Idyllwood in their new venture, but they are a little concerned about the extra traffic the shop and factory will generate. Idyllwood is at the end of a farm track but all the extra traffic will need to drive through the village where the local residents live to get there.

Please advise Idyllwood on the planning implications of their proposals. N.B. The development is not in a conservation area nor does it affect listed buildings.

5. What would you say are the most important features of English planning law? Are there any significant weaknesses that you think should be reformed?

TURN OVER

6. Evenbridge County Council is in the process of drawing up a new structure plan. Please advise them on the procedure they should adopt (1/3 of the marks).

Evenbridge are intending to make provision in the plan for a new runway at the local airport and they realise that this will be an unpopular proposal. Consequently, Evenbridge also have a number of specific concerns that they would like you to respond to (2/3 of the marks):

- a. Evenbridge are concerned that the planning inspector who will be consider their plan is known for his strong views on the environment. He's been quoted in public as saying that he's not sure that Evenbridge needs another runway and that the Council will have to make their case. They are worried that this inspector will have the last say.
 - b. Evenbridge understand that objectors to the plan will be able to make their views known. The County Council would like to know how precisely this takes place.
 - c. In particular, some of the protestors are claiming that their human rights will be breached if the planning inspector is entitled to make this decision. Please explain to the Council why the protestors think this is the case and whether their claim is correct.
7. Bob the builder decides to build a new house. He asks you, his planning consultant, how he should go about applying for planning permission (1/3 of the marks).

Subsequently, Bob applies for planning permission despite significant local opposition. Local residents are outraged because the planning inspector who finally grants permission is a friend of his and the house is to be built almost entirely in glass, which will look totally out of place (local residents believe) in the local environment. The residents consider what appeals or alternative measures they can take to try to stop the development going ahead. Please advise Bob what these might be (1/3 of the marks).

At the same time Bob lodged the application he also applied to erect a log cabin sauna at the end of his garden, in some woodlands he owns. This application was turned down and Bob would like to know whether he can appeal. In fact, as he leaves the meeting, Bob says to you that he's intending to build the log cabin whatever happens, and he'll be having regular sauna parties to which all his friends will be invited. After all, he says, what can the planning authorities do to stop him? Please advise Bob (1/3 marks).

N.B. The development is not in a conservation area nor does it affect listed buildings.

8. Assess the advantages of utilising planning obligations over conditions.

[END OF PAPER]