

## **NORTH LINCOLNSHIRE COUNCIL**

### **PLANNING COMMITTEE**

## **INCOMPLETE DEVELOPMENTS**

### **1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To inform members of the wording of representations to Central Government via the Local Government Association about the need to amend primary legislation in respect of Section 94 of the Town and Country Planning Act 1990.

### **2. BACKGROUND INFORMATION**

- 2.1 A report was submitted to the Planning Committee at its meeting held on 13 January 2010 concerning the problems associated particularly with part-built structures which can be visually damaging to an area and attract vandals and antisocial behaviour.
- 2.2 As highlighted in the earlier report, once planning permission has been granted, a developer can start work on the development but there is no provision within the Town and Country Planning Act which effectively says that the development must be completed within a specified period of time.
- 2.3 Section 94 of the Town and Country Planning Act 1990 allows a local planning authority to serve what is known as a completion notice requiring a development to be completed within a specified period of time if the local planning authority is of the opinion that it would not be completed within a reasonable period. Such a notice has to be confirmed by the Secretary of State before taking effect but in practice is really only beneficial on larger development sites where, for example, a number of dwellings might have been built and the notice would prevent the developer completing the remaining ones. Such a completion notice would not, however, be beneficial where a part-built house extension or a single dwelling has not been completed. In such circumstances if a single building is partially complete, it can remain so for a long period of time. The only recourse open to the local authority might be to serve a Section 215 notice requiring the appearance of the property to be improved by demolition. A Section 215 notice is different to other enforcement notices because any right of appeal is direct to the Magistrates' Court rather than the normal planning appeal process.

- 2.4 It was agreed at the committee meeting held on 13 January 2010 that a further report be submitted to enable members to write to the Local Government Association expressing concern about this particular aspect of the planning system.
- 2.5 The Department for Communities and Local Government (DCLG) has confirmed in a recent letter that it is not possible for a local planning authority to impose a limit on the timeframe attached to a planning permission within which development must be completed. DCLG has confirmed that Circular 11/95, which sets out the Government's advice on the use of conditions, precludes the imposition of any condition which requires a development to be completed within a prescribed time limit.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 There is a current consultation document on the attaching of conditions to planning permissions that requires a response by 19 March 2010. It is suggested that, since the opportunity for responding to DCLG is currently available, this opportunity is taken to make comments on incomplete developments to see whether there is any opportunity for amending primary legislation.
- 3.2 It is therefore suggested that DCLG be advised that North Lincolnshire Council is concerned that there is no provision within the planning system to require part-built, single dwellings or extensions to be completed within a prescribed timeframe.

### **4. ANALYSIS OF OPTIONS**

- 4.1 Responding to the consultation document in this way would enable the council to express concern that local authorities have little control over the length of time taken to complete developments where they consist of single buildings or extensions. It is accepted that a completion notice under Section 94 is an appropriate tool for dealing with larger developments since it can prevent the completion of the development where there has been a policy change. Section 94 does not, however, provide a satisfactory solution to part-built extensions or single buildings where, for example, the developer may have run out of finance or is taking an unreasonable length of time to complete the scheme on a DIY basis.

### **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

- 5.1 Staff from the Development Control and Legal sections are involved in monitoring, resolving and taking action against untidy land and buildings through either Section 215 of the Town and Country Planning Act or possibly completion notices under Section 94.

**6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 – CRIME AND DISORDER, RISK AND OTHER)**

6.1 This matter has environmental and Section 17 Crime and Disorder implications as untidy land and buildings, including part-built structures, can be visually damaging to an area and attract vandals and antisocial behaviour.

**7. OUTCOMES OF CONSULTATION**

7.1 None.

**8. RECOMMENDATION**

8.1 That the DCLG be advised that North Lincolnshire Council is concerned about the lack of adequate provisions within the existing Town and Country Planning Act 1990 to require a landowner to complete part-built extensions or single buildings within a reasonable timeframe. Section 94 of the Town and Country Planning Act, relating to completion notices, does not appear to be an appropriate mechanism to achieve the completion of the building in accordance with the approved plans or, alternatively, the demolition of the building to ensure no long-term damage to visual amenity. Provision should be made within any new primary legislation which would enable the local planning authority to serve a notice requiring the part-built structure to be either demolished or completed within a reasonable timescale.

**SERVICE DIRECTORS, LEGAL AND DEMOCRATIC  
AND HIGHWAYS AND PLANNING**

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**Background papers used in the preparation of this report**

Town and Country Planning Act 1990

Consultation from DCLG relating to imposition of conditions on planning permissions which expires on 19 March 2010