Written evidence submitted by the Community Advisory Board (Housing) for BAME and Vulnerable Communities [FPS 150]

Proposed Solution:
Please join-up the provisions of the TCPA1990 with the protections afforded by the EA2010 and the CA2014, for home extensions that are needed on medical or disability grounds by extending PD rights so that where people **need** adapted living, such development will **automatically be permitted on the evidence of a GP's letter alone**, thereby prohibiting Enforcement Notices (EN's) being issued to such vulnerable persons.

LPA's and Planning Inspectors are ignoring these care related provisions causing great suffering to a growing number of vulnerable people (due to the ageing society), but this small change would ***level-up*** **disabled / vulnerable people** as **Parliament intended** though **not** cost the exchequer a penny

Purpose:
This ***Action Briefing Note*** seeks to inform concerned parties that despite the efforts of Parliament to improve the lives of elderly and disabled people, those protections are tantamount to ***theory only***, because within the planning bureaucracy there is no practical approach to "*level-up*" those sharing the key '*protected*' characteristics of "*age*" and "*disability*" (see EA2010 s.149(6)).

Current Situation
(1). LPAs are ignoring the needs of these specific vulnerable groups and one indicator of this is that disabled people are required to pay Planning Application (PA) fees despite the exemption in law.

(2). LPA's refuse applications for development that is ***needed***, despite unending proofs, on e.g. design related grounds, as it is an '*industry at work*' where the vulnerable person is the loser.

(3). Such vulnerable people do not have the wherewithal to become *Appellants in Person* and can ill afford the fees of professional Planning Consultants, hence they suffer unsuitable housing conditions, which PHE has identified to have exacerbated COVID-19 infection risks.

(4). Planning Inspectors do not protect the interests of these vulnerable groups and pay no heed to the intentions of Parliament to "*level-up*" such disaffected people, evidenced by the fact that despite the introduction of the EA2010 and the CA2014 and the genuine defence provided by s.179(3) of the TCPA 1990 (see case of *R v Warwick County Court ex p. White [1997]* whereby EN's are only legitimate if they can be complied with

'*unaided*'), **still only 33% of planning appeals succeed**. If Parliament's intentions had been effected by Planning Inspectors then this statistic would have improved since 2010.

(5). Planning Inspectorate (PI) manuals do not direct officers to negate EN's where compliance is not possible "*unaided*" as ought to have happened as far back as 1997 since the *White* decision, as inspectors ought to have been trained to ask the stirringly obvious question, "*Can this appellant comply with the EN, 'unaided'?*"

(6). Despite the 2018 investigation by the E&HRC into the PI's compliance with the EA2010 vis-a-vis the provision of ***Adaptable and Accessible Housing for Disabled People*** (as directed by the *Women and Equalities Select Committee*) little **practical** change has taken place. In fact evidence exists to show that Inspectors make decisions that are contrary to statutory Building Regulations (e.g. provision of light in habitable rooms) which disabled people have not the capacity to challenge in the High Court. Hence such *bad at law* decisions go unchallenged and unchecked, rendering the vulnerable person exposed to incongruous housing.

(7). There has been no change to the search criteria at the PI Statistics Department, to enable appellants to cite decided cases where *PSED* / medical / disability related issues were considered in previous appeals, which means that appellants who are suffering these injustices (of not being allowed to adapt their homes according to their changed needs) are unable to quote precedents, noting that the *PI Appeals Database* is capable of other search criteria e.g. '*Rear Extensions*" / "*Green Belt*" decisions.

This also prevents the statutory *PSED* Monitoring that the PI is required to do.

(8). The Planning Appeals process places great burdens on disabled people to provide reams of evidences to prove their needs for the subject development, which introduces huge costs associated with professional fees, immeasurable stress and years of wasted time, all of which would be eliminated by tweaking *Planning PD Rights* legislation (up to the existing limits) to **automatically** allow development that is needed (on medical / disability grounds), **on the evidence of a GP's support letter alone**.

Advantages of Proposed Solution
The key advantages of this change include: -

(1). it will end the suffering of people sharing the '*protected*' characteristics of "*age*" and "*disability*", as Parliament intended.
(2). it will enable safe living within the home environment.
(3). it will address the issue identified by PHE that lends vulnerable groups more susceptible to COVID19 risks.
(4). it will potentially reduce the huge domiciliary care bill as elderly and disabled people could live more independent lives if their homes were facilitated according to their needs.

This simple change will not cost the Exchequer a penny, but will improve the lives of so many, so Parliamentarians are requested to kindly amend PD Rights to automatically allow home extensions (up to existing PD Rights) on the evidence of a GP's support letter alone.

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