

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For the following qualifications:-

M.Sc.

ESGO53: Planning Law

COURSE CODE : **ENVSGO53**

DATE : **29-Aug-03**

TIME : **10.00**

TIME ALLOWED : **3 hours 0 minutes**

03-N18-4-20

© 2003 *University College London*

TURN OVER

ENVSGO53: Planning Law

Answer FOUR questions

1. 'A condition is a planning obligation without the developer's consent'. Please consider this statement and compare and contrast the law on planning conditions and obligations under s. 106.
2. The Affordable Housing Cooperative (AHC) has almost raised sufficient funds to build a 24 unit complex in central Urbville. In order to finance the development, AHC wish to convert their very attractive office block (which is not listed) into luxury apartments. They claim that they will need the revenue from the luxury flats to finance the social housing. They come to you, at Planning Consultants Central, to ask whether they are likely to be granted planning permission for both developments.

You note that the central Urbville development plan explicitly states that there is at present insufficient affordable housing in the capital and that it is a priority for local authority planners there to make more available. You also know however that building affordable housing is always more costly than it at first appears. The Affordable Housing Cooperative propose to integrate a waste incinerator into the design and to use this to provide fuel for the affordable housing development. Local residents are concerned about the possible pollution and health effects of such an incinerator.

You also know that the central Urbville development plan indicates that there is sufficient luxury accommodation in the area and that no more should be built.

Please advise AHC on their chances of obtaining planning permission for both developments.

3. Is the law on change of use effective? Please discuss with reference to the case law.
4. The beautiful village of Brampford Speke lies in the heart of Devon. In the summer it is besieged with tourists and day trippers keen to absorb 'the traditional atmosphere' of a picturesque, rural village. Local residents have decided that if they cannot control who enters their village, they may as well make a profit out of them.

Mr. and Mrs. Luxton at the local pub have decided to refurbish their farm shop. To do this they wish to remove the ancient fireplace and replace it with an easy to clean, vinyl seating area. To do this they will also have to remove an ancient woodcarving of a cow built into the fireplace that has been in the farm as long as anyone can remember. The Luxtons' farm is listed.

Mr. Gilbert Scott, the local architect who lives round the corner in Badger Lane, is appalled by the Luxtons' plans. He has decided that if they are going to destroy Britain's heritage in this way then it may as well be replaced by

TURN OVER

something truly innovative. For that reason he has applied for listed building consent to demolish his sixteenth century cottage and replace it with an award-winning design for a glass house. In fact, Mr. Gilbert Scott has already spent the past few weekends dismantling his ancient cottage and is currently storing the timbers he is removing from his house in the shed at back.

Finally, Mr. and Mrs. Carpenter, who cannot afford to live in a listed building but whose house is part of a conservation area, are proposing to make certain 'improvements'. They wish to install a swiss chalet shutters throughout the house and also to replace their wooden front door with a much more practical UPVC version. They are also planning to sell cram teas from an 'olde worlde' cart outside their front door on weekends in July and August.

Please advise the Luxtons, Carpenters and Mr. Gilbert-Scott on the likely effects of their actions. Explain to them the purpose of the law on listed buildings and conservation areas and whether their applications are likely to be successful. Please also consider what action Brampford Speke's local authority may be able to take against Mr. Gilbert Scott for his partial dismantling of his cottage.

5. "The English planning system is truly participatory. It protects human rights, encourages the involvement of third parties and allows local communities to determine their own local plan." Do you agree with this statement?
6. Ruralville District Council is in the process of drawing up a new local plan. Please advise them on the procedure they should adopt (1/2 of the marks).

Ruralville have a number of individual concerns (1/2 of the marks):

- a. They are concerned that the training for planning inspectors is not 'what it used to be' and that their views on development in the local area will be subject to review by the inspector. Please outline what authority the inspector will have to alter the proposed plan.
 - b. The Council is particularly concerned with green space in their local area. Please advise them on how to protect their greenbelt area, hedgerows and mature trees.
 - c. Ruralville are concerned that the Secretary of State might 'call in' their plan for political reasons. Please advise them on how this procedure might operate.
7. Enforcement is the weak link in the chain of English planning law. Please discuss.
 8. The Jones' farm was badly hit by the foot and mouth crisis and the farmer, John Jones, has decided to diversify. He has a number of proposals which has come to discuss with you, his planning consultant.

TURN OVER

- a. John wishes to establish farm with rare breeds of cows and sheep and allow the public to come and visit them. He wishes to erect a twenty-foot statue of a sheep in the middle of his field which faces on to the motorway. This will contain a sign advertising 'Rare Breeds' at Jones' Farm. He asks you whether this statue will need planning permission. This sheep is to be lit up with fairy lights in the evenings and at night. (Please do not concern yourself with the law on advertising here, as John Jones has a separate advertising consultant working on this).
- b. John also wishes to renovate the existing cowshed into a café. Three walls and the roofs need replacing, though the original floors and milking stalls will remain 'to give the place some atmosphere'. Will he require planning permission for this renovation?
- c. In order to shed more light on John's exhibition about rare breeds, he wishes to install a large skylight in the top of a barn. This will not be visible from ground level, although low flying aircraft will be able to see the alteration.

Please advise John on whether he will need planning permission for any of the activities he proposes.

END OF PAPER