

# ROGERS

## A planning quiz for 2025

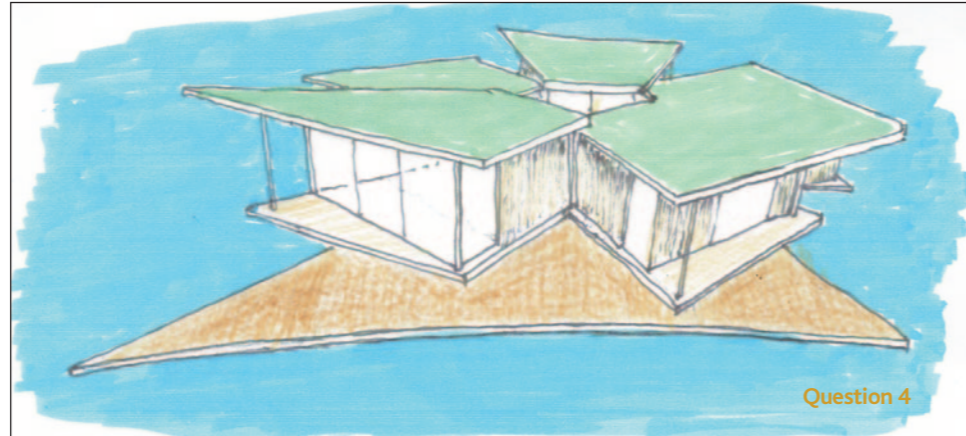


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### Question 1.

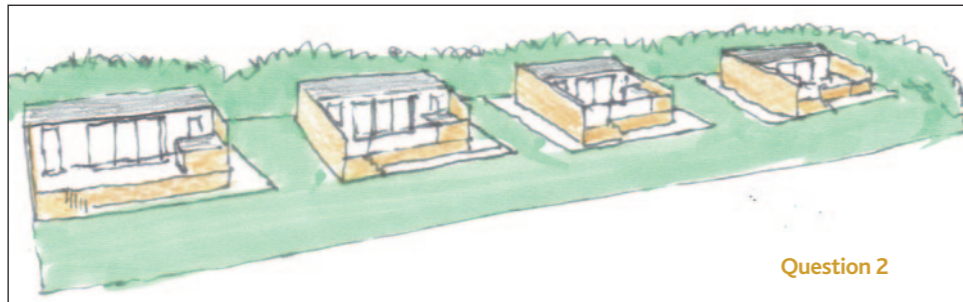
How are researchers from the University of Essex assessing the environmental impact of off-shore wind farm turbines? Is it by

- (a) sending questionnaires to everyone who has objected to the provision of turbines;
- (b) analysing the RSPB's technical report on the deaths of seabirds;
- (c) taking samples from the sea around Cumbria's long-established offshore wind farm;
- (d) comparing the biodiversity effects on the seabed at the base of fifty wind turbines.



Question 4

### Question 2.



Question 2

Why must these four holiday chalets built by John Phillips in Landimore, Gower be demolished? Is it because

- (a) they make the land look untidy and erode the character of the site;
- (b) they are visible from the Welsh Coastal Path;
- (c) a retrospective planning application was refused;
- (d) Mr Phillips felt the situation was "totally unfair".

### Question 3.

Which (if any) of these measures are included in the Levelling Up and Regeneration Act?

- (a) local authorities must prepare infrastructure strategies;
- (b) local plans must be limited to locally specific matters;
- (c) every local planning authority must have a local design code covering their entire area;
- (d) the introduction of a system of "street votes".

### Question 4.

Why was an appeal against refusal of planning permission for a floating home in the Hampshire countryside successful? Was it because

- (a) pockets of nearby development comprised a settlement;
- (b) new sustainable countryside homes should always be allowed;
- (c) the appeal inspector ruled that it was a design of exceptional quality;
- (d) the planning application included a satisfactory flood risk assessment.

### Question 5.

Why was an appeal against a planning in principle (PiP) application for four houses close to a motorway in Worcestershire successful? Was it because

- (a) the need for new houses overwhelms all other considerations;
- (b) adequate living conditions for future residents were not demonstrated;
- (c) the effect of noise is not a relevant consideration at PiP stage;

(d) the local planning authority miscalculated the site area.

### Question 6.

Why was the enforcement notice taken out by Kensington & Chelsea against two unauthorised houseboats on the Thames at Cheyne Walk quashed? Was it because

- (a) Biodiversity Net Gain doesn't apply to river sites;
- (b) they had been moored in place for twenty years;
- (c) a flood risk assessment was deemed to be unnecessary;
- (d) a planning inspector found they contributed positively to the area.

### Question 7.

Why were solar panels permitted at a grade II Elizabethan listed building in West Sussex? Was it because

- (a) they were designed to look like historic roof tiles;
- (b) they were located in the grounds, not on the building;
- (c) there were only two so the impact was negligible;
- (d) they could not be seen from ground level.

### Question 8.

Why did an appeal Inspector allow an additional 36 houses on an edge-of-town allocated housing site in Essex? Was it because



Question 6

- (a) he rejected the council's claim that they should comply with national space standards;
- (b) the proposed density of the development was below that of the surrounding area;
- (c) there was a good bus service, so private car use would not be excessive;
- (d) they were designed to be in keeping with the nearby townscape.

### Question 9.

Why did an Essex council refuse the discharge of conditions attached to a planning permission for 14 flats? Was it because

- (a) samples of materials and details of hard landscaping were inadequate;
- (b) the development had already commenced;
- (c) the measures for remediation of contamination were unacceptable;
- (d) details of surface water drainage did not comply with the council's standards.

### Question 10.

Did the Court of Appeal in 2022 rule that the words "immediately adjoining" should not be unduly prescriptive because they do not necessarily mean

- (a) contiguous;
- (b) coterminous;
- (c) next to; or
- (d) very near?

### ANSWERS

Question 1. (c) Dr Natalie Hicks, from the university, said "We know our demand for net zero energy targets means we have seen an increase in offshore wind farms, so understanding any environmental effects of these wind farms is urgent".

Question 2. All four. The appeal inspector, Richard Duggan, assessed the impact of the chalets on the character and appearance of the landscape, which is part of the Gower Area of Outstanding Natural Beauty, their impact on highway safety, ecology and the living conditions

of nearby residents, adding "The view from the public footpath, albeit only for approximately 100m, is valuable as part of the experience of walking within the AONB and the development seriously harms that view".

Question 3. All four, but none have yet been implemented: it's not yet clear when (or if) the new government will bring these and other measures included in the Act forward.

Question 4. (c) The appeal Inspector took the view that the reservoir site could be considered isolated, being about one kilometre from the village edge and separated from it by farmland. It would therefore benefit from the NPPF paragraph 80e) [currently 84e)] which in principle supports isolated homes of exceptional design quality in the countryside.

Question 5. (c) The inspector ruled that whether the proposal could be designed to provide adequate mitigation against noise was not a relevant matter for permission in principle stage. The proposal consisted of new infill housing within a designated development boundary and a full award of costs was made to the appellant as the council had delayed a development which clearly should have been permitted.

Question 6. (d) The council argued that two larger boats, among four others, had caused a change of use of the land through intensification because of their size and form. But the inspector felt there was no "fundamental change" in the character of the area, adding "The variety and type of the houseboats, their different designs, colours and forms, creates an eclectic mix which is attractive and provides a sense of place. Overall, the moorings form a unique enclave with a distinct residential character which contributes positively to the Thames Conservation Area and the setting of the adjoining Cheyne Conservation Area."

Question 7. (b) Mid Sussex District Council was concerned about the impact on the listed Paxhill House, as well as the Garden and Forecourt Walls

and Gate Piers, Coach House and Gazebo (all grade II listed). Inspector D Szymanski noted that panels would be low level structures in the hillside landscape and would result in "less than substantial harm to the setting and significance of four designated heritage assets... [and would] future proof against potential rises in energy costs, particularly for the upkeep of a large historic house."

Question 8. (a) The council accepted the affordable housing element of the proposal but argued that as it did not meet the Nationally Described Space Standards it was unacceptable. The inspector noted that the standard was not a requirement of local plan policy and made an award of costs to the applicant for unnecessary work in contesting the point, adding further that there was no evidence of alleged overdevelopment.

Question 9. (b) The council refused to discharge 'pre-commencement' conditions simply because the development had already commenced - even though the application was made prior to commencement. The inspector noted that there was no dispute about the acceptability of the details submitted to discharge the conditions, which in any event he ruled did not 'go to the heart' of the permission.

Question 10. All four. The everyday meaning of words should be applied, according to Sir Keith Lindblom, with "a degree of flexibility", adding "The words 'immediately adjoining' do not require an elaborate explanation. They should not be given an unduly prescriptive meaning... the site and proposed development can be regarded as sufficiently close to the settlement in question to be 'immediately adjoining' it."

**So there we have it. Pragmatism and common sense will usually win out in the long run against the restrictive and pettifogging decisions of many local planning authorities. ■**