

Presentation to Rutland Parish Forum, 29 January 2018

Development Control and Building Control

A gap exists between these two functions which Barrowden Parish Council stumbled upon recently while dealing with a controversial planning application and in the light of a very helpful briefing on planning procedures given to the Council jointly with Ketton Parish Council by Gary Pullan of RCC. On the one hand, there is the planning process operated by local authorities, i.e. development control, and, on the other and quite separately, the oversight of building regulations, i.e. building control, which some years ago was largely privatised.

It may help to start with two examples of the problem. First, on the planning side. If an application were to be submitted now to build a residential tower block with the type of cladding which caused the Grenfell Tower blaze, local authority planning officers would not necessarily reject it. This is simply because the cladding would be a building control issue and thus not part of the remit of planners.

Secondly, in relation to building control, and a case much nearer home. In Ketton a dwelling under construction exceeded the roof level approved by planners by approaching two metres. However, if building control inspectors had spotted this infringement of planning conditions, they would have had no reason, in fact no channel, for reporting it, since they have no duty to monitor adherence to planning conditions. In this case it was only through the vigilance of residents that the problem was brought to the attention of the County Council. You may think it regrettable that neighbours are thus forced to act as vigilantes.

In considering planning applications local authorities have no remit to take account of building control issues such as fire risk. Conversely, building control bodies have no duty to ensure that development takes place in accordance with the approved plans or with the conditions attached to planning permission. This lack of liaison or cross-referencing is clearly detrimental.

Moreover, building control bodies appear to operate without accessibility or accountability to the general public, so that neither transparency nor

impartiality are ensured. There is no means by which members of the public or bodies such as parish councils can alert building control to worrying features of planning applications. In the recent case in Barrowden there was a crucial error in maps appended to a planning application, which had a bearing on fire hazard. However, there was no means by which this inaccuracy could be brought to the attention of building control, indeed no means even of discovering which building control body might eventually be handling the case.

At the same time, we are told by planners that inaccuracies of this kind are not necessarily taken into consideration when decisions on applications are taken. So there appears to be no mechanism by which such discrepancies can be picked up. They fall between two stools, in fact between all stools.

In Barrowden Parish Council's view there is a strong case for ending the division of responsibility between planning bodies and building control by again placing both functions within the remit of local authorities, thus ensuring cross-checking in house. Alternatively, it should be a requirement that building control bodies ensure that development proceeds in general accordance with the approved plans and conditions.

On behalf of Barrowden Parish Council I wrote to Sir Alan Duncan in early November 2017 about this matter, and he referred it to Alok Sharma MP, the Minister for Housing and Planning at the Department for Communities and Local Government. To date we have not received any further communication on the subject.

We appreciate that this is a problem which can only be fully resolved at governmental level and that we are not the only body to have drawn attention to it. But we believe that it is only by highlighting the issue frequently at every level that it will be addressed.

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Barrowden Parish Council

