



# Public Sector Legal News Update

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05 March 2015

## Cases

### PLANNING

***R. (on the application of Hourhope Ltd) v Shropshire Council. [2015] EWHC 518 (Admin). Queen's Bench Division District Registry (Birmingham) (QBD (Birmingham)). Judge David Cooke.*** March 02, 2015

In order to qualify for a reduction in the levy under the Community Infrastructure Regulations 2010 reg.40(7)(i), a developer had to show that the building was in actual lawful use for the relevant period. It was not sufficient to show that there was a lawful use to which the building could have been put during that period.

#### Application refused

### PLANNING

***Fox Land & Property Ltd v Secretary of State for Communities and Local Government. 2015 WL 849562. Court of Appeal (Civil Division) (CA (Civ Div)). Richards, L.J.; Christopher Clarke, L.J.; Underhill, L.J.*** March 03, 2015

A judge had been correct to conclude that the fact that a green belt policy had lapsed did not mean that the green belt as defined by the proposals map in the local plan had ceased to exist, or that other green belt policies had been rendered wholly ineffective. The reasoning contained in *R. (on the application of Cherkley Campaign Ltd) v Mole Valley DC* [2014] EWCA Civ 567, Times, May 22, 2014, [2014] 7 C.L. 221, concerning the relationship between supporting text to a local planning policy and the policy itself, could be applied across to the relationship between local planning policies and proposal maps.

#### Appeal dismissed

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## Official Publications

### LOCAL GOVERNMENT

**Government response to the Communities and Local Government Select Committee report: Devolution for England - the case for local government.** Issued by Department for Communities and Local Government. Cm.8998 February 26, 2015.

A Department for Communities and Local Government Command Paper sets out the Government's response to a Communities and Local Government Select Committee report urging Ministers and general election manifesto writers to show enthusiasm for devolution by allowing local communities in England to take greater control over how money is raised and spent in their areas. The Command Paper outlines 51 recommendations.

[Read full text here](#)

### PLANNING

**Government response to the CLG Select Committee Inquiry into the Operation of the National Planning Policy Framework.** Issued by Department for Communities and Local Government. Cm.9016 February 27, 2015

A Department for Communities and Local Government (CLG) Command Paper sets out the Government's response to the CLG Select Committee inquiry into the operation of the National Planning Policy Framework.

[Read full text here](#)

### PUBLIC PROCUREMENT

**Public Contracts Regulations 2015: new requirements relating to pre qualification questionnaires to help businesses access public sector contracts.** By Crown Commercial Service. February 27, 2015

In light of the Public Contracts Regulations 2015, which came into force on February 26, 2015, and new requirements in relation to the use of pre-qualification questionnaires (PQQ), Crown Commercial Service guidance for contracting authorities sets out information on PQQs requirements to help businesses bid for public contracts.

[Read full text here](#)

**Legislation referred:** Public Contracts Regulations 2015 (SI 2015/102)

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## Further Reading

### CHARITIES

**It is sage to engage.** *T.E.L. & T.J. 2015, 164(Mar), 16-19. By Amy Clune.*

Reports on the Charity Commission inquiry into the Amy Marion Dwyer Will Trust, when solicitor trustees administered a trust to benefit the charity PDSA and for maintenance of a grave, but failed to respond satisfactorily to the PDSA's concerns about management of trust income, and the Commission's advice to register as a charity. Advises trustees to respond promptly to Charity Commission letters, or face a statutory inquiry.

**Legislation referred:** Charities Act 2011 s.14, s.46