

“Bridging the Gap”:

More Planning Pointers for Property Practitioners

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The recording may be accessed [here](#).

Scenario A

- Harry from Bristol has had an offer accepted (subject to contract) on a 125-year lease of a seaside apartment in Devon. The apartment forms part of a block built in 1995.
- He intends to use the apartment as a second home at weekends and in the summer and is considering letting it out on AirBnB for part of the year.
- Apartments demised on common terms. Original leases all varied (in the past 10 years) to allow holiday lets. This is now the main use of the block.
- Local search reveals the block is subject to a planning agreement dating back to 1995, which contains a local occupancy obligation to prevent holiday lettings.
- No evidence of any past planning enforcement action having been taken.

Scenario B (1)

- Sally freeholder owner of single dwellinghouse in an area where there is a housing shortage
- Without PP, she converts house into four flats
- On 1 June 2021 she lets each flat under 12 month assured shorthold tenancies
- After tenants move in, neighbour complains to the council about noise, bicycles and parking
- On 1st July 2021, LPA serves an enforcement notice on Sally and ‘the occupiers’
- The EN states the conversion was in breach of planning control and requires cessation of use of building as 4 self-contained flats and restoration to single dwelling. Steps to be taken within 3 months of notice coming into effect.
- Sally immediately lodges an appeal against the notice

Scenario B (2)

- Background as for Scenario B(1)
- But imagine Sally misses the deadline to appeal against the enforcement notice
- On 1 November 2021 she and the tenants are prosecuted for failure to comply (s.179 TCPA)
- On 2 June 2022, Sally serves a notice on each tenant under s.21 of the Housing Act 1988 to determine their tenancies in 2 months' time
- The trial of the prosecution is listed for 10 June 2022, a date on which all the tenants are still in occupation.