

Acorus Services Include

- Planning Applications & Appeals
- LDF Representations
- Full Architectural Service
- Barn Conversions
- Equine Development
- Agricultural Development
- Intensive Livestock & EIA
- Occupancy Condition Removal
- Certificates of Lawfulness
- Property Sales
- Expert Witness Consultancy
- Grants and Financial Advice

Are you thinking of expanding your farming enterprises (i.e. new buildings)?
Do you need to diversify your farming business?
Have you redundant farm buildings?
Has your farm development potential?
To discuss any planning issues call Acorus on 01902 693213.

Recent Successes

- **Appeal Allowed** - Erection of a general purpose agricultural building, West Yorkshire
- **Planning Permission Granted** - Construction of all weather manège, Wombourne, Staffordshire
- **Planning Permission Granted** - Erection of general purpose agricultural building, Hilderstone, Staffordshire
- **Planning Permission Granted** - (4 applications) Conversion of redundant rural buildings to residential use, Staffordshire - County Owned Farms
- **Certificate of Lawfulness of a Proposed Use or Development (CLOPUD) Approved** - Change of use of building from 10 to 20 kennels, Leicestershire
- **Planning Permission Granted** - Change of use of land and buildings to equestrian use, Warwickshire
- **Certificate of Existing Lawful Use and Development Approved** - Non-compliance with agricultural occupancy condition, Lincolnshire
- **Planning Permission Granted** - Alterations to an industrial unit, Leicestershire
- **Planning Permission Granted** - Relocation of stables and erection of additional stable and tack room, Nottinghamshire

The topics covered in this newsletter are covered in more detail on our fact sheets which are available on our website or by contacting the Midlands and Wales office.

Current Factsheets Available

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| 1. Planning Applications | 7. Construction (Design & Management) Regulations 2007 |
| 2. Planning Appeals | 8. Poultry Units |
| 3. Certificates of Lawfulness of Existing Use or Development | 9. Intensive Livestock Development & EIAs |
| 4. Use Class Order | 10. Equestrian Units |
| 5. General Permitted Development Order | 11. Farm Tracks & Hard Standings |
| 6. Agricultural & Horticultural Buildings | 12. NVZ |

Acorus in the Midlands and Wales

The past year has seen a wide variety of planning projects undertaken for clients across the Midlands and Wales.

Investment in agriculture has featured, but equestrian developments have also been very popular.

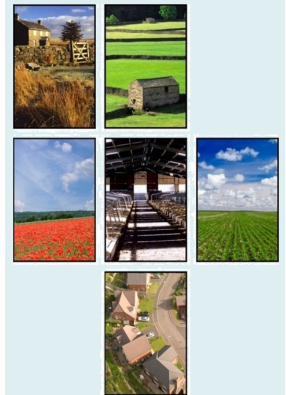
In respect of agriculture, farmers are having to assess their slurry handling facilities to meet the NVZ regulations. We have undertaken farm assessments for estates and individual farmers regarding slurry production and slurry storage and subsequently submitted planning applications for new storage facilities.

The equestrian developments have involved the provision of temporary on-site accommodation (mobile homes) and now the onus is on the applicants to develop their businesses to meet the criteria for

permanent on-site accommodation. Whilst people strive to work and live in the countryside, there are sometimes others that live in properties that have occupancy conditions which have outlived their usefulness. Over the past 12 months occupancy conditions have been successfully removed across the region and in some instances CLEUDs obtained for individuals who have been living in properties in breach of the occupancy condition.

Across the region there are areas of Green Belt which provide an additional level of protection for development proposals. However, development can be achieved provided it meets Green Belt criteria or if 'special circumstances' can be demonstrated.

Call us on 01902 693213 for all your planning needs.



Midlands & Wales Update

Rural Development Programme for England (RDPE) in the Midlands

The Rural Development Programme for England (RDPE) is a programme running from 2007—2013 which aims to transform the rural economy and is jointly funded by Defra and the European Union.

Within the Midlands, Advantage West Midlands (AdvantageWM) and the East Midlands Development Agency (EMDA) are managing and releasing the funding available from the RDPE.

Grants are available for projects under four key aims:

1. New ways to add value to farm and forestry products.

2. Co-operating on the research and development of new products and processes.
3. Helping farms to diversify into non-agricultural activities.
4. Creating and developing small rural businesses.
5. Large, medium and small anaerobic digestion schemes.

For each county in the Midlands there are different arrangements for delivering the funding. For further information call Acorus on 01902 693213.

Submission of Planning Applications

As you may be aware, since April 2008 a new standard national planning application form was adopted for all Local Authorities.

Alongside the comprehensive planning application form there is also a comprehensive validation checklist that Local Authorities use prior to registering and validating planning applications. With the '1App' planning system there is the risk/chance that a planning application may need one or several additional reports (e.g. Tree survey, landscaping scheme, ecology report, flood risk assessment, etc) before the application can be validated. Gone are the days when such reports and supplementary information could be conditioned

with the planning approval.

Also, as of April 2008, a fee is now payable where it is necessary to write to the Council for the discharge of a condition requiring a planning consent. The fee is payable per request and not per condition. The current fee is £85 per request (or £25 where the development is within the curtilage of a single dwelling house). The fee must be paid at the time of the request and cannot be received retrospectively. It is becoming more important that planning conditions are discharged and complied with. Failure to do so could mean enforcement action in the future or that a permission is not extant (i.e. non-existent).



The Community Infrastructure Levy

The Community Infrastructure Levy (CIL) is presently going through consultation and is planned to take effect from 6th April 2010. CIL is the successor to the Planning Gain Supplement which never came into being.

The Community Infrastructure Levy is essentially a tax on new buildings, which each Local Authority (in England and Wales) will have the power to implement if they so wish. Even though CIL is programmed to take effect from April 2010 it will probably be sometime before each Local Authority has the appropriate measures (as per their LDF) to implement the levy.

The theory of the levy is that each Local Authority will establish a tariff for types of development, relevant to size and scale of the development, and the proceeds of the levy will be spent on local and sub-regional infrastructure to support the development of the area.

One issue is whether agricultural buildings will fall within the criteria of the levy, and if that is so whether the likes of slurry stores will be caught by the charge.

As yet there are many uncertainties regarding the scheme, but come April 2010, or sooner, careful consideration will need to be given to development proposals to assess the possible impact of the levy.

EPCs

With Energy Performance Certificates having become compulsory on all new constructions since April 2008, Acorus have invested in new accredited SAP software. We are now able to assess the energy consumption and running costs of new dwellings throughout the design process, helping you to make informed decisions on the most efficient and cost effective way to comply with current building regulations and reduce the environmental impact of your home.

New Planning Application available to extend Existing Planning Consents

Planning consent does not stay valid forever, in fact since 2005 all new planning permissions have a three year lifespan rather than the previous five years.

The Government has announced that the power to extend the time limits for existing full planning permissions will apply to all eligible consents and not just those for major development. This was confirmed in a letter from Steve Quartermain (Communities and Local Government Chief Planner) on 22nd September 2009 to chief planning officers in England.

The new arrangements came into force on 1st October 2009. The application process is for planning permissions which were extant both on 1st October 2009 and at the date of application, and have not yet commenced.

The process involves the completion of

an application form only, i.e. no need for any plans and supporting documentation. All being well the previous consent will be extended at a fraction of the cost of a normal re-submission application.

The application fee rates proposed are as follows:

- £500 for major developments
- £50 for householder developments
- £170 for other sizes of development.

Unfortunately as yet the fee rates are awaiting approval by Parliament, and until they are the application fees are the same as a re-submission application for the proposal.

If your planning consent is soon to elapse, contact us for advice and help on 01902 693213.

Certificates of Lawfulness

A Certificate of Lawfulness of Existing Use or Development (CLEUD) is a certificate which can be obtained from the Local Planning Authority (LPA) and will prevent enforcement against any breach of planning policy or conditions.

There are a number of time periods for eligibility depending on the type of development. The breach of planning must be continuous, with the following time periods:

- Four years for the construction of a new building or structure
- Four years for the change of use of a building to a single dwelling
- Ten years for the change of use of a building to any use other than a single dwelling
- Ten years for breach of a planning condition

Unlike planning applications, CLEUDs are decided on the facts of the case and the evidence should be provided to prove to the LPA, on the balance of probability that the development complies with the minimum time periods stated above.

Call Acorus on 01902 693213 if you would like more information regarding CLEUDs.



Planning Appeals

Earlier this year (2009) the Planning Inspectorate introduced the '21st Century Appeals Service'.

Essentially the Planning Inspectorate, following The Planning Act 2008 (which received Royal Assent on 26th November 2008), has introduced some changes to the planning appeal process with a view to improving the speed of the appeals process. The focus is on the principles of proportionality, customer focus and efficiency.

The following is a brief overview of the key changes which came into place on 6th April 2009.

Nature and Content of Appeal Documents

Local Planning Authorities (LPAs) must ensure that their reasons for refusal are clear, precise, and comprehensive. Appellants must ensure that their grounds of appeal (GOA) are also clear, precise, and comprehensive and relate to the scheme as refused at application stage, without substantial changes which could lead to any party being prejudiced.

Applicants should not normally proceed to appeal unless all efforts to negotiate a solution with the LPA, including through amending their proposals, have been exhausted. They should be confident at the time of appeal that they have a clear case and do not need to commission further evidence.

Meeting the timetables

Once an appeal is accepted and validated by the Planning Inspectorate (PI), a timetable will be issued by the PI. It is crucial that all parties adhere to the statutory deadlines at each stage.

Parties should also maintain a regular and continuing dialogue to ensure that the issues can be clearly established between them, with no last minute surprises arising.

Streamlined Appeal Procedures (Statement of Common Ground)

There is new guidance being issued to streamline the appeal process. An example of the new streamlined process is that main parties will no longer be able to submit final comments for hearing or enquiries at the 9 week stage, and the statement of common ground will be required 6 weeks after the appeal has started.

Making Costs Applications

Parties to an appeal will be able to apply for Costs in written representation cases. This was previously only available for informal hearings and public enquiries.

Environmental Impact Assessments

With the changes in the economy in general, once again the focus is on farming to provide good value produce with sufficient production to meet the needs of the country.

Many farmers are looking to intensify and/or expand their livestock enterprises. In many cases this may require that additional buildings and infrastructure are provided.

Under the Environmental Impact Assessment Regulations 1999 the Local Planning Authority may request that an Environmental Impact Assessment (EIA) be undertaken before any permission will be granted.

Under Schedule 1 of the regulations intensive poultry and pig rearing units above certain thresholds (85,000 broilers, 60,000 layers, 3,000 fattening pigs, 900 sows) automatically require that an EIA be undertaken.

However under Schedule 2 the local planning authority (LPA) can request an EIA be carried out for any 'intensive livestock' installations of over 500 square metres.

The scope and content of an EIA varies from case to case, but at all times the purpose is to identify any potential impacts on the environment that the proposed development will generate and ensure that mitigation measures are proposed if necessary.

Acorus have recently been involved with producing EIAs for intensive poultry units, involving identifying key issues, proposing mitigation measures and coordinating input from other external specialist contractors, such as habitat and odour consultants.

As with all planning matters time and money can be saved if issues are addressed early on.

