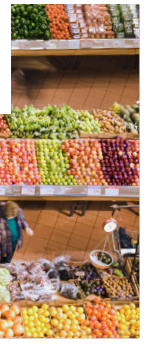


Town Centres and Retail planning news



SEPTEMBER 2017

Headline news

Details of HCA land to be sold by June 2018

The Homes and Communities Agency – soon to be relaunched as ‘Homes England’ – has released (on 1 August) its ‘Land Development and Disposal Plan 2017 to 2018 – June 2017 update’ (LDDP), an updated list of land to be sold and developed over the coming year.

The LDDP details over 300 hectares of land already on the market, and a further 990 hectares intended to be brought to market. The sites are for a mix of commercial and residential development.

The LDDP is designed to give house builders and developers an overview of the landholdings that the HCA expects to bring forward for development and/or disposal and to ‘provide transparency’ on the Agency’s approach to the disposal of land. It will be updated on a 6 monthly basis.

‘Inconsistent’ and ‘unlawful’ Secretary of State decision quashed

An outline planning permission granted by the Secretary of State (SoS) for development of up to 50 dwellings and associated development on land at Mitchelswood Farm, Newick, has been quashed by the High Court, following a successful s288 challenge by Baroness Cumberlege of Newick and her husband.

Ground 1 of the challenge related to inconsistency in the SoS’ decision-taking: he had considered that policy CT1 in the Lewes District Local Plan – which defines development boundaries – was up-to-date in the September 2016 ‘Ringmer

decision’, but out-of-date in the November 2016 Mitchelswood Farm ‘Newick decision’.

John Howell QC, sitting as deputy High Court judge, ruled that when determining if a decision may be invalid (because there has been no consideration of a matter capable of being material when the planning application was determined), the test to be applied is whether no reasonable decision-maker in the circumstances would have failed to take that matter into account.

According to the judgement, given that one of the functions of the Communities Secretary in terms of the public interest is to secure some degree of coherence and consistency in the control of development, no reasonable Communities and Local Government SoS would fail to take reasonable steps to ensure that their own decisions, on the same class of case, were not apparently inconsistent - at least in the same district (including decisions made after the close of an inquiry).

With regard to Ground 2 (relating to an alleged error of fact), both the Inspector and the SoS had erroneously considered the appeal site to fall outside the 7km zone of influence of a Special Protection Area and a Special Area of Conservation. The Deputy Judge concluded that whilst it would be possible to site the new development outside of the zone of influence, a condition was not attached to the planning permission to control to this effect. As such, the planning permission was in breach of the requirements of Regulation 68(3) of the Conservation of Habitats and Species Regulations 2010, and for this reason alone had to be quashed.

Updated: ‘You’ve got the power: a quick and simple guide to community rights’

DCLG’s guide to community rights has been updated; it was first published in September 2013. ►►

QUOTE OF THE MONTH



Avoiding apparent and unexplained inconsistencies in the Secretary of State’s own decisions on matters that may have ramifications for decision-making in other cases is an important consideration in determining what may [be] required of him if he is not to act unreasonably.

John Howell QC, sitting as deputy judge in Cumberlege and Anor v Secretary of State for Communities and Local Government and Anor (August 2017)

THE LICHFIELDS PERSPECTIVE

‘Councils’ decisions on the information to request for technical details consent (‘TDC’) may be influenced by telescoped timescales – statutory time limits are 10 weeks for major development and just 5 for minor, compared to 13 and 8 weeks for major and minor planning applications/ reserved matters approvals. Shorter TDC timescales will be in councils’ minds when deciding whether to grant a permission in principle.

Jennie Baker, Associate Director commenting on permission in principle (‘PIP’) via part 2 of a brownfield register and applying for TDC

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The Guide provides a simple step-by-step overview of rights that have been introduced to give people more power over what happens in their neighbourhood. Of particular relevance to planning, it includes guidance on neighbourhood planning and assets of community value.

Ombudsman publishes league table on planning complaints

The Local Government and Social Care Ombudsman has published details of the complaints it had received about all local authorities in England in 2016/17.

2,336 related to planning and development; the greatest proportion related to education and children's services (2,983), followed by adult social care (2,555). According to the figures, the most planning and development-related complaints and enquiries related to Cornwall Council (53), closely followed by Cheshire East (45).

Renewal of early neighbourhood forum and area designation: first of many?

The London Borough of Sutton is currently consulting on the re-designation of the Hackbridge and Beddington Corner Neighbourhood Area and Forum.

The neighbourhood planning group was selected in 2011 as one of DCLG's 17 neighbourhood planning frontrunners; its powers are due to expire in September.

New listings as Historic England celebrates 70 years of protecting England's historic buildings

It was announced on 7 August that five heritage assets had been newly listed, to mark Historic England's 70 years of protecting England's historic buildings; a new blog looks at an interesting listing for each of the 7 decades.

'Healthy New Towns' winner

The winner of an NHS international competition was announced on 22 August as being Citiesmode, with its vision for Halton Lea, one of the ten 'healthy new towns demonstrator sites' selected in March last year. The aim of the Healthy New Towns Programme is 'is to reduce pressure on the NHS by rethinking our lifestyles and the way health services are delivered'.

The plan for 'Halton Connected' includes:

- 'An urban obstacle course connecting public gym equipment and sprinting tracks marked out on safe pavements.
- A nursery farm for children to learn about where food comes from and pick up healthier eating habits.
- Developers providing house buyers and tenants with free bikes in order to cut car use and promote cycling.
- Universal Wi-Fi so residents can use new technology to health services from home, such as online GP consultations which NHS England is backing to the tune of £45m.
- Converting a car park into a new community square with outdoor cinema, offering more chances to socialise, boost Halton's sense of community and improve mental health.
- Designs for multigenerational living that bring care for the elderly and children under one roof.' ■