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The Localism Bill: an irreverent commentary (Pt 5)

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This is the fifth and final installment of my commentary on the planning section of the Localism Bill. It covers the remaining three chapters - dealing with enforcement, major infrastructure and matters affecting the Crown and Wales

Chapter 5: Enforcement

You will probably be aware of the 'house behind the straw bales' case - where the developer/owner built his house which (when finished) was then concealed for four years. He then applied for it to be legitimated as a result of its existence for four years. He failed, on what might be considered a technicality. This part of the Bill is designed to deal with these cases, essentially by saying that the four year limit will no longer apply where concealment is deliberate - and deliberate can be taken to be not saying anything, as well as saying something.

On the face of it, this seems reasonable. However, there is a strong logic to the four-year rule, which is that if it hasn't bothered anyone for four years (i.e. no one has complained and it hasn't been brought to the attention of the local authority) then it effectively has permission. Under this provision, this will no longer be the case. It will mean, for example, that if an owner finds out - at whatever time - that there has been a breach of planning permission - building an extension slightly larger than the plans laid out - then s/he will be liable to enforcement action indefinitely, a highly unsatisfactory and unsettling position.

Other provisions in this section refer to advertisements and defacement of premises. Remedies for these problems may be desirable, but sledgehammers and nuts come to mind - it is a very complex part of the Bill.

Chapter 6: Nationally Significant Infrastructure Projects

The abolition of the Infrastructure Planning Commission has been long mooted by the Conservatives and has been generally accepted by the planning and development industry, so long as the alternatives work. The alternatives are basically getting local authorities - and ultimately Parliament - to deal with them, on the back of a slightly better consultation procedures (which would have happened under the old regime). It remains to be seen how this will work out. It could provide some of the key tests of 'localism' and the big society - the needs of the country against the desire of the local communities to have a genuine say over what happens in their area. The possible new High Speed rail line through the Chilterns sets up these arguments perfectly.

Chapter 7: Other Planning Matters

Chapter 7 deals with powers for the National Assembly for Wales; and the application of this part of the Bill to the Crown.

Conclusion

This brings to an end this irreverent commentary. Its purpose has been to give an uncensored first reaction to the Bill and I hope it has been illuminating. The serious work on the Bill has now begun; clarifications will emerge and everyone will be lobbying for particular changes. Sometimes however the core significance of the Bill is best encapsulated in these early overall comments rather than from the detailed views which emerge during its passage towards becoming an Act. I hope this has been the case here, but we must now move on: the Bill is a fact, imperfect and convoluted as it may be, and it is now up to all of us involved in planning, heritage and development to make sure that it works as well as possible

In the future there will be occasional comments on the progress of the Bill, and what has been significantly changed. So keep an eye on the news section of our website.

References

Localism Bill 2010-11
House of Commons
Available at: <http://services.parliament.uk/bills/2010-11/localism/documents.html>

Decentralisation and the Localism Bill: an essential guide
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