

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For the following qualifications :-

B.A. B.Sc.

ES366: Planning And Environmental Law

COURSE CODE : **ENVS3660**
UNIT VALUE : **0.50**
DATE : **08-MAY-02**
TIME : **10.00**
TIME ALLOWED : **3 hours**

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TURN OVER

Answer FOUR questions

1. The Archers farm has been badly hit by the foot and mouth crisis and the farmer, Joe Grundy, has decided to diversify. He has a number of proposals which has come to discuss with you, his planning consultant.
 - a) Joe wishes to erect a twenty-foot statue of a cow (with full working parts) in the middle of his field which faces on to the motorway. This will contain a sign advertising 'Cow World' at Archers Farm. He asks you whether this statue will need planning permission. This cow 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 Joe Grundy has a separate advertising consultant working on this).
 - b) Joe 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 Joe's 'Museum of Milking through the Ages', Joe 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 Joe on whether he will need planning permission for any of the activities he proposes.

2. '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. Discuss whether it is true to say that the two powers available to planning authorities are similar in all respects apart from consent.
3. The Social Housing Company (SHC) have almost raised sufficient funds to build a 24 unit complex in Central London. In order to finance the development, SHC wish to convert their very attractive office block (which is not listed) into luxury apartments. They come to you, at Central London Planning Consultancy, to ask whether they are likely to be granted planning permission for both developments.

You note that the Central London 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 (from acting for some very wealthy clients) that there will also be significant opposition to such a development. Lord Snooty, has just been cited in the Sunday papers as saying that if these housing units are built in such an exclusive area 'it will be unsafe to go on the streets. At any moment one might be knocked over by a ruffian on a skateboard or a single mother with a pram. Once one set of poor people move into the area, there will be no end to it'. Opponents also believe that it will be impossible to build sufficiently attractive housing for such a (relatively) low cost.

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

4. Is the law on change of use effective? Please discuss with reference to the case law.
5. Utopia 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).

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

- a) They have previously had bad experiences with planning inspectors in the past and are worried that in an inquiry the inspector will have the right to make any final decisions. Is this correct?
- b) The Council is particularly concerned to retain the greenbelt around their town and wish to preserve the few hedgerows that remain, as well as several ancient yew trees in the cemetery. Will they be able to do this?

TURN OVER

- c) Utopia D.C. understand that objectors to the plan will be able to make their views known. They would like to know how precisely this takes place.

Please explain the legal position on local plan procedure to Utopia D.C. and advise them on the legal position of their particular concerns.

6. The beautiful village of Chuddlington lies in the heart of Devon. In the summer it is besieged with tourists and day trippers keen to absorb 'the traditional ambience' of this place. This seasonal influx has annoyed local residents who have decided that if they can't avoid these visitors they may as well make a profit.

Mr. and Mrs. Boddington at the local pub have decided to begin serving Devon cream teas throughout the day. In order to extend the pub they wish to remove the ancient fireplace in the pub and replace it with an easy to clean, vinyl serving hatch. To do this they will also have to remove an ancient woodcarving of an angel built into the fireplace that has been in the pub as long as anyone can remember. Chuddlington local authority have assured Mr. and Mrs. Boddington that they will definitely be granted planning permission for such an activity, but as the pub is listed they will also have to apply for listed building consent.

Mr. Rogers, meanwhile, the local architect who lives round the corner in Birdsong Lane, is appalled by the Boddingtons' 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 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. Rogers 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. Windsor, 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 French windows leading from their back sitting room into the garden and also to replace their wooden front door with a much more practical UPVC version. They are also planning to sell ice creams from an 'olde worlde' cart outside their front door on weekends in July and August.

Please advise the Boddingtons, Windsors and Mr. Rogers 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 Chuddlington local authority may be able to take against Mr. Rogers for his partial dismantling of his cottage.

7. Whilst it may have been justified in post-war Britain, the preference accorded in planning law to agriculture and farming activities is no longer appropriate in the 21st Century. Discuss this statement with reference to the planning law relating to agriculture and farming in the context of development, building operations and change of use.

8. Dr. Moore, a lecturer in media studies at Sedgefield University, lives in a small terraced house in town. Frustrated by University bureaucracy and fed up with her low wages, she has decided to protest. In order to do this, she has set up a campaign office for the "Undervalued Lecturers of the World Unite" (ULWU) movement in her front room. Dr. Moore has been heartened by the number of her colleagues that have come to work with her there, preparing petitions, sending out mailings and setting up a website dedicated to their cause.

Three of Dr. Moore's colleagues have become so committed to the campaign that they have moved in to her house on a full-time basis. Because all four lecturers are now spending more time at home than at work, they have brought the 100 rats they were using for scientific experiments at the University to the house. These are now in a shed at the bottom of the garden, where the experiments continue.

Emboldened by their success, the campaigners have hung banners for ULWU from the windows facing the street and have erected a life size model of Estelle Morris, the Secretary of State for Education and Skills, on the front lawn. This model is holding a placard supporting ULWU.

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The planners at Sedgefield D.C. are concerned with the activities at Dr. Moore's house and have paid her a visit. They are threatening to serve an enforcement notice and/or a stop notice on ULWU's activities at the house, having received complaints from local residents about the rats, since although they are not noisy, Dr. Moore's neighbours are disturbed by having them living next door. The planners are also critical that four people are now living in the (four bedroomed) house rather than one and that there are now four bicycles permanently parked outside. Finally, they have said that the banners and image of Estelle Morris must be taken down.

Please advise Dr. Moore on the legality of her actions in the context of planning law and whether she will have to comply with the planners' demands.

9. 'English Planning Law is a great success. It is easy to understand and consistently applied. There are no improvements that could be made'. Please discuss this statement with reference to any three of the following areas of planning law:

- Building operations
- Change of Use
- Material Considerations
- Conditions
- Section 106 Obligations
- Enforcement

END OF PAPER