

PLEASE DISTRIBUTE TO YOUR COMMITTEE AND MEMBERS



September 2023



The House of Commons will resume sitting on **Monday 16 October 2023**.

GOVERNMENT BILLS

Levelling Up and Regeneration Bill

Report stage for the Levelling up and Regeneration Bill will resume on **4 September**.

The Energy Bill

The Energy Bill is scheduled to have its report stage and third reading on **5 September**.

PRIVATE MEMBERS' BILLS

Countryside and Rights of Way Act 2000 (Amendment) Bill

The second reading of the Countryside and Rights of Way Act 2000 (Amendment) Bill is scheduled for 1 December 2023.

Green Belt (Protection) Bill

The second reading of the Green Belt (Protection) Bill (GBPB) is scheduled for **15 September**. However, the House is currently not expected to sit on this day.

OF INTEREST:

Recent court case

Kazalbash v Secretary of State for Levelling Up, Housing and Communities 2023: Planning permission had been refused by the Council for the subdivision of a house in Hillingdon. On appeal, the Inspector refused permission due to the unacceptable impact on the character and appearance of the area. This decision was challenged and quashed by the High Court, but the case went on to the Court of Appeal. The Court of Appeal concluded that the Inspector's planning assessment was logical, coherent, properly reasoned and sufficient to discharge his statutory obligations under section 70 of the 1990 Act and section 38(6) of the PCPA 2004. The Inspector had looked at the relevant local plan policies relating to character and appearance, which referred to the prevailing pattern of development in the area, including building line, set back distances, plot sizes and widths; and whilst there would no change to the external fabric of the building, a new and separate dwelling would be created, with a fence dividing the rear garden in two. The side extension, set back from the established building line, would be, and would be seen as, a new dwelling. This would be inconsistent with the prevailing pattern of development on the street and would be harmful to the character and appearance of the area. The Inspector's decision could not be faulted in law and the appeal was allowed.

COMMITTEES

Built Environment Committee

On 2 August, the Built Environment Committee published *The Impact of Environmental Regulations on Development: Summary of SME Engagement Event*.

The Levelling Up, Housing and Communities Select Committee

On August 10, the government published their response to the Levelling Up, Housing and Communities Select Committee Report of Funding for Levelling Up. The committee recommendations and government responses are mainly focused on complete funding with some discussion of Investment Zones, as well as data and metrics.

HOUSING ANNOUNCEMENT INCLUDES LEASEHOLD REFORM AND BUILDING SAFETY

On 24 July, the Prime Minister and Secretary of State for Levelling Up, Housing and Communities set out further plans for regeneration, inner-city densification, and housing delivery across England. The Secretary of State also highlighted plans for leasehold reform saying:

"...We want to ensure that those who have paid for their home by acquiring a leasehold can finally truly own their own home by becoming free of an outdated feudal regime which has been holding them back.

So, we will continue action on exploitative ground rents, expand leaseholder' ability to enfranchise – and to take back control from distant freeholders we will reduce punitive legal service charges, reduce insurance costs – and improve transparency.

All in new legislation to be in the King's Speech."

Building Safety was addressed, with the Government:

1. Confirming the intention to mandate second staircases in new residential buildings above 18m, following confirmation from expert bodies that they support this threshold. This responds to the call from the sector for coherence and certainty. DLUHC will work rapidly with industry and regulators over the summer to design

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- transitional arrangements with the aim of securing the viability of projects which are already underway, avoiding delays where there are other more appropriate mitigations.
2. Opening the Cladding Safety Scheme to all eligible buildings, ensuring that no leaseholder will be out of pocket to fix dangerous cladding in medium or high-rise buildings.



SELLING THE FAMILY SILVER...? £15BN OF PUBLIC ASSETS SOLD BY ENGLISH COUNCILS SINCE 2010 AMID BUDGET SHORTFALLS

About 75,000 public assets, worth about £15bn, have been sold by English councils since 2010, in part to plug holes in their budgets, research by IPPR has found. An average of 6,000 council assets – such as playing fields, community centres, libraries, youth clubs and swimming pools – worth £1.2bn have been sold each year in the past 13 years, the thinktank estimated,

through analysis of government data and statistics from a freedom of information request. By contrast, the research estimated just 2,500 assets came newly into community ownership during the same time. The research comes as Birmingham city council said it would sell further assets as part of an attempt to get its finances back on track, despite having sold more assets than any other council in the nine years after the start of swingeing government cuts to council budgets in 2010. A change in the law in 2016 meant councils no longer had to buy new public assets with money made from selling them and instead could use the money to make up for shortfalls in funding.

The government is taking over the running of Birmingham council, which serves more than 1 million people and has a budget shortfall of £87m for the current financial year, projected to rise to £165m in 2024-25.

The IPPR is calling for fairer funding from national government to ensure areas that need investment get it, and “participatory budgeting” so that communities can decide how money is spent in their area. Currently, only 1% of budgets are spent this way.

It is also calling for common good property registers to increase transparency of public asset ownership to help to protect communities from continual losses. This would work alongside support for communities to regain assets. A Department for Levelling Up, Housing and Communities spokesperson said: “Councils are best placed to manage their own finances and prioritise depending on local needs – they know their areas best.

“Through the 2023-24 local government finance settlement, the most relatively deprived areas of England will receive 17% more per household in available resource than the least deprived areas.

“In our landmark levelling up white paper, we committed to restoring a sense of community, local pride and belonging, especially in those places where they have been lost.”

HALF OF AIRBNB-STYLE PROPERTIES IN SCOTLAND ARE PLANNING TO SHUT BECAUSE OF SNP'S LOOMING NEW LICENSING SCHEME

Nearly half of self-catering operators are planning to shut because of the SNP's looming short-term lets licensing, a new survey has revealed.

Just 38 per cent actually applied for a licence despite the October 1 cut-off, with campaigners issuing renewed warnings about the havoc the plans will wreak on the tourism industry.

SNP ministers are set to inflict a costly and complex licensing scheme on owners of holiday homes, bed and breakfasts and Airbnb-style properties.

But a survey of 1,848 businesses found that almost two thirds (64 per cent) have not applied, with less than a fortnight to go until the deadline - risking fines of up to £2,500.

SNP and Green MSPs at Holyrood voted down calls for the imposition of the scheme to be delayed, with the housing minister declaring it was not ‘too much to ask’ of holiday property operators.



CORNWALL LAUNCHES LATEST CLAMPDOWN ON SECOND HOMEOWNERS AS COUNCIL SELLS GRADE II LISTED FLATS WORTH £640,000 FOR £1 TO ENSURE AFFORDABLE HOUSING FOR LOCALS

Cornwall Council has agreed to sell Grade II listed flats worth £640,000 for £1 to block second homeowners and ensure affordable housing for locals.

The council's cabinet approved a recommendation to release the 11 Coastguard Flats on North Road in Looe to a community land trust to avoid costly maintenance.

According to Three Seas Community Land Trust, who are being the 'big idea', most of the small one-bed flats are empty, and Cornwall Council isn't able to repair them.

On the Trusts' website, it said: 'They could have been sold at auction, for second homes.

'We want to create a community trust for Looe to buy and refurbish the flats, then let them at low rents to local people'.

Three Seas Community Land Trust offered to carry out a £1million refurbishment through grant funding.

Councillors said the deal meant it would remain as affordable housing in the picturesque fishing village, which has a population of 5,280 people.

Second home ownership and holiday lets are blamed for a shortage of affordable housing in the county.

In January, Cornwall Council approved plans to charge owners of second homes in the picturesque county double council tax in a bid to clamp down on the rising cost of rent driven up by a falling housing stock.

According to the council's database, there were 13,292 second homes registered in the county - many of which are left empty during off-peak holiday seasons. Meanwhile, the waiting list on the social housing register has more than doubled over the last three years, according to the Big Issue.

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In May last year, the Government published the Levelling Up and Regeneration Bill and subject to it being passed, the 100 per cent council tax premium on second homes could be enforced by April 2025.

This could raise an estimated £25m per year for the local authority, which Councillor David Harris, deputy leader of Cornwall Council, said would support council services.

On the sale of the 11 Coastguard flats, Mr Harris said: 'This will retain much-needed affordable housing provision in Looe.'

He said an open market sale would likely have resulted in 'the loss of affordable housing provision', impacting negatively on the housing service by 'increasing demand for temporary accommodation'.

He added: 'A community-led redevelopment scheme would ensure the flats would still be used for affordable housing provision.'

[Read more...](#)



OF INTEREST – CONDITIONS CAN BE PLACED ON NOISE INSULATION ON HMO APPLICATIONS

Two recent HMO applications in Southampton have been permitted - subject to conditions on noise insulation.

The first (23/00505/FUL) is for change of use to HMO (in a relatively HMO-free area), permitted on condition that "insulation from floor to ceiling height of Party walls for the Sitting Room and all 4 bedrooms shown on

the approved floorplans" is installed (Report attached).

The second (23/00617/FUL) is for extension of a HMO, permitted on condition that "noise insulation of floor to ceiling height of the party walls" of the extension is installed (Report attached).

Both conditions are based on local Policy SDP 16 Noise, which states "Proposals for noise-generating development will not be permitted if it would cause an unacceptable level of noise impact." The Policy is on pp 37-39 of CITY OF SOUTHAMPTON LOCAL PLAN REVIEW – ADOPTED VERSION 2ND REVISION (2015), at

<https://www.southampton.gov.uk/modernGov/documents/s63560/112%20USA%20Committee%20Report%20EXT.pdf>

Thanks to Richard Tyler of the National HMO Lobby for this information.

COUNCILS RESORT TO £100K LASER AND SONAR TECHNOLOGY TO FEND OFF TROUBLEMAKING SEAGULLS



Seagulls are causing trouble in Moray, Scotland, will gull deterrents needed

The devices use ultrasonic noises to create an uncomfortable environment.

The tactics could be straight out of the pages of futuristic military comic Dan Dare.

But Scots councils are resorting to technology such as sonar and lasers in a bid to fend off seagulls.

More than £100,000 is being spent on gull deterrents in Moray, as the birds continue to cause trouble in Elgin.

[Read more...](#)

...and finally
**Laughter is the
Best Medicine**

