

**UNIVERSITY COLLEGE LONDON**

*University of London*

**EXAMINATION FOR INTERNAL STUDENTS**

*For The Following Qualifications:-*

*B.Sc. LL.B.*

**ES3660: Planning And Environmental Law**

**COURSE CODE : ENVS3660**

**UNIT VALUE : 0.50**

**DATE : 01-MAY-03**

**TIME : 10.00**

**TIME ALLOWED : 3 Hours**

ENVS3660 Planning and Environmental Law

Answer FOUR questions

1. Oliver, a highly paid footballer, lives in a large house in a residential area. Despite his gruff exterior he is extremely soft hearted and rescues guinea pigs that are maltreated. He currently has 43 guinea pigs living in his house. In fact, he has created a self-contained flat for the two people he employs to look after his guinea pigs, so that they can have round-the-clock care.

After a few months, Oliver also adopts three homeless Dartmoor ponies, six goats and a llama. To pay for all the additional animals, Oliver begins to charge visitors £1 each to come onto the property and pet the animals.

Despite Oliver's good works with animals he is still extremely vain. He intends to erect a lifesize statue of himself on top of a 30ft plinth at the entrance to his property. He also decides to have a small gift shop and post office on the way out of his property.

Although they are pleased for him, Oliver's neighbours are starting to complain about all the extra traffic and ask you whether there are any planning restrictions that might apply to Oliver's activities. Please advise them.

2. The essence of planning is that it is proactive, if people choose not to comply there is little in practice that can be done. Is this an accurate assessment of planning law and enforcement practice?

3. Glenda has lived in the village of Ruralville her whole life. She grew up on her parents' farm and now wishes to buy a house of her own. Unfortunately for Glenda, the prices in the village are now beyond her means. Houses have been bought up by wealthy incomers and are beyond the reach of local people.

To help her out, Glenda's parents, Joe and Kathy, have offered her and her brother Bill a field, saying that they could build houses there for themselves if they can get planning permission. The field is a greenfield site and the local plan has designated this field outside of the village's building line.

Undeterred, Glenda and Bill approach the planners. They propose a development of 10 houses, five of which are to be affordable housing (including one house each for Glenda and Bill) and five of which are to be sold on the open market. Glenda and Bill believe that the profits they would make on the open market houses would give them sufficient funds to make the remainder available for local people.

The council are worried that Glenda and Bill have not calculated the financial aspect of their proposal properly and are also concerned that their proposal might set an undesirable precedent. The planners, therefore, suggest an alternative, indicating that the project could go ahead if they adopt a 'sustainable' approach. They propose, for example, that heating for the new properties be by incinerating local refuse, making the village self-sufficient in waste disposal. Glenda and Bill are reluctant to do this, but would be prepared to proceed with the planners' idea if this is the only way they can obtain planning permission. Local residents, however, are appalled. They come to you and ask whether this approach would comply with planning laws.

4. Is the legal regulation of development plans solely concerned with procedure? (3/4 of the marks) Should it be? (1/4 of the marks)

5. Barney lives in a castle in Cornwall but hates it. The building is listed (Grade II\*) but he complains that it's cold and draughty, old-fashioned and dated. To modernise the building Barney wishes to install central heating and double glaze the windows. He would like to block up the chimneys and install electric fires there instead.

Barney is less sure what he should do with the old coach house. This is not listed (as far as he knows) but is definitely within the conservation area. He would like to paint it in zebra stripes as a modernist statement. He has already begun to dismantle the back wall of the coach house and is selling the stone to a nearby reclamation yard for next to nothing.

Please advise Barney. Will he be able to make the changes to the castle that he wishes to? What consents or permits would he be required to obtain? Can Barney paint the coach house as he wishes? What would the requirements of the conservation area be? Is he right to say that the coach house is not a listed building?

6. Jack has been watching property development programmes on television and is inspired. Consequently, he has decided to renovate his 1930s bungalow and wants to begin by demolishing the back wall and building an extension, which is glazed and looks out onto the garden. This would be large enough to contain a generous kitchen and breakfast room.

Next, having looked at the windows, Jack realises that the walls are infested with damp. He concludes that the cheapest and easiest course of action is to take them down section by section and then rebuild them. Jack also intends to demolish an internal wall and install a skylight in the bathroom (this can only be seen by a distant neighbour). He wants to repaint the house a pale pink and, having researched his market, to build a home office at the end of the garden.

The office will add an additional 10% living space to the property and a significant increase in value. The office would be located at the far end of the garden and would not overlook any other houses. It would, however, extend right up to the fence on both sides and would be covered in cladding. To build the office, Jack will have to cut down a number of mature trees and root out an old hedgerow.

Whilst he does this work, Jack will need scaffolding and an assortment of building equipment on site. He asks you whether he will also need planning permission. Please advise him.

7. Planning law moves with the times. After the war, for instance, the law on agriculture and forestry was liberalised while planning agreements were brought up to date in the 1990 legislation. Do you agree with this analysis? If so, are there any current reforms that should be made to planning law or practice? If not, how could planning law be made to reflect changing times?

8. A local dotcom company wishes to set up in an industrialised area. The local authority planners are saying that they're supportive but in practice are setting up all kind of objections. They're insisting, for example, that the company would be allocated no parking spaces and that they would have to install a cycle path instead. The planners also want the company to include in all employees' contracts a clause that no one will cycle to or from work without wearing a cycle helmet. They also want to require all employees to cycle 'safely'.

While the company are reluctant to comply with these conditions, they are considering entering into a number of planning agreements. These include building a crèche for employees and local residents, open to all for a nominal payment, and building a local park. This park will contain a number of trees and bushes, which will all need to be maintained, and will also have swings and roundabouts for children to play on. Because the local authority are worried about possible accidents, they are insisting that the company take full responsibility for insuring the park and require them to maintain safety and security. Lastly, they have demanded a £10,000 a year payment to cover 'associated costs'.

Please advise the dotcom company. Would they be required to comply with all these conditions and/or would they have to agree with the planning agreements? Could the requirement for a park be imposed as a condition rather than a section 106 agreement if the company does not agree to provide it?

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