

# THE WRONG ANSWERS TO THE WRONG QUESTIONS

Countering the misconceptions  
driving the Government's  
planning reform agenda

A report by an independent  
group of planning academics

August 2020

## CONTENTS

	Foreword	1
	Executive Summary	3
1	A critical academic response to the evidence-free debate on planning reform <i>Dr. Andy Inch and Professor Malcolm Tait</i>	9
2	Is housing land supply constrained by the planning system? <i>Dr. Quintin Bradley</i>	14
3	Will the free market build the houses we need? <i>Dr. Bob Colenutt</i>	17
4	Can deregulation free up the market in the public interest? <i>Dr. Ben Clifford</i>	22
5	Will zoning offer more flexibility, speed and efficiency than the discretionary system? <i>Dr. Philip Booth</i>	29
6	Can extended use of simplified planning instruments unlock development? <i>Dr. Edward Shepherd</i>	33
7	Can development corporations overcome problems of local democratic control? <i>Professor Sue Brownill</i>	38
8	Can technology create a faster and more participatory planning system? <i>Dr. Alexander Wilson, Professor Geoff Vigar and Professor Mark Tewdwr-Jones</i>	42
9	Does the planning system hamper the delivery of infrastructure? <i>Professor Tim Marshall</i>	47
10	How much land value should be captured for collective purposes? <i>Professor Michael Edwards</i>	52
11	Is the planning system broken? Professor Malcolm Tait, Dr. Kiera Chapman & Dr. Andy Inch	56
	Notes on Contributors	64

## FOREWORD

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This is one of the most important reports on planning reform produced in the last decade. It is published at a crucial time for the future of democratic planning in England with the real prospect that a system designed to uphold the public interest will be effectively extinguished by the end of 2020. The report represents a serious heavyweight analysis from a group of the nation's leading planning academics. Such collaborations are rare and demonstrate the depth of concern over the direction of planning reform. Each of the contributions shines a light on an aspect of the mythology that has driven planning reform. They demonstrate how these myths have led to a huge and misdirected effort by government which has failed to deliver the quantity of decent homes we need but has fatally damaged public trust and democratic accountability.

The decade long saga of planning deregulation has been shamefully damaging to the delivery of decent homes, to peoples democratic voice and the wider environment. It has been a journey marked not by a rational reflection of the evidence but by simplistic ideological assumptions. Much has been written about planning by those who have no experience of planning practice nor of the rich research literature which exists in the UK. Such expert knowledge, along with the experience of communities, should have been at the heart of the reform agenda and could have helped shape a system which was fit for the challenges of the 21st century. Instead the government reform process has distilled a chaotic web of contradictory ideas from a classical concern with beauty to a commitment to zonal planning to 'build build build'. Only one thing is a constant behind all of these ideas and that is a drive for deregulation. After 30 years of planning reform my personal view is that far from being in the way of the market, red tape was in fact the only thing holding society together. If nothing else the record of planning reform has proved that removing standards results in some appalling accommodation for those in greatest housing need.

And why does what a group of planning academics say matter? Quite simply because the way we plan matters to our future. We now have more evidence than ever before about how the design of places impacts upon the physical and mental health of the people who live there. We know that planning is crucial to the dramatic changes required to deal with

the climate crisis, to secure peoples' physical and mental health and to deliver the effective coordination of growth and infrastructure to sustain our economy. Planning can provide the key solutions to all of these pressing challenges providing a better life to all our citizens. It is true that the current system is now so damaged by reform that change is necessary but that change must not be based on a false prospectus. Future change must be founded on authoritative evidence as to the problems facing the system and on building shared values as to its long term purpose. That purpose must be to achieve the health and well being of people inside the wider goal of sustainable development. The government's current commitment to 'project speed' must urgently be replaced by 'project people'.

Dr. Hugh Ellis  
Director of Policy at the TCPA

## EXECUTIVE SUMMARY

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The UK government has announced “radical reforms” to the planning system in England which it frames as an outdated blockage to the development we need to “build back better” from the economic impacts of COVID-19.

As a group of planning academics and researchers, we are deeply concerned that this agenda has been driven by ideologically-motivated free-market think tanks and self-interested property lobbies rather than sound evidence.

The government claim their proposals will simultaneously streamline processes whilst driving up standards and ensuring people have a meaningful say over development. This report sets out why this is wrong, how many of their key claims fly in the face of that evidence and ignore significant tensions and trade-offs involved in the development of land. We show why the proposals are incoherent, will undermine democratic controls, reduce the quality of new development, and waste an important opportunity to build safer, healthier, more equal, and more environmentally sustainable places.

In particular, we present a critical review of five key claims that underpin the government’s reform agenda:

### **1. THE GOVERNMENT IS WRONG TO SAY THE PLANNING SYSTEM IS RESPONSIBLE FOR THE HOUSING CRISIS**

#### **The claim**

The government claims that the planning system acts as a major constraint on development and blames it for the existence of the housing crisis.

#### **The reality**

Around 90% of applications for planning permission are approved in England. Consent has been granted for between 800,000 to 1,000,000 new houses that remain unbuilt. Rather than the Soviet-era anachronism described by think tanks, the planning system in England is already permissive and more than capable of supplying land to the market. The failure to build new housing is not a result of excessive state regulation, but of dysfunctional markets and a failure to invest in social housing. Further deregulating the planning system simply will not resolve the crisis of housing affordability.

*[For more on this see the contributions by Quintin Bradley, Bob Colenutt, Andy Inch, Kiera Chapman and Malcolm Tait]*

## **2. THE GOVERNMENT IS WRONG TO SUGGEST THAT RADICAL SIMPLIFICATION WILL PRODUCE A MORE EFFICIENT AND EFFECTIVE PLANNING SYSTEM**

### **The claim**

Up to now the English planning system has used a discretionary model of decision-making. This means decisions are made on a case-by-case basis, informed by local plans and planning experts who are democratically accountable to local government. The government has presented this way of working as a major drag anchor on development, claiming that a 'zonal' approach based on earmarking land for either 'growth', 'renewal' or 'protection' would work better. Under this change, local plans will effectively determine rights to develop, theoretically removing the need to negotiate over individual developments. Government argue this will simplify the process of gaining development consent, offering greater certainty to developers and communities. They also propose to switch from a qualitative document-driven system to a quantitative data-driven one, arguing that this standardization will make planning more efficient and modern.

### **The reality**

The government is overstating the costs of discretionary decision-making and the benefits of zoning. Evidence from other countries with zoning systems in place suggest that they do not necessarily improve efficiency or outcomes, and that they can lead to bad decisions because they are inflexible in the face of changing circumstances. Experience in England already shows that simplified planning zones create significant risks for communities and local democracy, and don't necessarily provide certainty for developers either. The proposed combination of broad, centrally-defined categories of land use with slimmed-down plans is highly unlikely to work and far removed from international examples of zoning. It fails to acknowledge the variety of complex issues raised by development and the inevitable conflicts they generate between different interest groups. Our existing discretionary planning system is far from perfect but it's not the real problem here. At its best it offers a flexible and democratically accountable way of balancing the needs of developers against those of communities. The introduction of a data-driven process is likely to

be used to automate and to privatise parts of the system, further reducing democratic accountability.

*[For more on this see the contributions by Philip Booth, Sue Brownill, Edward Shepherd, Alexander Wilson, Geoff Vigar and Mark Tewdwr-Jones, Andy Inch, Kiera Chapman and Malcolm Tait]*

### **3. THE GOVERNMENT IS WRONG THAT MORE PERMISSIVE PLANNING WILL PRODUCE BETTER PLACES**

#### **The claim**

We need a more permissive planning system, so that developers and landowners can change the use of land in response to market signals. The economic benefits of this outweigh the risks.

#### **The reality**

These reforms will afford power to the already privileged to pursue development in their own self-interest, irrespective of whether this benefits the wider community. Previous deregulation of planning control (such as granting automatic rights to change the use of buildings) has led to the production of sub-standard housing that lacks basic amenities and is poorly connected to jobs, schools and other facilities. This has exacerbated spatial and health inequalities by creating poor quality living conditions for many of the most vulnerable in society. Further deregulatory measures will exacerbate these problems, creating dysfunctional development and undermining attempts to coordinate public and private investment. Deregulation will create a race to the bottom, lowering quality rather than improving standards.

*[For more on this see the contributions by Ben Clifford and Sue Brownill]*

### **4. THE GOVERNMENT IS WRONG ABOUT THE CAPACITY AND WILLINGNESS OF THE MARKET TO BUILD BACK BETTER**

#### **The claim**

Freed from the unnatural ‘rationing’ of land by the planning system, the free-market will build back better, and help to ‘level up’ parts of the country that have been left behind over recent decades.

#### **The reality**

England already has a poorly resourced and highly permissive planning system, which produces outcomes that favour the interests of property

developers. There is no evidence to suggest that a more permissive approach will improve the quality of our built environment or address the inequalities generated by market-led development. Good design, for example, will not result from the automatic application of standardised codes and measures. And good planning is about much more than the design. Building better places requires the strategic coordination of infrastructure investment with high quality development that can unlock its benefits, something the current proposals completely ignore. Failing to plan for this is hugely wasteful and will generate social, economic and environmental costs for future generations.

*[for more on this see the contributions by Bob Colenutt, Tim Marshall, Sue Brownill and Michael Edwards]*

## **5. THE GOVERNMENT IS WRONG TO SAY THAT THE REFORMS WILL LEAD TO GREATER DEMOCRACY AND PARTICIPATION IN THE PLANNING SYSTEM.**

### **The Claim**

Participation is restricted by the cumbersome nature of the current system, local democracy and accountability will now be enhanced by technology and transparency.

### **The Reality**

While it is true that digital methods may enable some sections of the population to engage more with planning, this is only part of the story. There are real dangers of digital exclusion in any wholesale move towards e-participation. The proposals in the White Paper also cut in half existing opportunities to engage with the system by removing the public's right to comment on planning applications and restricting it to plan making and design codes. Experience shows it is only when a proposal is actively being discussed, rather than the plan-making stage, that most people are motivated to engage. Participation restricted to commenting on what buildings look like rather than what they are providing and whether this meets local needs is not meaningful. Neighbourhood plans are to be brought more into line with local plans, thereby removing a key current aspect of planning democracy. Finally, these reforms represent a major centralisation of power by central government and its redistribution to the private sector; not the general public.

*[for more on this see the contributions by Alexander Wilson, Geoff Vigar and Mark Tewdwr-Jones, Andy Inch, Kiera Chapman and Malcolm Tait and Sue Brownill]*

## **THE QUESTIONS WE SHOULD BE ASKING**

Following decades of piecemeal reform and underfunding, our planning system is weak. It lacks the powers it needs to create high quality development. From the tragedy of Grenfell Tower to the scandalous shortage of decent, affordable housing and the looming threat of climate breakdown, there is overwhelming evidence that the prevailing model of light-touch regulation and market-driven change has failed.

Rather than less planning, we need more. To build a better, more democratic future, we need to strategically integrate investment, coordinate development, and ensure high-quality outcomes. Of course, there are costs to such a system but the wider public benefits are potentially immense. A period of significant public investment offers huge opportunities to tackle some of the biggest challenges we face as a society: the crises of decent, affordable housing, physical and mental health, climate change, and social inequality. A more positive planning reform agenda could play a crucial part in these vital tasks.

## **MORE ON THIS REPORT**

This report has been prepared by a group of leading academics and researchers in the field of planning, with decades of experience practicing, teaching, and researching. We have come together through shared concerns that the planning reform agenda in England is being driven by ideology and vested interests, rather than by an evidence-based assessment of the role planning can and should play in shaping the future of our towns and cities.

Largely written before the publication of the Planning for the Future white paper on August 6th, each chapter interrogates the evidence behind one of the key claims currently being made for reform of the planning system in England. This is not therefore a detailed analysis of the government's proposals. Instead, we offer a critical, evidence-based assessment of current debates on the planning system.

Through careful criticism of what is being proposed, we aim to reframe the debate, making clear how and why the planning system should be central to a more progressive response to the major crises our society now faces.

We see this as a contribution to an urgent and important conversation and we hope it will galvanise others to respond<sup>1</sup>. We intend to produce further contributions to this debate focused on the kinds of positive planning reforms we need. We would welcome additional input to this agenda.

For media enquiries please contact:

Andy Inch - mob: 07916135921 or email:  
[a.inch@sheffield.ac.uk](mailto:a.inch@sheffield.ac.uk)

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<sup>1</sup> As a group made up predominantly of middle-aged white men, we are also conscious that this report does not reflect the diversity that we need in this debate. We believe this needs to change.

# 1. A CRITICAL ACADEMIC RESPONSE TO THE EVIDENCE-FREE DEBATE ON PLANNING REFORM

Dr. Andy Inch, Professor Malcolm Tait, and Dr. Kiera Chapman

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In his foreword to the *Planning for the Future*<sup>2</sup> white paper launched on the 6th of August, Prime Minister Boris Johnson argues that the planning system in England is “outdated and ineffective”.

Such rhetoric about the planning system is not new. Under New Labour, Coalition and Conservative governments, reforms to tackle perceived problems with England’s planning system have been a near constant, accompanied by strikingly similar language that accuses planners of being ‘enemies of enterprise’, blamed for overseeing a broken system that acts as a ‘drag anchor’ on the economy.

This rhetoric has been routinely fuelled by free-market think tanks who regularly invoke the presumed horrors of Soviet-era economic planning to complain about the way the planning system ‘rations’ development land. Underpinning the current government’s promise to take a scythe to red tape is a deep-seated *ideological* reflex to minimise state regulation that leads to a view of planning as an anachronism, requiring fundamental reforms to modernise its workings:

Technology, the way we work and live and our understanding of the value of the environment have been transformed since the Town and Country Planning Act of 1947. The planning process has failed to keep pace. It is now complex, out-of-date and fails to deliver enough homes where they are needed. We will act to change this. (MHLG, 2020b, 5<sup>3</sup>)

As a group of planning academics actively researching these issues we are deeply concerned that this kind of thinking, and the agenda it is driving, is seriously misguided and has not been subjected to rigorous critical scrutiny. In what follows we therefore offer a critical, academic assessment of some of the key claims the government is making, the thinking that underpins them and their potential impacts on the planning system. We

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<sup>2</sup> Ministry of Housing, Communities and Local Government (2020a) [Planning for the Future](#). London: MHCLG.

<sup>3</sup> Ministry of Housing, Communities and Local Government (2020b) [Planning for the Future](#). London: MHCLG.

show how many of the government's central assumptions fly in the face of important evidence and ignore significant tensions and trade-offs involved in the development of land.

In this introduction we start by setting out how the rhetoric surrounding the reform agenda is based on a series of un-evidenced assumptions, informed by an image of planning as an overly-powerful and misguided attempt to control development:

### **1. IT IS A FALLACY THAT URBAN CHANGE OCCURS NATURALLY OR FOLLOWS CUSTOMS.**

Influential think tanks like Policy Exchange claim that planning disrupts the 'processes by which places naturally change'<sup>4</sup>. But land use change is shaped by those who own land and have the financial power to buy and develop it. Any claim to restore a more 'natural' order of urban change is really about substituting one form of (at least nominally democratic) control for a freer-market that affords power to the property owners and developers to pursue their own material interests, irrespective of whether this benefits the wider community.

### **2. THE MARKET IS NO RESPECTER OF CUSTOM OR TRADITION.**

When it comes to land use, market forces are much more likely to reject custom and tradition – the decline of town centres, for example, can be partly attributed to previous attempts to deregulate the planning system, enabling out of town retail and large regional shopping centres. In turn, these new developments are less sustainable and generate significant negative externalities.

Previous Conservative governments have learned the hard way that attempts to liberate markets will meet concerted opposition amongst shire county Tories who see the planning system as a means of protecting land from developers in the name of custom and tradition. This 'radical' deregulatory agenda will run into this politics again<sup>5</sup>. However, the transformation of England's political geography, allied with powerful imperatives to ensure an economic recovery, mean the current government may be less reliant on such voters than its predecessors. In this regard, it remains to be seen how the creative destruction of market-led change

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<sup>4</sup> Policy Exchange (2020) Rethinking the Planning System for the 21<sup>st</sup> Century, London: Policy Exchange

<sup>5</sup> Sykes O and Sturzaker J (2020) Another short-sighted attack on planning: [news.liverpool.ac.uk/2020/06/25/another-short-sighted-attack-on-planning/](https://www.liverpool.ac.uk/2020/06/25/another-short-sighted-attack-on-planning/)

will be squared with the forces of tradition within the ruling party.

### **3. THE MARKET WILL NOT PRODUCE THE OUTCOMES WE NEED.**

In the nineteenth century, so-called ‘natural change’ in our cities produced living conditions and environments that were appallingly inhumane and environmentally wasteful. Planning – or some other mechanism of democratic decision making about places and their qualities – was a necessary response to the horrors of laissez-faire development. Many of the poor outcomes we see in our built environment today – from car dependent developments on flood plains to offices converted into homes without any consideration of the living conditions they create – are a result of market-led processes. Products of deregulation and a failure to plan rather than the excessive control described by planning’s critics. The focus on planning as an all-powerful distributive hand bears more the imprint of Hayek’s critique of Soviet economic planning than the current reality of a neoliberal market economy.

### **4. DEREGULATION WILL NOT PRODUCE THE OUTCOMES WE NEED.**

Where planning is conceived as a hindrance on creative, productive ‘wealth creators’, the tendency is to not to ask ‘what could these places be?’, ‘how might they be better?’ – but instead, how can we reduce costs and free entrepreneurs to build more, better, faster. This is the wrong answer to the wrong question<sup>6</sup>, and it will not produce answers that deal with the climate crisis and the need to radically transform how we build. If the government is serious about stimulating a green recovery, premised on the development of significant new infrastructure to ‘level up’ parts of the country left behind by the UK’s uneven economic development, then we need to be talking about better public planning<sup>7</sup>.

### **5. WE HAVE BEEN HERE BEFORE. TOO OFTEN.**

Several decades of market-orientated and deregulatory reforms have created a complex and fragmented system. This has been exacerbated by austerity, as planning departments have suffered some of the sharpest proportional cuts in local authority spending. Few working within the system

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<sup>6</sup> Scott A (2020) Is ‘build, build, build’ really the best way forward for England’s planning system? [theconversation.com/is-build-build-build-really-the-best-way-forward-for-englands-planning-system-141857](https://theconversation.com/is-build-build-build-really-the-best-way-forward-for-englands-planning-system-141857)

<sup>7</sup> Williams F and Chipperfield D (2020) Boris Johnson is Wrong to Blame the Housing Crisis on Over-regulation: [theguardian.com/commentisfree/2020/jul/11/boris-johnson-wrong-housing-crisis-overregulation](https://theguardian.com/commentisfree/2020/jul/11/boris-johnson-wrong-housing-crisis-overregulation)

would claim it now works effectively. The current proposals fail to acknowledge much of this recent history, let alone to learn any lessons from it.

## **6. PLANNING REFORM HAS BECOME AN EVIDENCE-FREE ZONE.**

As was evident in Boris Johnson's baseless claim<sup>8</sup> that 'newt counting' was an impediment to development in his 'build, build, build' speech that announced the current planning reforms, the government's approach seems to be driven by ideological distaste for the idea of a proactive planning system, rather than real debate about the kind of system we have, how it is working, and the ways it needs to change. It is crucial to carefully examine the view that the planning system is a major problem, assessing what evidence there is to support this claim and whether measures being proposed to 'fix' it are based on an informed view.

## **7. INTRODUCING DATA-DRIVEN PROCESSES IS LIKELY TO LEAD TO PRIVATISATION AND A LOSS OF DEMOCRACY**

The White Paper promises that converting the planning system from qualitative documents to quantitative data will standardize planning, facilitating the entry of 'Prop Tech entrepreneurs' who will build 'new digital services' to automate parts of the process. While the need for a more accessible interface for the public to access planning documents is clear, this represents a much deeper introduction of 'computational urbanism' to the planning system. The danger is that by automating parts of the process, spatial decision-making begins to be reduced to a set of neutral, objective, non-value-laden principles. While the report appears to limit the application of technology to 'routine' tasks, it doesn't say how these will be defined.

Groundbreaking recent work on data in the urban environment suggests logics of rational calculation are fundamentally *reductive*, missing many phenomenological elements of the environment that people and communities hold dear. Worse, the 'datafication' of services tends to carve them up into simplified, easily standardized pieces. Applying this to complex social areas like planning can start to divorce elements of spatial decision-making from political accountability: government *through* technology quickly becomes government *by* technology, leading to a loss of democratic accountability. Finally, the datafication of planning also tends to commodify information about the

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<sup>8</sup> Harabin, R (2020) Boris Johnson's Newt-counting claim questioned: [bbc.co.uk/news/uk-politics-53276461](https://www.bbc.co.uk/news/uk-politics-53276461)

spatial environment, introducing a logic of privatisation. This represents an ‘enclosure’ of planning as a public service, and a use of it to create new markets in data processing.

## **8. WE NEED TO DEVELOP A BETTER UNDERSTANDING OF THE POSITIVE ROLE PLANNING COULD PLAY**

*Planning for the Future* sees the planning system as little more than a regulatory process for licensing housing development, completely misunderstanding the wider strategic role that planning can and should play in coordinating investment and shaping development to create more sustainable places. In response, it is vital to enhance understanding of the nature and purpose of the planning system and the contributions it can and should make to attempts to build back better. As Laurie MacFarlane has recently suggested, for too many people the planning system remains a ‘black box’<sup>9</sup>. As such it has long been an easy target for powerful property lobbies, neoliberal ideologists, and governments seeking to flex their deregulatory credentials (see TCPA, 2018<sup>10</sup>). This needs to change<sup>11</sup>.

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<sup>9</sup> Macfarlane L (2020) Boris Johnson’s plan to build back better is an attack on democracy: [opendemocracy.net/en/oureconomy/boris-johnsons-plan-build-back-better-attack-democracy/](https://opendemocracy.net/en/oureconomy/boris-johnsons-plan-build-back-better-attack-democracy/)

<sup>10</sup> Town and Country Planning Association (2018) [Planning 2020: Raynsford Review of Planning in England](#)

<sup>11</sup> Ellis H (2020) Principles for Planning Reform: [tcpa.org.uk/blog/blog-principles-for-planning-reform](https://tcpa.org.uk/blog/blog-principles-for-planning-reform)

## 2. IS HOUSING LAND SUPPLY CONSTRAINED BY THE PLANNING SYSTEM?

Dr. Quintin Bradley

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Why are we so slow at building homes by comparison with other European countries? ...I tell you why - because time is money, and the newt-counting delays in our system are a massive drag on the productivity and the prosperity of this country (Boris Johnson)

Does the “red tape” of planning permission stop homes being built? Does the planning system constrain the supply of housing land as the Prime Minister said?

In fact, local planning authorities are approving more than enough planning permissions to exceed the government build target of 300,000 homes every year. The problem is not the number of planning consents or the supply of housing land. The problem is with the landowners, promoters and developers who hold these consents. The problem is that these homes are just not being built.

In the year to June 2019, 377,000 full residential planning consents were granted across England<sup>12</sup>. If these planning consents were all turned into homes, just short of two million houses could be delivered over the course of just five years.

But that is not happening. Only 214,000 homes were built last year, leaving a sizeable gap of around 163,000 fewer houses built than were given planning permission<sup>13</sup>. According to the TCPA<sup>14</sup>, there is a cumulative backlog of over 800,000 permissioned homes that have never been built. The LGA puts the figure at closer to 1,000,000<sup>15</sup>.

There are two reasons for this backlog. The first was identified by the previous Prime Minister, Theresa May when she spoke of “perverse incentives in the

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<sup>12</sup> Savills (2019) Planning Policy Update December. London. Savills Research UK Residential. Available at: [pdf.euro.savills.co.uk/uk/residential---other/planning-policy-update-december-2019.pdf](https://www.euro.savills.co.uk/uk/residential---other/planning-policy-update-december-2019.pdf)

<sup>13</sup> HBF (2019) Massive increase in housing supply despite wider uncertainties. 14 Nov., Available at: [hbf.co.uk/news/massive-increase-housing-supply-despite-wider-uncertainties/](https://www.hbf.co.uk/news/massive-increase-housing-supply-despite-wider-uncertainties/) London. Homebuilders Federation.

<sup>14</sup> TCPA (2020) Raynsford Review – Planning 2020 ‘One Year On’. London. Town & Country Planning Association.

<sup>15</sup> LGA (2020) Housing Backlog - more than a million homes with planning permission not yet built: <https://www.local.gov.uk/housing-backlog-more-million-homes-planning-permission-not-yet-built>

housing supply regime”<sup>16</sup>. These are incentives that encourage landowners and site promoters to benefit from increasing land values rather than building homes. Almost 60 per cent of all residential planning permissions are held by non-builders<sup>17</sup> and somewhere between 20 and 50 per cent of sites are not built out<sup>18</sup>. Instead these sites are sold on to benefit from the increase in value and are not developed<sup>19</sup>.

The second reason for the slow delivery of homes lies with the housebuilders themselves. A succession of government investigations has identified a lack of responsiveness in the housebuilding industry as the obstacle to delivery. Specifically the problem is the rate at which homes are built.

Housebuilding in this country is concentrated in the hands of ten volume builders who operate across both land and housing markets. In order to meet the cashflow needed to acquire a housing land pipeline, these companies have developed a stop-go model of building. They use a standardised and limited housing design palette to provide predictability in pricing, and employ a casual, semi-skilled workforce that only builds houses at the rate they are sold.

The recent report by former Conservative Minister, Oliver Letwin MP<sup>20</sup> reaffirmed the findings of other surveys to show that housebuilders limit the number of homes built each year. Building no more than 60 homes per site keeps prices high and stokes demand for new homes.

In her government-commissioned review of housing supply, economist Kate Barker<sup>21</sup> argued that reform of the planning system would not be enough to increase the number of homes built. What was needed was a huge increase in productivity by the housebuilding industry. But no such increase in production has been forthcoming.

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<sup>16</sup> May, T. (2018) *PM speech on housing to set out changes to planning rules*. 4 March. Prime Minister’s Office, 10 Downing Street.

<sup>17</sup> Winterburn, M. (2018) Home Economics: reversing the financialisation of housing. *The Journal of Architecture*, 23 (1): 184-193

<sup>18</sup> Lichfields (2017) *Stock and Flow: planning permissions and housing output*. London. Nathaniel Lichfield & Partners

<sup>19</sup> Chamberlain Walker (2017) *The role of land pipelines in the UK housebuilding process*. London. ChamberlainWalker Economics & Barrett Developments Ltd

<sup>20</sup> Letwin, Sir O. (2018) *Independent Review of Build Out, Final Report*. CM 9720. London. Ministry of Housing, Communities and Local Government

<sup>21</sup> Barker, K. (2004) *Review of Housing Supply. Final Report Recommendations*. Norwich. HMSO.

Instead the planning system has been forced to accommodate itself to the inefficient business model of the housebuilders. Local planning authorities are now providing twice as much land each year as homes built. This supply of extra land has allowed the housebuilders to reduce production still further, and has more than doubled the average time taken to build homes<sup>22</sup>.

Instead of further deregulation of the planning system, the Letwin report recommended that local planning authorities should take over responsibility for developing land and that a boost in affordable home building would be the best way to stimulate supply. The private housebuilding industry has failed to deliver and further deregulation will only increase the inefficiencies in the housing market. It is time for a step-change in housing supply. We need more planning not less. The homes we need, in the places we need them, at a price we can afford, can only be provided by a strong planning system.

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<sup>22</sup> Chamberlain Walker (2017) *The role of land pipelines in the UK housebuilding process*. London. ChamberlainWalker Economics & Barrett Developments Ltd

### 3. WILL THE FREE MARKET BUILD THE HOMES WE NEED?

Dr. Bob Colenutt

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One of the great myths of housing in the UK, perpetuated in the Planning White Paper, is that the planning system is stopping housebuilders from building the homes 'the nation needs'. This myth promoted by the housebuilders and the property lobby goes like this: if only the planners would give out more planning consents with fewer 'onerous' conditions (like wanting a proportion of affordable housing); and if local authorities were not swayed by vocal NIMBY objectors to new housing, all would be well. More homes would be built, prices would fall, first-time buyers would get onto the housing ladder and the housing crisis would be over.

A simple argument- but false. First, we have to ask, what do we mean by 'the homes we need'? Are the homes we need only those produced by the volume builders such as Barretts, Persimmon, and Bellway, or are they homes needed by the homeless, those on housing waiting lists, and those needing specialized homes because they are elderly, disabled or have health problems. The latter group are certainly not provided by the free market nor by the volume housebuilders. Building for communities is not their job - they build a standard for sale product from Lands End to John o'Groats with one aim -creating shareholder value.

As Quintin Bradley argues above, the housebuilders have among them around 1 million plots with planning permission but have not built them out. In addition to this, they own or have options on thousands of hectares of 'strategic' land in their land banks. It is simply not part of their business model to build out their consents or land banks because that would bring down house prices and land prices, reducing the asset base on which their share price is valued. Their business model relies upon restricting supply – drip feeding land and housing units onto the market - to keep up prices. Hardly a free market.

The underlying purpose of the Planning White Paper is to open up opportunities in Growth Zones and Renewal Zones for housebuilders to acquire or obtain options on thousands more hectares of land. But why do the housebuilders want more land and planning consents if they do not want to build on what they already have? The answer is that land banking is the key business function of the housebuilders and their finance backers. Assembly of

a pipeline of development land for many years ahead is their insurance, their asset value. It is estimated that over the last ten years, the top ten housebuilders have acquired over 2 million plots of development land<sup>23</sup>. Trading in this land and capturing its rising value over time is at the heart of their business model. The planning reforms assure this will continue. They contain no mechanisms to compel a speedy build out of land banks.

Let us not also forget that on top of the land banking, the housebuilders and landowners and their financial backers have over decades been quietly capturing the lion's share of the gigantic amount of land value created by the grant of planning permission. They have captured £billions of this increase in value, while the community gets crumbs. The National Housing Federation estimates that in 2016/17, landowners in England made £13 billion in profit from land sales (up from £9 billion in 2014/15), more than double the total profits of Amazon, McDonalds and Coca-Cola put together<sup>24</sup>. Of the increase in land value due to planning permission, Bentley (2017) estimated that 73% of this value went straight to landowners and developers<sup>25</sup>. Colenutt (2020, p111) estimates that if we measure land value increases over time resulting from development, including from infrastructure such as roads and railways, the amount of value captured by the property and finance sector is closer to 95%<sup>26</sup>. This immense value capture is the true currency of the housebuilding sector – not the number, affordability or quality of homes built.

Why is this not clawed back for the community? The measures that exist, Section 106 'planning obligations' and Community Infrastructure Levy (CIL) payments, are totally inadequate – and the property system is expert at gaming the planning system so they can escape from these obligations<sup>27</sup>. As Shelter research has shown, thousands of affordable homes have been lost in this way. Michael Edwards in his contribution to this report explains why the proposed system of capturing land values in the White Paper can also be 'gamed' and will fail to deliver the social and affordable housing the nation needs.

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<sup>23</sup> Colenutt, B (2020) *The Property Lobby: The Hidden Reality Behind the Housing Crisis*, Bristol: Policy Press, p37

<sup>24</sup> National Housing Federation (2018) *Landowners make £13 billion profit in one year as high land prices stifle affordable housing*, London: National Housing Federation.

<sup>25</sup> Bentley, D, (2017) *The Land Question*, London: Civitas

<sup>26</sup> Colenutt, B (2020) *The Property Lobby: The Hidden Reality Behind the Housing Crisis*, Bristol: Policy Press

<sup>27</sup> Grayston, R.(2017), *Slipping through the loophole*, London: Shelter.

Part of the reason for its unparalleled success in getting what they want from Government is that the property lobby plays the blame game. ‘The planners’ are consistently blamed for non-delivery of housing despite the truth being that they do not build anything. They determine planning applications and give consent to 88% of the applications they receive but if the housebuilders will not implement these permissions there is nothing planners can do about it. The supply of housing is in the hands of landowners, housebuilders and financiers NOT the planners. Yet the blame game is also part of the housebuilders business model because they can claim that because planners are ‘holding back development’ they need more development land zoned for housing.

It goes further than that. They have something even more serious to hide. Despite their protests of innocence whenever this is raised, the big housebuilders and landowners run local and regional cartels and oligopolies to limit supply and keep up prices so they all benefit. High house prices are caused by these practices not by the planners. Cahill who has undertaken exhaustive studies of landownership in Britain concludes that, ‘the market for development land in the UK is rigged’<sup>28</sup>. Thus, heaven forbid if someone started a mass sale of land banks. That would be a liberalisation of the market too far.

So the housebuilding market is not a competitive market. Yet time and again government turns to the housebuilders, landowners and finance sector to ‘solve the housing crisis’ and meet government housing targets, or to ‘kick start the economy’; and time and again, they fail to deliver. But governments, particularly Conservative ones, never learn for the simple reason that the property lobby is their friend and political funder so it rewards the property industry with generous subsidies and tax breaks. In return, government gets the political donations that follow, but not the housing targets they also claim to need.

The now notorious Robert Jenrick (Secretary of State for Communities and Local Government) intervention in support of a wealthy Tory donor in a planning dispute over a major development of 1500 homes in London in 2020, is all too typical<sup>29</sup>. Jenrick

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<sup>28</sup> Cahill, K. (2001) *Who Owns Britain?*, Edinburgh: Canongate.

<sup>29</sup> Geoghegan, Peter, *Exclusive: Robert Jenrick in new ‘cash for favours’ row*, Open Democracy, July 4 2020.

overrode his own planning inspector to allow a lower level of affordable housing and rushed the scheme through so that it evaded CIL charges. It is notable in this example that meeting real housing need did not feature in the transaction. Is that what Tory planning reformers mean by 'freeing up the market'?

The central paradox of the 'free market' argument is that it flies completely in the face of the evident fact that the housing market is subsidized by the state through tax breaks, infrastructure funds, Help to Buy and now by Stamp Duty holidays. The current government cry of 'Build, Build, Build' is not about free markets but more subsidy to the housebuilders and landowners. And, as they will find out, the housebuilders will not deliver - except to expand their land banks.

Yet even this is not enough for them; this is the current housebuilder list of demands many of them helpfully met by the White Paper and other measures:

- A massive post COVID subsidy to prop up their share value, that is, more tax concessions, more planning consents, and continuation of Help to Buy.
- Relaxation of planning controls especially waiving affordable housing obligations, reducing CIL payments, and ditching planning obligations for affordable housing altogether in designated zones.
- Support for new sub-markets. The current fad is Build to Rent. Only around 100,000 completed so far but rising and popular with Ministers who have seized on Build to Rent as an answer to the lack of rental housing. It is in fact not an affordable housing product at all but a high-end rental product for professionals. Not exactly a contribution to meeting dire housing need.

The property lobby will not build the homes the nation needs. Government has to do this. Yet its funding for social rent housing is at pitiful levels and reveals the true conscience of Ministers. Only 6000 genuine social rent homes were built in 2017-18; meanwhile thousands are sold off under Right to Buy. If there was any morality in the cry of 'Build, Build, Build', government would prioritise building homes for social rent and break up the oligopolies running the UK housebuilding market.

To conclude, there is no free market in housebuilding. Nor will be there ever be because this is not what the housebuilding and finance sector wants. They want more land, more subsidies and lower taxes. That's it. Anything that reduces prices like building housing the nation needs by reducing their profit take would be a disaster and they will not allow it.

## 4. CAN DEREGULATION FREE UP THE MARKET IN THE PUBLIC INTEREST?

Dr. Ben Clifford

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In the press release accompanying the Prime Minister's 'Build, Build, Build' speech on 30 June 2020, it was announced that "new regulations will give greater freedom for buildings and land in our town centres to change use without planning permission and create new homes from the regeneration of vacant and redundant buildings... Developers will still need to adhere to high standards and regulations, just without the unnecessary red tape"<sup>30</sup>. This is an expansion of permitted development (PD), and on 21 July it was confirmed that the government were indeed introducing new PD rights, including the ability to demolish commercial buildings and replace them with new residential buildings and the ability to add additional storeys onto a range of existing buildings for residential use under PD<sup>31</sup>.

PD is a long-standing feature of our planning system, used traditionally for small scale and temporary development likely to have few externalities and not needing the focus of a planning permission process. In 2013, however, there was a dramatic increase in what was possible under PD in England, with office-to-residential change of use becoming PD. This was originally for a three-year period only but was hailed as successfully delivering thousands more homes by the government in 2015 and made permanent. Alongside and since then, there have been various other increases in the changes to-residential use which are now covered by PD, including (with certain limits), agricultural-to-residential, light industrial-to-residential, storage-to-residential, retail-to-residential and retail related sui generis uses (like launderettes) to residential.

The expansion of PD can be traced back directly to certain think tanks, with a 2011 report from Policy Exchange suggesting that the planning system was "soviet" style rationing of housing and calling for "supply side reforms" to include "a blitz on brownfield bureaucracy" with an apparent need for change of use to be expanded so commercial sites could be more "easily recycled" to homes in a more

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<sup>30</sup> Prime Minister's Office (2020). 'PM: Build, Build, Build' at [gov.uk/government/news/pm-build-build-build](https://www.gov.uk/government/news/pm-build-build-build)

<sup>31</sup> MHCLG (2020). 'New laws to extend homes upwards and revitalise town centres' at [gov.uk/government/news/new-laws-to-extend-homes-upwards-and-revitalise-town-centres](https://www.gov.uk/government/news/new-laws-to-extend-homes-upwards-and-revitalise-town-centres)

flexible land market.<sup>32</sup> Various other reports published since have called for expansions to PD, suggesting that they would allow “a creative trial and error process guided by price signals” instead of the “misallocation of land resources” which planning apparently causes<sup>33</sup>.

The creation of new housing through PD, both through the existing rights but also through some of the rights recently announced should be a serious cause for concern. Although any new dwellings resulting from PD would be subject to building regulations, these offer only quite limited protections to future residents, focussing importantly on safety issues, but not on planning issues such as internal design or location. As a result, there is a large body of evidence that what would generally be considered poor quality housing has been created through PD since 2013. This includes research from academics, architects, business groups, as well as examples cited in the media<sup>34</sup>.

In 2019, responding to some of this concern, then Secretary of State James Brokenshire announced a review of the quality of housing created through PD. This review was published by the government on the same day that they announced further extensions to PD rights<sup>35</sup>. Based on the existing and new research,

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<sup>32</sup> Morton, A. (2011). *Cities for Growth Solutions to our planning problems*. Policy Exchange, London

<sup>33</sup> Schumacher, P. (2018). ‘Only capitalism can solve the housing crisis’ at [adamsmith.org/capitalismcansolvethethehousingcrisis](http://adamsmith.org/capitalismcansolvethethehousingcrisis); see also Javid, S. and Centre for Policy Studies (2020). *After the virus: a plan for restoring growth*. Centre for Policy Studies, London and Centre for Cities (2020). ‘Housing’ at [centreforcities.org/housing/](http://centreforcities.org/housing/)

<sup>34</sup> For example Clifford et al (2018). Assessing the impacts of extending permitted development rights to office-to-residential change of use in England, [rics.org/globalassets/rics-website/media/knowledge/research/research-reports/assessing-the-impacts-of-extending-permitted-development-rights-to-office-to-residential-change-of-use-in-england-rics.pdf](http://rics.org/globalassets/rics-website/media/knowledge/research/research-reports/assessing-the-impacts-of-extending-permitted-development-rights-to-office-to-residential-change-of-use-in-england-rics.pdf); Clifford (2019). Healthy homes? Thirty examples of Permitted Development Conversions, [ucl.ac.uk/bartlett/planning/sites/bartlett/files/tcpa\\_room\\_the\\_breathe\\_examples\\_-\\_clifford\\_et\\_al.pdf](http://ucl.ac.uk/bartlett/planning/sites/bartlett/files/tcpa_room_the_breathe_examples_-_clifford_et_al.pdf); Hertfordshire LEP (2019). Dramatic loss of office space has ‘major implications’ for Hertfordshire’s economy, [hertfordshirelep.com/news-events/news/dramatic-loss-of-office-space-has-major-implications-for-hertfordshire-s-economy/](http://hertfordshirelep.com/news-events/news/dramatic-loss-of-office-space-has-major-implications-for-hertfordshire-s-economy/); Levitt Bernstein (2019). Why the government should end permitted development rights for office to residential conversions, [levittbernstein.co.uk/site/assets/files/3256/end-pdr-for-office-to-resi.pdf](http://levittbernstein.co.uk/site/assets/files/3256/end-pdr-for-office-to-resi.pdf); Spratt, V. (2019). 6m<sup>2</sup> flats, microhomes sold under Help to Buy: how office-to-flat conversions created the rise of ‘rabbit-hutch’ homes, [news.co.uk/opinion/comment/gm2-flats-microhomes-sold-under-help-to-buy-how-office-to-flat-conversions-created-the-rise-of-rabbit-hutch-homes-312973](http://news.co.uk/opinion/comment/gm2-flats-microhomes-sold-under-help-to-buy-how-office-to-flat-conversions-created-the-rise-of-rabbit-hutch-homes-312973); Jones, R. (2018). As small as 13 sq metres: are these the worst new flats in Britain?, [theguardian.com/money/2018/aug/25/flats-block-converting-offices-living-space](http://theguardian.com/money/2018/aug/25/flats-block-converting-offices-living-space)

<sup>35</sup> Clifford et al (2020). Research into the quality standard of homes delivered through change of use permitted development rights , [gov.uk/government/publications/quality-standard-of-homes-delivered-through-change-of-use-permitted-development-rights](http://gov.uk/government/publications/quality-standard-of-homes-delivered-through-change-of-use-permitted-development-rights)

the key issues associated with housing created through PD appear to be:

- Housing quality, in terms of space standards: many tiny housing units, well below the government's recommended Nationally Described Space Standards (which cannot be applied to PD) have been created, with the 2020 report published by MHCLG finding 78% of units were beneath the standards, often considerably smaller;
- Housing quality, in terms of natural light: shockingly, building regulations do not actually require dwellings to even have a window and whilst examples with no window at all are rare (but do exist), many PD units have strange layouts not conducive to natural light penetrating the dwelling and some do not have windows in all habitable rooms;
- Housing quality, in terms of access to amenity space: many PD housing units have no access to any private or communal outdoor space, such as balconies, gardens or roof terraces, associated with a higher quality of life in denser brownfield locations, with the 2020 report published by MHCLG finding just 3.5% of units had this;
- Residential amenity, in terms of location: some PD schemes have been in locations not suitable for housing use, such as the middle of still functioning business or industrial estates;
- Design issues, in terms of the appearance of the building and its interaction with the surrounding public realm, which cannot be considered or required to be improved under existing PD rights;
- Lack of infrastructure contributions, with most conversions able to avoid making any Community Infrastructure Levy (CIL) contributions at all (if the local authority has an adopted CIL charge), even though housing places very different demands on local social and green infrastructure than commercial uses;
- Lack of affordable housing contribution, with planners unable to negotiate any contributions towards affordable housing at all, even though many office conversions (in particular) involve many more than ten units being created (the usual policy cut-off for contributions) and even though there is evidence of some diversion away

from new build apartments in some locations towards PD apartments since it was introduced;

- Impact on business: with no requirement that existing commercial buildings actually be vacant before conversion, there are plenty of examples of tenants being kicked out of occupied commercial buildings before conversion, and some then struggle to find suitable new accommodation (particularly start-ups and SMEs who may occupy cheaper secondary type office stock, which would not be replicated by new build);
- No chance for community consultation on PD change of use conversions, undermining a locally accountable, democratic planning system.

In June 2020, the government amended the secondary legislation governing PD rights so that any dwellings created through them must have “adequate natural light” to “all habitable rooms”<sup>36</sup>. Whilst this is clearly better than allowing dwellings to be created without adequate light (many people would be shocked that this has even been possible for the last seven years), if our only requirement is that homes have a window, we have surely reached a new low in housing. Nothing was done in response to the other issues raised in various reports, including the review commission by MHCLG themselves, particularly around space standards and allowing new housing in totally unsuitable locations like industrial estates.

With over 65,000 dwellings already created through PD change of use since 2013, this is a not insignificant proportion of housing which can be extremely poor quality, and seemingly undermines any pretension of valuing higher quality design of ‘beautiful’ building from the government. In a situation of housing crisis, particularly a lack of sufficient social and affordable housing, people do not have a free choice as to where they live, so the idea that the free market would stop the creation of poor quality dwellings under PD (as people would not pay to inhabit them) is wrong. A significant number of the most vulnerable in society are now forced to live in the worst PD conversions, either placed there as temporary housing tenants, or given little choice of

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<sup>36</sup> UK Statutory Instruments (2020). The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020, [legislation.gov.uk/uksi/2020/632/contents/made](https://legislation.gov.uk/uksi/2020/632/contents/made); see an example of where this is an issue in Wall, T. (2019). 'It feels almost like prison': the developers building homes with no natural light, [theguardian.com/cities/2019/dec/19/it-feels-almost-like-prison-the-developers-building-homes-with-no-natural-light](https://theguardian.com/cities/2019/dec/19/it-feels-almost-like-prison-the-developers-building-homes-with-no-natural-light)

other affordable housing they can rent where they need to live. The result can include overcrowding and detrimental impacts on people's mental and physical wellbeing; hence housing quality having long been linked to health and decent housing seen as a human right<sup>37</sup>.

Although there have been some additional factors which local planning authorities can consider in relation to the new PD rights for the creation of housing, such as the exterior design of upward extensions, the lack of sufficient safeguards over fundamental issues such as space standards, access to outdoor space and locational controls remains for these new and all the existing PD change of use to residential rights. The *Planning for the Future*<sup>38</sup> white paper proposes government legislation to widen even further the scope of permitted development. One might ask why this is thought necessary if the reformed planning system the government proposes will be so efficient and simple. The white paper does suggest that permitted development will be subject to adopted design codes but mentions things like materials, an aesthetic view that places greater emphasis on design in terms of the exterior appearance of a building than its functionality as a place to live for inhabitants, so there is still some reason to be concerned. This legislation may also be some time into the future. With the expansion of rights which has already happened, plus the risk of more vacant commercial property post-Covid, deregulated permitted development will continue to risk a range of negative impacts, most pressingly the risk of a further large quantum of very poor-quality housing, potentially endangering the health and wellbeing of residents.

Free market fundamentalists argue that space standards prevent the efficient allocation of space and that price signals would prevent more tiny housing being built than people want to choose to inhabit<sup>39</sup>. However, the housing market will never have the unconstrained supply that would allow this level of choice to operate (for example, because of environmental and physical geography limits, because of policy choices like the green belt and because if market housing was affordable for all,

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<sup>37</sup> WHO (2018). Housing impacts health: New WHO Guidelines on Housing and Health, [who.int/phe/news/note-media-housing-health-guidelines/en/](https://www.who.int/phe/news/note-media-housing-health-guidelines/en/)

<sup>38</sup> Ministry of Housing, Communities and Local Government (2020). Planning for the Future, [gov.uk/government/consultations/planning-for-the-future/planning-for-the-future](https://www.gov.uk/government/consultations/planning-for-the-future/planning-for-the-future)

<sup>39</sup> Breach, A. (2020). Minimum Space Standards make the housing crisis worse — here's why, [centreforcities.org/blog/minimum-space-standards-housing-crisis/](https://centreforcities.org/blog/minimum-space-standards-housing-crisis/)

then there would be dramatic impacts for the millions of people whose investments rely on housing prices). This is about the health and wellbeing of all potential inhabitants of conversions: the case for requiring space standards in housing is longstanding and strongly argued, given the range of impacts from insufficient space and the overcrowding which can occur.<sup>40</sup> This highlights the way that planning regulation can help deliver important safeguards for society. Indeed space standards are considered such a basic right that in many countries they're part of the non-negotiable building regulations not planning processes at all.

If we look beyond headline figures of units delivered, the case for having any PD rights which allow the creation of new housing has not convincingly been made. By tilting the scales of profitability (for example through removing the requirements for any planning gain affordable housing or infrastructure contributions), the government has indeed taken action which has led to the creation of thousands more new homes than would have resulted from change of use otherwise. However, the same ends might have been achieved through other incentivisation for such building conversions, including the soft governance approaches of best practice toolkits, engagement with developers and proactive planning work by better resourced local authorities, as seen, for example, in the Netherlands<sup>41</sup>. Further, the purpose of the planning system should not just be to maximise the number of 'units' delivered whatever their quality but rather to help ensure affordable, decent housing for all of society, alongside other environmental, social and economic benefits.

Instead of expanding PD yet further, under the current planning system in England, we should require that all new dwellings can only be created through the proper scrutiny of a planning permission, which can consider the full range of material considerations pertinent to the creation of housing people may be living in for decades. Further encouragement and support for change of use of buildings to residential could be delivered through

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<sup>40</sup> Carmona et al (2010). Space standards: the benefits, [webarchive.nationalarchives.gov.uk/2010110811541/http://www.cabe.org.uk/files/space-standards-the-benefits.pdf](http://www.cabe.org.uk/files/space-standards-the-benefits.pdf); Roberts-Hughes, R. (2011). The case for space, [architecture.com/-/media/gathercontent/space-standards-for-homes/additional-documents/ribacaseforspace2011.pdf](http://architecture.com/-/media/gathercontent/space-standards-for-homes/additional-documents/ribacaseforspace2011.pdf); HATC (2006). Housing space standards, [london.gov.uk/sites/default/files/hatc\\_housing\\_space\\_standards\\_report\\_for\\_gla\\_2006.pdf](http://london.gov.uk/sites/default/files/hatc_housing_space_standards_report_for_gla_2006.pdf)

<sup>41</sup> Clifford et al (2019). *Understanding the Impacts of Deregulation in Planning: Turning Offices into Homes?*, Palgrave Macmillan, London

other measures than deregulation, for example supportive policy (such as in the NPPF), the encouragement of local planning authorities making SPDs about where and what they would like to see from conversions and more proactive work by better resourced authorities. Planning regulation does much more than its alleged rationing of the ability to deliver new housing, with the potential to uphold better quality design, manage environmental impacts and offer democratic engagement possibilities. This all matters when we're trying to deliver decent homes and plan for all members of society.

## 5. WILL ZONING OFFER MORE FLEXIBILITY, SPEED AND EFFICIENCY THAN THE DISCRETIONARY SYSTEM?

Dr. Philip Booth

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The British planning system that came into force in 1947 ruled out a zoning system on the continental or American models. The fundamental principle was that development of land could only proceed as the result of permission granted by the state. The effect was to nationalise the right to future development and to separate future development from current enjoyment of land. It differs in this respect from zoning systems, in which zoning plans confer rights to landowners. Zoning, if applied universally, would be a radical departure from that basic understanding.

The argument for drafting legislation in this way was that it offered flexibility to both developers and decision makers to consider the specific circumstances of place and time in making proposals and in determining their outcome. It was born of a growing frustration with the experience of zoning in the first half of the twentieth century, which appeared to both central and local government as too rigid and incapable of delivering high quality development. Experience also showed that if development was wholly dependent on the preparation of a zoning plan, then no activity at all took place while a plan was in preparation. The way the 1947 Town & Country Planning Act was drafted specifically avoided this problem.

The positive result of this aspect of the 1947 Act can be summarised as follows:

- It enables development to proceed in the absence of an approved plan
- It enables local authorities to refuse an application for development if, given its form or location, it might cause harm to the environment in the widest sense of the term
- It enables developers to argue a case for a proposal and not necessarily to be bound by pre-existing rules
- It recognises the political nature of decisions taken on the development of land.

But it is also true that there has been criticism of the system of development management set in place in 1947:

- It fosters uncertainty and thereby increases the risk for developers
- It results in (inordinate) delay.

It is indeed true that there is no absolute certainty for developers until such time as they have received formal planning permission. But although it is true developers are risk averse, they also like to be able to negotiate the most favourable terms for their development.

The lack of certainty has often been invoked in the criticism of British planning in the past 50 years.

An important attempt to address the question was made by modifying the law in 1991 such that the development plan was to become the 'first consideration' in taking decisions on individual development proposals. It has, however, been second to the widespread belief that planning was too slow, with criticism of delay in the planning system being the subject of a series of reviews intended to address the problem. Indeed, the two criticisms are interconnected. If there is no certainty that a development proposal can be implemented until there is a valid planning permission, any time taken to reach that point will be seen as delay. Whether the system of managing development really is unnecessarily slow is another matter, however. Certainly, in France, where a zoning system is in force, research has shown that processing times do not appear to be markedly quicker than in Britain<sup>42</sup>.

Whether zoning would improve the efficiency, speed and certainty of managing development in this country needs to be explored. There are several reasons to suggest it would not and would also carry significant disadvantages.

1. The first point is that zoning supposes that urban systems may be reduced to relatively simple categories of land use. This is patently false. Zoning struggles to deal with urban complexity with the result that zoning plans are never in the end the simple documents its advocates propose.

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<sup>42</sup> Booth, P. (1989) 'How effective is zoning in the control of development?', *Environment and Planning B*, 16, pp.401-415.

2. The second point is that the proponents of zoning see it as the result of scientific rationality that transcends the vagaries of political decision making. While there should indeed be a rational basis for allocating land uses and determining building form, decisions on development are essentially political in nature and need to be recognised as such.
3. The third point to note is that zoning is not one system but many, as a recent study by Lichfields<sup>43</sup> has shown, and zoning systems are specific to the country in which they apply. Zoning is closely aligned to legal frameworks and to an understanding of the appropriate levels of decision making, as well as to the nature of the space to be planned and the character of the operators within the system. None of these things is a constant. If a zoning system were introduced to Britain close attention would be needed to understand how it would apply and what impact it would have on processes of decision making.
4. We have noted that zoning does not necessarily save time in the processing of permissions to proceed with development. Some studies do show other systems delivering decisions more rapidly than in Britain. But processing of individual proposals is only part of the question. The process of preparing the zoning plan would almost certainly occasion considerable delay because the different interests in the process would contest zoning proposals, knowing there could be no contest at the point of determining an individual proposal.
5. It is also important to distinguish between the formal processing of a planning application and the informal discussions that may precede the formal process. In a zoning system, informal negotiation over how regulations might be applied are likely to become protracted.
6. Zoning accompanied by regulations is often presented as something that is simple to achieve. Experience elsewhere suggests that zoning is often highly complex, with exceptions and escape clauses that make allowance for exactly the kind of discretionary behaviour that is seen as problematic in the British discretionary system.

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<sup>43</sup> <https://lichfields.uk/blog/2018/may/14/should-zoning-be-introduced-in-england/> accessed 20.07.2020

7. The existence of such exceptions and escape clauses make accounting for decisions more complex, and there is a risk that decision making becomes covert. Research in France showed that where decision makers had some latitude in applying regulations, this resulted in decision making that was not transparent and less accountable<sup>44</sup>.
8. In zoning systems, developers also become adept in negotiating how regulations might actually be applied in specific instances. So far from presenting hard-and-fast rules, therefore, zoning may become the field on which negotiations are conducted.

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<sup>44</sup> Booth, P. (1993) 'The Cultural Dimension in Comparative Research : Making sense of French Development Control', *European Planning Studies*, 1(2), pp.217-229.

## 6. CAN EXTENDED USE OF SIMPLIFIED PLANNING INSTRUMENTS UNLOCK DEVELOPMENT?

Dr. Edward Shepherd

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It is widely agreed that the English planning system is dysfunctional. The process is slow, bureaucratic, unclear on core objectives and the division of responsibilities, and is subject to ‘mission creep’. It does not deliver its own objectives, such as the urgent need for housing, it is expensive and it has constrained the development market to the extent that small businesses are priced out by delay, administration and risk.<sup>45</sup>

The above quote neatly encapsulates some of the main criticisms of the planning system which are driving the government’s current planning reform agenda and, indeed, the reform agendas of previous governments. The history of English planning over the last 40 years is replete with attempts by policymakers to ‘simplify’ or deregulate the planning system in an attempt to ease the passage of development proposals so as to deliver new building and economic growth. Examples include the simplified planning regimes in Enterprise Zones (first established in 1981), Simplified Planning Zones (introduced through the Housing and Planning Act 1986), Local Development Orders (introduced through the Planning and Compulsory Purchase Act 2004) and Permission in Principle (introduced through the Housing and Planning Act 2016). In various ways these instruments can be used to seek to reduce the risk and uncertainty associated with the discretionary decision-making process which prevails in the English planning system. In the parlance of development professionals, these instruments are therefore targeted at reducing ‘planning risk’.

In this conception ‘planning risk’ means the risk to the financial returns of the developer and/or landowner. From this particular perspective, England’s planning system creates risk to financial returns by generating uncertainty regarding whether or not a planning permission will be granted, what the attributes of any permitted scheme will be, the extent of obligations and conditions associated with the scheme and the period required to obtain an implementable planning consent. This uncertainty

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<sup>45</sup> Robert Adam “Root and Branch Reform of the Planning System”, in *Planning Anew – A Collection of Essays on Reforming the Planning System for the 21<sup>st</sup> Century* (Policy Exchange 2020), p.12.

and ‘delay’ can no doubt be exacerbated by the highly political nature of some kinds of development proposals (e.g. greenfield housing development) and the discretionary powers which lie with decision makers. However, this is a rather partial perspective on the relationship between planning and risk. More broadly the planning system can be seen as an institution that identifies, manages and distributes in the public interest the numerous risks and uncertainties created by development proposals.

The range of risks and uncertainties which can be created by new development can be traced in the variety of documents which may need to be submitted with a planning application under the current system. These can include reports covering issues related to daylight and sunlight, flood risk, air quality, design and access, transport, archaeology, heritage, trees, biodiversity, construction management and so on. These kinds of risks cannot be smoothed away by tinkering with the planning process. Regardless of the institutional design of planning, such risks should still be identified and adequately managed at some stage. Failure to do so could pose significant risks not only to the environment and community amenity but also, potentially, to local land and property values which could be negatively impacted by poor development in the vicinity.

Communities want to live in good places. Governments want infrastructure and new development to be well matched. Developers and landowners want the value of their assets to be protected from harm from the negative externalities arising from their own projects and those of their competitors. There is therefore general acceptance that impacts arising from development proposals need to be identified and managed. It is for this reason that attempts to ‘streamline’ the planning system by creating ‘deregulatory’ areas, for example, have at times resulted in the kind of regulation which would be encountered at application stage being moved to elsewhere in the process.

For example, in his study of Simplified Planning Zones Allmendinger found that “to create certainty through deregulation the zones needed to include a large number of conditions beyond those that would have been necessary under the erstwhile discretionary regime”<sup>46</sup>. In a report examining the use of Local Development Orders (LDOs), Peter

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<sup>46</sup> Philip Allmendinger, “Simplified Planning Zones” in *Urban Planning and the New Right* (London and New York: Routledge), p.160

Brett Associates found that the LDO process still needed to identify and manage technical issues through a potentially lengthy process prior to adoption and if this was not done, they would need to be dealt with at the stage when a specific proposal is coming forward much like under the usual system<sup>47</sup>. Therefore, while such instruments could potentially be useful tools for helping to simplify the planning process for minor and uncontentious development in less sensitive areas (such as within an airport, business park or within a logistics hub), they seem less well suited to simplifying the process for delivering potentially more complex, high impact and controversial development such as housing which is so much the focus of the government's current round of proposed reforms to the English planning system.

Despite this, there are cases of LDOs being used to support the delivery of major residential-led development. For example, North East Lincolnshire Council has successfully prepared two LDOs granting outline planning permission for major development (Grant Street and Ladysmith Road). However, according to research carried out by the Planning Advisory Service (PAS), the process for preparing these was labour intensive and had considerable resource requirements<sup>48</sup>. These examples (and others discussed in the PAS report), suggest that while the grant of outline planning permission via LDOs may send a positive signal to the market that the local planning authority in question is 'open for business' and can therefore encourage development to come forward, it is difficult to argue that they have 'simplified' or 'streamlined' the planning process per se. Instead, they have essentially shifted the cost of preparing an outline planning application onto the council thereby transferring 'planning risk' away from a prospective developer.

Indeed, a guide for local authorities on preparing LDOs produced by the PAS warns that it is important for local authorities to "ensure that there is sufficient capacity to prepare and deliver the LDO", that "specialist support [may] need to be commissioned to inform the design and development of the LDO" and that "more complex proposals will require greater financial resource"<sup>49</sup>. LDOs and

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<sup>47</sup> Peter Brett Associates, *Local Development Orders: Impacts and Good Practice*, January 2014.

<sup>48</sup> Planning Advisory Service, *Local Development Orders: Case Study Research and Analysis*, November 2018.

<sup>49</sup> Planning Advisory Service, *Local Development Orders: Guidance for Councils on Preparing Local Development Orders*, March 2019, p.17.

instruments like them are not, therefore, costless simplifications of the planning system but rather instruments which can be used to shift resource expenditure (and risk) away from developers onto local authorities (and, perhaps, communities) so as to try and encourage development.

The government's current proposals to enable local planning authorities to grant automatic outline planning permission for 'substantial' development sites through Local Plan adoption and to use instruments such as LDOs and Permission in Principle (PiP) to try and encourage major development show little appreciation of the possible practical implications of this transfer of risk and the resultant pressure on resources for councils. Indeed, research into the potential of PiP, found that "there was a broadly shared concern that 'bare to the bone' local authorities in England do not have the resources or wherewithal to conduct the background investigations (or 'do the heavy lifting' as one developer put it) necessary to confirm the developability of sites and therefore support PiP with the guarantees that developers and their funders will want"<sup>50</sup>.

In conclusion, while some simplified planning instruments such as LDOs certainly have an important role to play in helping to free planners from having to consider applications for minor, low impact and relatively uncontentious developments (such as minor household improvements or development within industrial and employment sites) or in sending a positive signal to the market, if the government is keen on helping the planning system to deliver new housing then it seems it would be well served by investing in planners and planning departments.

We need departments which are sufficiently skilled and resourced to prepare a system of clear plans which can provide a degree of certainty to developers who can then respond flexibly as market conditions change. We need departments staffed by planners who can consider and determine applications for planning permission transparently and quickly. We need departments who are adequately resourced to use instruments such as LDOs effectively. No matter how pressing the need for new housing, we need a system in which the environmental and political risks of new

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<sup>50</sup> Nick Gallent et al., "Can 'Permission in Principle' for New Housing in England Increase Certainty, Reduce 'Planning Risk', and Accelerate Housing Supply?," *Planning Theory and Practice*, 20:5: 673-688, p.681.

development are properly managed and distributed. It would seem sensible to ensure that this system is as well-resourced as possible so that this process can be effectively run.

## 7. CAN DEVELOPMENT CORPORATIONS OVERCOME PROBLEMS OF LOCAL DEMOCRATIC CONTROL?

Professor Sue Brownill

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We want to drive economic growth outside London and the South East. Our new development corporations will empower local areas to come forward with ideas for new towns that deliver jobs, houses and economic growth – creating the future Canary Wharfs of the North and Milton Keynes’s of the Midlands.’ (Robert Jenrick 26 October 2019, Press Release<sup>51</sup>)

Page 69 of Planning for the Future refers to the consultation launched by Robert Jenrick in this press release on a new generation of ‘fit for purpose’ development corporations (DCs) and the simultaneous announcement of a new DC at Toton, Nottinghamshire<sup>52</sup>. Under the heading supporting innovation in delivery, the White Paper raises the possibility of more ‘flexible DC models’, the precise nature of which will emerge from responses to the consultation exercise. It is therefore worth looking at what was set out in that consultation in more detail. Recognising the variety of possible forms of DCs (see below), its stated aim was *‘to seek views on whether this varied legal framework inhibits the operation of development corporations, and to invite ideas on how the legal framework might be reformed’* covering three main areas of change:

- involving the private sector
- use of development corporations by local areas
- comparable powers for development corporations.

This will be the sixth wave of post-war DCs<sup>53</sup>. They are attractive to Governments of all persuasions as they provide the things that planning and local

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<sup>51</sup> [gov.uk/government/news/next-generation-of-new-towns-and-economic-growth-opportunities-to-be-developed-levelling-up-every-region](https://www.gov.uk/government/news/next-generation-of-new-towns-and-economic-growth-opportunities-to-be-developed-levelling-up-every-region)

<sup>52</sup> [assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/841908/ Development corporation reform technical consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841908/Development_corporation_reform_technical_consultation.pdf)

<sup>53</sup> , following the New Towns, the Thatcher era UDCs, New Labour’s use of UDCs to deliver the Sustainable Communities Strategy in the mid-2000s , Mayoral Development Corporations (MDC) set up by the Localism Act in 2011 and the Locally-Led New Town Development Corporations (LNTDC) enabled in 2018. In addition, a UDC was set up at Ebbsfleet in 2015 and plans for four UDCs along the Oxford/Cambridge Arc were put forward in the Spring 2020 budget.

government often can't – that is the tools for delivery in the form of land acquisition powers and funding to provide infrastructure – and combine these with planning powers. But those powers; to buy land, make decisions on planning applications and to receive and raise finance, are not granted without strings and are set within different political, governance and planning contexts as neatly summed up by Jenrick's quote. Yes, Milton Keynes and Canary Wharf were both delivered by DCs, but they are widely different in terms of how they were delivered, who has benefitted from the outcomes, their governance arrangements and the type of environments created. Given their ubiquity, attempts to 'improve' DCs may not, therefore, be surprising, but combined with possible planning reforms including zoning and the restriction of the involvement of councils and communities in decisions, they could be significant. The devil is, as ever, in the detail.

The first area of change is the increased involvement of the private sector. This is in essence a question of democracy and control over planning and development decisions. While dressed up as 'local empowerment' all DC legislation entails the centralisation of power from local government to central government (in the form of the Secretary of State) which is then decentralised to a DC Board, in Jenrick's paper of predominantly 'independent' members. This brings three dangers. One is the ability of central government to over-ride local democracy as day to day it is the Secretary of State, not local politicians or even the private sector, who has the final say over decisions. The fact that the Telegraph<sup>54</sup> reported on June 25th that DC plans had been put on hold because of Jenrick's Westferry Printers debacle underlines the major flaw in a system without transparency or accountability. The second is how the role of the private sector is misrepresented. The DC model assumes that it is the governance model which is stopping delivery and not more fundamental issues over the costs and assembly of land and infrastructure. What is needed is to get the 'red-tape' of planning out of the way and bring in the 'can-do' mentality of the private sector (with their cash) as opposed to 'sclerotic' local planning authorities (who have no cash). This is a fundamental misunderstanding of the problem. Not only could it lead, if combined with zoning, to undue private sector influence over what is built where, it also underestimates the amount of public money

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<sup>54</sup> [telegraph.co.uk/news/2020/06/25/planning-reforms-would-have-given-housing-secretary-power-halted/](https://www.telegraph.co.uk/news/2020/06/25/planning-reforms-would-have-given-housing-secretary-power-halted/)

which went to the ‘successful’ DCs Jenrick refers to. The LDDC, for example, if infrastructure costs and tax relief are factored in, received about £6bn<sup>55</sup>. The current DCs are competing for £10m each. Thirdly, DCs have no requirement for community representation built in, therefore local people are excluded from decision-making.

The second major concern signalled in the current consultation is whether the existing models available to local areas i.e. Mayoral DCs and Locally-Led New Town DCs are ‘broad enough in scope to deliver and what the barriers are’. The issue here, as Lichfield’s point out, is the difference between designation and delivery<sup>56</sup>. Many local DCs have struggled to deliver e.g. Northamptonshire because of a lack of resources and powers. What this could point to is a desire to reduce the locally led nature of DCs in favour of a more ‘robust’, ‘fit for purpose’ model which would further undermine local influence.

It also begs the question, ‘deliver what’? Fundamentally DCs are placed within a planning framework – they are delivery agencies. Again, contrast Milton Keynes with Canary Wharf. Milton Keynes was built to a masterplan which strategically allocated land for housing (including social housing) and employment uses<sup>57</sup>. Canary Wharf was built with no planning scrutiny and resulted in ‘reverse leverage’ of public money to retrofit a private scheme developed away from major transport infrastructure. The New Town model shows how mixed-use development and large amounts of affordable housing could be delivered through a DC – but this is not solely the result of a DC being used. It is the combination of factors and the strategic planning framework within which it operates which is vital.

This brings us onto the third and crucial point – comparable powers such as determining planning decisions, acquiring land and capturing the uplift in land values. The significance of these to DCs has already been mentioned and hopefully the consultation is not intending to stop DCs from e.g. charging CIL. However, experience has shown that there is a fine line between delivering and

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<sup>55</sup> Brownill S (1990) Development London’s Docklands, Paul Chapman Publishing

<sup>56</sup> [lichfields.uk/blog/2020/june/10/corporate-makeover-new-vehicles-for-delivering-housing-growth/](https://lichfields.uk/blog/2020/june/10/corporate-makeover-new-vehicles-for-delivering-housing-growth/)

<sup>57</sup> See, for example, Town and Country Planning Association New Towns and Garden Cities: Lessons for Tomorrow - Stage 2 Report: Lessons for Delivering a New Generation of Garden Cities, 2015

determining development. In the 1980s DCs had development control but not plan making powers. Developments were consented which over-rode local plans and local plans were then refused at inspection because the UDCs had the power to deliver. Perhaps in response to the outcry from this, development control powers in some later 'benign' DCs stayed with local authorities, thereby enabling a more planned approach<sup>58</sup>. Is the government looking to revisit this reversal and remove it as a 'barrier' to delivery? Zoning has precedent here as well. When the LDDC was set up the London Bridge City development, which had been refused by the local authority, was included in the designated area along with a Local Development Order. Could zoning be coupled with DCs to drive through similar schemes, overseen by a sympathetic board?

Introducing more DCs may in itself not be a totally 'bad thing' – though some would argue it is. But the direction of travel that is emerging from the suggested planning reforms implies they could be used to power through developments favoured by the private sector which are not strategically planned and over which there is little or no local scrutiny. This would represent another example of missing the big picture. If it is lack of housing delivery, the problem is not Local Authorities, or local communities that need to be by-passed. It is issues of land acquisition, infrastructure provision and land value capture. What we should therefore be doing is drawing on the lessons of DCs to empower local authorities and communities to deliver democratically accountable and strategically determined developments by providing adequate funding and powers to acquire land at low cost and retain the resulting uplift in land values to provide affordable homes and a range of social and economic infrastructure. This could be accompanied by changes to CPO legislation and greater use of Community Land Trusts. If a DC is needed to deliver this plan-led approach, then so be it but it should not be the default mechanism and any changes to the legislation should reinforce the role of local interests and strategic planning in DCs rather than undermining them.

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<sup>58</sup> Raco M (2005) 'A Step Change or a Step Back? The Thames Gateway and the Re-birth of the Urban Development Corporations' *Local Economy*, Vol. 20, No. 2, 141-153, May 2005

## 8. CAN TECHNOLOGY CREATE A FASTER AND MORE PARTICIPATORY PLANNING SYSTEM?

Dr. Alexander Wilson, Professor Geoff Vigar, and Professor Mark Tewdwr-Jones

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Requiring the state to arbitrate individual planning applications since 1947, coupled with subsequent attempts in the late 1960s to increase public participation in planning, has had the effect of putting control in the hands of objectors rather than ‘the people’<sup>59</sup>

The role of, and weight given to digital technologies in planning has been in constant flux. Whilst contemporary uses of technologies have been for citizen engagement, earlier uses—particularly in the seventies—used technology for modelling, simulation and prediction. Predictions were made on urban growth, car trips and traffic, population changes, and their needs for houses, schools and hospitals. As history has taught us, the understanding that rational, technological and automated planning processes do not lead to faster, more streamlined, outcomes. These overly simplistic understandings of how cities function, teamed with the recognition of the lack of control planners actually had, and the increased politicisation of the decisions, there was a recognition of the need for a more nuanced understanding of cities and the people within them. People do not behave in a programmable way. Cities should be designed for living in, not for efficiency. As Jane Jacobs taught us:

There is no logic that can be superimposed on the city; people make it, and it is to them, not buildings, that we must fit our plans.  
(Jane Jacobs<sup>60</sup>)

In response to this, planning now recognises citizen preferences and knowledge, and the political-nature of decisions. This turn to participation is often cited as causing delays and not being representative, however, the notion of ‘objectors’ having ‘control’ is false, especially given the implementation of rules surrounding five-year housing land supply in recent years. Rather than see people as objectors (usually the result of a lack of early and meaningful engagement), we should value their vital knowledge

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<sup>59</sup> *Policy Exchange, 2020, Rethinking the Planning System for the 21st Century, p. 37*

<sup>60</sup> Jacobs, J (1958) *Downtown is for People*, in Whyte, W. (ed.) *The Exploding Metropolis*: Berkeley: University of California Press.

and experiences that can improve development proposals. Through this work we outline how digital technologies can be used to engage citizens meaningfully, earn trust, and develop plans that align the needs of communities with longer-term, strategic outcomes.

Involving citizens in planning has gained increasing traction in the UK since the inception of the '1947 system'. Planning was increasingly criticised for being too top-down and expert-led, treating questions of 'what ought to be done' as value-neutral, technical exercises aimed at a homogenous public. Planners failed to accommodate both the range of value-judgements concerning place futures and the value of lay knowledge in understanding how places worked that underpinned the work of pioneering planners of earlier decades such as Patrick Geddes, Ruth Glass and Max Lock.

Technology was part of the problem. The 1960s emphasis on modelling how 'rational man' would respond to various changes distracted the planning profession from its roots in art, civics, and other aspects of social science. Too often this resulted in plans that took many years and were redundant by the time they were completed. As a result these models quickly lost favour when they could not accommodate or capture the complexity of cities. Part of the wider decline in modernist principles driven by reaction against high rise housing and urban motorway building.

Critique of these issues in the works of Jane Jacobs and others suggested that the answer in part lay in recognising the benefits of democratic and citizen involvement in planning. Rhetorically the planning system gives great weight to such issues, but the reality is rather different. There is no shortage of methods to engage various publics in planning issues, and most recently digital methods have sparked the enthusiasm of many who suggest that they provide a quicker and easier way for more people to be engaged in policy and decision-making.

In this piece we describe how, through the directed use of digital technologies, a productive and broader discussion about places can be had, leading to a more efficient and responsive planning system. Within the proposed changes to planning, it becomes particularly important to make sure citizens are engaged early and meaningfully during zoning allocation activities. We outline how taking a citizen-centred approach to planning engagement leads to plans that can meet many of the objectives of a

reformed planning system that is more agile and democratic and underpinned by local knowledge.

**TECHNOLOGY WILL SAVE US?**

The emphasis on speed in planning decisions for the past four decades, and the increasing and now overwhelming power of landowners through that time, have made planners sceptical about citizen engagement in planning. ‘Magic bullet’ technologies to solve these problems do not exist. Using technologies for participation—as with in-person methods—require time. Technology should not be used to ‘speed up’ participation, but to offer alternative opportunities for engagement through discourse, and collective understanding. But, new technologies do have a place in a rethought planning system, and we welcome the recognition of the potential of digital technologies in addressing some of the barriers to current approaches to engagement, as well as establishing standards for data sharing. We have three suggestions for how technologies might be used for more effective citizen involvement in planning.

**RETHINKING TECHNOLOGY IN PARTICIPATION**

The majority of the methods used to engage citizens were devised decades ago. Many of the digital opportunities for citizen engagement mirror these previous opportunities (Table 1) - while we recognise there are many examples of where this is not the case, these digital opportunities are not widespread. Effectively, government bodies have merely put services online that were previously offline. This transactive view of planning services misses an opportunity to change the nature of involvement through a more relational role between planners, developers and citizens.

<b>Traditional Technology</b>	<b>Digital Alternative</b>
Send letters to affected individuals	Send emails to affected individuals
Unstaffed exhibitions to share information on proposals	Upload proposals to council’s website to view information
Publicise proposals in local newspaper and local authority’s magazine	Publicise proposals social media
Notices posted on lamp posts	Notices placed on website
Making comments on physical map	Making comments on an electronic map

Table 1: Traditional vs Digital Alternative

There are approaches that digital technologies are good at, but there are other activities that digital

technology cannot, or should not, replace. Putting planning applications and opportunities to comment online has been a great success. But debating the complexities of future cities to include a range of participants is less well-suited to online fora.

### **EMPLOY A RANGE OF PARTICIPATION TOOLS**

While using the internet to engage people in matters of planning might allow more to get involved, there should be reflection on both the type of comments that are coming back, and the methods that support this and the fact that a digital divide prevents some from participating. It is important to recognise that engaging more people does not necessarily mean that the opportunities for engagement have been more effective – the quality of this participation should always be understood. Commenting on digital maps, for example, emphasises a particular way of discussing space that is not conducive to longer-term, reflexive discussions. The experience of engaging and using technologies together should be considered, rather than seeing technologies as singular and as in isolation.

Digital technologies are good at supporting quick communication between citizens and decision makers (such as through social networking and mobile phones), but more involved technologies (for example, those that engage with people's creativity) can support more meaningful engagement between citizens. As previously discussed, non-digital methods used to provide a suite of tools, technologies too can be used to support community visions sessions alongside more specific and closed discussions. These methods can provide opportunities for making citizens aware of changes, but there must also be a provision for technologies that encourage 'slower' engagement through dialogue as well as approaches that do not exclude those who cannot participate digitally.

### **DESIGN FOR CITIZEN-CENTRED ENGAGEMENT**

Technologies should be aligned to allow people to discuss what is important to them rather than being required to understand the structural organisation of a local authority, and what constitutes a relevant consideration. Promoting the discussion of place-based issues encourage more meaningful engagement with opportunities for comment than those that were strictly planning-based. Indeed, planners can ascertain a wide range of knowledge from existing discussions on social media and other freely available data. This could form the basis for more deliberative discussions with communities,

rather than treating a plan as a blank slate for participation.

Reform of the planning system is like death and taxes, always with us. Making places better is a complex task however. People expect to be involved in decisions that affect the environments they value and this isn't going to go away. They do trust experts less than they did in 1947, even though this is sometimes over-stated. Calls to reform the system through say, the increased use of zoning, does not remove the need for citizen participation, nor does forgoing it make the planning system faster. People will, if they feel they haven't been heard, find other ways to object through direct action or other means.

As well as using technologies that engage more people, we need to devise technologies that engage people more meaningfully and create opportunities for citizens to shape proposals. The more involved citizens are, the more likely they are to accept neighborhood change, and the more effective (and efficient) our planning system can be.

## 9. DOES THE PLANNING SYSTEM HAMPER THE DELIVERY OF INFRASTRUCTURE?

Professor Tim Marshall

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The August 2020 Planning White Paper concentrates overwhelmingly on the most local forms of infrastructure, in fact on the most local dimensions of planning, so totally failing to engage with the real lives we all live - in pandemic just as in non-pandemic times. Our daily dependence on national and international supply chains is just one obvious element of this supra-local reality. This blindness should worry anyone concerned with any sort of future. There is just one bracketed reference to the possible importance of anything above the Local Plan level:

The Duty to Cooperate would be removed (although further consideration will be given to the way in which strategic cross boundary issues, such as major infrastructure or major development sites, can be adequately planned for, including the scale at which plans are best prepared for in areas with significant strategic challenges). (page 31)

One can only hope that the responses to Question 7a will inform more developed thinking. For now, the ideological aversion of the current government to serious planning (as against rhetoric on beauty and democracy) is such that it is prepared to make even some of its own (claimed) goals unattainable, because it engages with planning at only one scale, and even there in the most limited terms.

I leave comment on the proposed Infrastructure Levy to Michael Edwards below, except to say that without coherent planning across wide geographical areas, deciding on the use of this Levy will be guesswork, with no rational basis.

The silence on wider infrastructure planning is perhaps unsurprising. Despite much discussion about the prospects of an infrastructure-driven growth strategy, commentary on planning and infrastructure has been relatively limited in the publications of Policy Exchange, in the government's *Planning for the Future* of March 2020 and in the Conservative Manifesto 2019. *Planning for the Future* did have a section on the perennial theme of supporting local infrastructure for housing development, backed by budget promises, but wider

government or close-to-government thinking about infrastructure has been scarce – even the National Infrastructure Commission seems to have been somewhat “parked” since publishing its National Infrastructure Assessment in 2018.

The *Conservative Manifesto* suggested it would put: “Infrastructure first. We will amend planning rules so that the infrastructure – roads, schools, GP surgeries – comes before people move into new homes”. Ensuring infrastructure is put in before new homes is a correct, continuing aim of planning in well governed countries. However it is an aim made ever more difficult to achieve, given years of planning reforms which have repeatedly weakened the levers available to planning and public policy makers.

Similarly, some comments from Policy Exchange also seem to suggest an unproblematic approach:

To these ends, the planning of infrastructure provision should be a more central feature of local plans<sup>61</sup>

Most planners would support this, and probably most developers too, but the continuous weakening of the Local Plans system and of funding systems means that Plans make this a central feature at their peril – the risk of being found unsound by Government-appointed inspectors is too high. This is a not uncommon example of Policy Exchange claiming to wish one thing, but then proposing measures which press in the diametrically opposite direction. Stronger Plans, with real teeth, are the answer. The best plans already have effective Infrastructure Delivery Plans. Of course, this will be made much harder by the proposed standardisation and streamlining of plans into little more than glorified design codes for building licensing.

A slightly more substantial and certainly more worrying mention comes later in the same Policy Exchange report:

A consensus has formed across the political divide that an “infrastructure revolution” is needed ... delivering this “revolution” will require reforms to the planning system. Currently the system hampers the delivery of infrastructure that is essential to achieving a

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<sup>61</sup> Policy Exchange (2020) Rethinking the Planning System for the 21<sup>st</sup> Century, London: Policy Exchange p 74

number of the Government's key policy objectives. (p. 63)

The report's next paragraphs do not give relevant evidence for the key claim, that the planning system hampers the delivery of infrastructure. These paragraphs mention the problems created by recent governments for onshore wind developers, for broadband, and for "transport infrastructure", the latter referring right back to Heathrow Terminal 5, the hybrid bill procedure for Crossrail and problems in progressing the West London Tram. Anyone familiar with infrastructure planning and policy making will note that this attempt to justify "hampering by planning" is weak. Each example has a whole history of reasons for the difficulties experienced which would need pages to rebut fully, and of course there have been reforms of planning since most of the examples (2008 Planning Act, Hybrid Bill adjustments). But all relate almost completely to the way the government of the day (or London Mayor) dealt with the matter politically - with the most blatant case being the Cameron governments' manipulation of the onshore wind regime to block further schemes. These cases were government caused, not planning system caused. A clearer statement would be that progressing infrastructure is hampered at times by government policy: naturally governments make judgements, sometimes for projects, sometimes against. Where government policy and decision making (at all levels) is poor, this should be the target of reformers.

However, the above statements do not go to the nub of the infrastructure and planning question<sup>62</sup>. Here therefore some appropriate ways forward are presented, if the government wishes to make

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<sup>62</sup> It may be noted that there is work by specialists on the linking of infrastructure and planning. Publications by Marshall, Morphet and Neuman give some ways into this understanding. The Neuman and Smith article provides a particularly valuable starting point, on the way in which infrastructure and planning have been powerful partners in the past in the United States, and should become so again. These publications take an international perspective, which is highly appropriate given the global nature of many infrastructure sectors and the great scope for learning best practice in this field.

Morphet, J 2016 *Infrastructure Delivery Planning*, Bristol: Policy Press.  
Marshall, T. 2012 *Planning Major Infrastructure: A Critical Analysis*, Abingdon: Routledge. Marshall, T. 2014, Infrastructure futures and spatial planning; Lessons from France, the Netherlands, Spain and the UK, *Progress in Planning*, 89, April 2014, 1-38. Marshall, T. 2016, Cities, infrastructure and planning: levers to steer transitions, in O Nello and R Mele eds, *Cities in the 21<sup>st</sup> Century*, Abingdon: Routledge, pp 181-189. Neuman, M. 2006 Infiltrating Infrastructures *Journal of Urban Technology*, 13,1, 3-31. Neuman, M. 2009 Spatial Planning Leadership by Infrastructure: An American View, *International Planning Studies*, 14, 2, 201-217. Neuman, M. and Smith, S. 2010 Infrastructure and City Planning: Once and Future Partners *Journal of Planning History*, 9, 1, 21-42.

progress with widely shared objectives for the country's future – economic advance, social and geographical equalisation across Britain, and a low carbon transition. Infrastructure is indeed relevant to all three goals, but only if managed in smart ways. Just “pouring concrete”, without thinking about long term effects, is to be avoided, as are purely project based approaches, which work by scattergun project planning or by putting infrastructure elements into endless local “deals” with short time scales<sup>63</sup>. Both approaches waste money and effort.

## **WAYS TO MAKE BETTER PROGRESS IN PLANNING AND INFRASTRUCTURE**

- **Strengthen local and strategic planning**  
Further drastic reforms on the lines of zoning systems will be strongly counter-productive and will neuter the Treasury's efforts to fund early infrastructure provision. On the contrary, dramatic strengthening of the Local Plans system would enable fulfilment of this aim, backed by resolving funding chaos. Effective strategic planning will be essential to help infrastructure investment prioritisation.
  
- **Work within a long-term strategy**  
For sectors of economic infrastructure, the National Infrastructure Commission has laid out the shape of such a strategy in its July 2018 Assessment. A strategy based on the Assessment is overdue. Equally, well prepared strategies are needed for regions and sub-regions. The August White Paper does precisely nothing to address this gaping hole between some element of national steering and the Local Plans level - which is to be even more stripped of steering capacity. Proper strategic planning needs to be coordinated with the Devolution White Paper plans, to have long term legitimacy. The report of the 2070 Commission provides a coordinated schema for how these national and regional approaches can work, in the short, medium and long term, going beyond the NIA, but including the NIA's main strategic directions<sup>64</sup>. There is therefore no need for government to reinvent infrastructure strategies – much of the national level work has been done and needs actioning.

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<sup>63</sup> For a parallel view on US approaches, see *New York Times* 8/7/2020, Shoshanna Saxe and Kristen MacAskill [nytimes.com/2020/07/08/opinion/us-infrastructure-plan.html?smid=em-share](https://www.nytimes.com/2020/07/08/opinion/us-infrastructure-plan.html?smid=em-share)

<sup>64</sup> UK2070 Commission, 2020, *Make No Little Plans – Acting At Scale For A Fairer And Stronger Future*, London: UK2020 Commission, Final Report.

- **Work in a comprehensive way**  
It is not possible to achieve strong and sustainable house building programmes and economic improvement programmes without seeing the future locality patterns together. The government wishes, rightly, to get infrastructure in before new homes. To achieve this, it is necessary to give the legitimacy, control and resources to the master planning bodies with the authority to lead new development areas – the only bodies with these combined characteristics are councils. Attempts to side-step councils, as with the confused Oxford-Cambridge Arc project, have shown that top down intervention of this kind is counter-productive. There is no substitute for genuinely collaborative infrastructure planning, as part and parcel of general planning.
  
- **Assess all infrastructure projects for their contribution to the low carbon trajectory.**  
This is especially essential now, given the continuing absence of national and, in most areas, lower level strategies. If a project does not make a positive contribution, it should be rejected.
  
- **Effective democratic governing structures are key to getting the right infrastructure in the right place at the right time.**  
At present the governing patterns in England are in most areas confusing and incoherent: an ineffective conflicting force field of elected councils on the one hand, and tangled agency strands of LEPs, Sub National Transport Bodies, Combined Authorities on the other. A strongly simplified structure will support better infrastructure planning. Giving the power to city region and county level elected authorities and disposing of most other agencies is the obvious way to cut through the incoherence and make clear to citizens which authority carries elected responsibility in a particular part of the country.

## 10. HOW MUCH LAND VALUE SHOULD BE CAPTURED FOR COLLECTIVE PURPOSES?

Professor Michael Edwards

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The process for negotiating developer contributions to affordable housing and infrastructure is complex, protracted and unclear: as a result, the outcomes can be uncertain, which further diminishes trust in the system and reduces the ability of local planning authorities to plan for and deliver necessary infrastructure. Over 80 per cent of planning authorities agree that planning obligations cause delay. It also further increases planning risk for developers and landowners, thus discouraging development and new entrants. (Introduction to Planning for the Future white paper, 2020, page 13)

Recent decades have brought us to a position where the money valuation of land and buildings is now about 80% of all tangible assets in the UK: totally dominant. The vast majority of that is the value of the housing stock – for which the Office of National Statistics now separates out the value of the buildings (at replacement cost) and the land on which the homes sit which amounted to £4.5 trillion in 2016, double our GDP that year<sup>65</sup>. There is widespread agreement that the UK economy is over-dependent on the maintenance and pursuit of asset values: it is a source of instability and a key mechanism in reproducing and amplifying the inequality of wealth between social classes (and among generations within the property-owning classes). It makes housing absolutely unaffordable to working class people in most regions and relatively hard to afford for many middle-income households<sup>66</sup>.

Land values grow as population expands, as (at least many people's) incomes rise, prompting a desire for more space, as public infrastructure improves and environmental quality goes up. A distinct and special uplift in value can be realised when permission is given for land to be developed<sup>67</sup>.

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<sup>65</sup> ONS 2018 [ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformationfoi/aggregatelandvalues1995to2016](https://ons.gov.uk/aboutus/transparencyandgovernance/freedomofinformationfoi/aggregatelandvalues1995to2016)  
Consulted 6 August 2020

<sup>66</sup> Edwards, M (2015) *Prospects for land, rent and housing in UK cities*, Paper 18, Foresight Future of Cities Project, Government Office for Science, download from [gov.uk/government/collections/future-of-cities#working-papers](https://gov.uk/government/collections/future-of-cities#working-papers)

<sup>67</sup> House of Commons, Housing, Communities and Local Government Committee Land Value Capture *September 2018* HC 766

There are thus multiple arguments for land values or the growth in land values to be captured for the collective benefit of local or national society, whether via Land Value Tax, levies or general taxation or via collective ownership of land. Such arguments come from left and right of the political spectrum. There could and should be a root and branch transformation. The present system is broken<sup>68</sup>.

This is inevitably a class issue. Landed interests, so strong in the UK (especially England), have tended to prevent radical reforms of land ownership and taxation. All we have is some rather weak and cumbersome devices to partially replace state expenditure on infrastructure and social housing as economic orthodoxy has mandated cuts in that sort of public spending. These devices are Community Infrastructure Levy (CIL) and Section 106 agreements<sup>69</sup>.

The government now proposes to replace these two devices with a unified Infrastructure Levy designed both to pay for necessary infrastructure and to maintain some subsidies for “affordable” housing, but to do so at a fixed rate. Their bright idea is to make this an explicit tax by charging a fixed percentage of the market value of the development on completion. For developers and landowners this has the advantage of reduced uncertainty: they would escape the unpredictable costs and delays of negotiating S106 agreements and face a charging regime which could simply be read off a map. They also wouldn’t have to make payments until completion, potentially a significant saving.

From the perspective of citizens and community organisations there are also some gains in this proposal. The entire ‘viability’ apparatus surrounding development applications would end, along with the professional malpractice and ethics issues<sup>70</sup>. We are told that local authorities could

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[publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/766/766.pdf](https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/766/766.pdf) Consulted 6 August 2020

<sup>68</sup> Edwards *ibid.*; Christophers, B. (2019) "The rentierization of the UK Economy" *Environment and Planning A: Economy and Space*; Ryan-Collins, J., T. Lloyd and L. Macfarlane (2017) *Rethinking the Economics of Land and Housing*. London, Zed Press

<sup>69</sup> House of Commons *op cit*; Colenutt, B. (2020) *The Property Lobby: the Hidden Reality behind the Housing Crisis*. Bristol, Policy Press

<sup>70</sup> Colenutt, B., A. Cochrane and M. Field (2015) "The rise and rise of viability assessment" *Town and Country Planning* 64(10): 453-458; George N Turner 2018 Through the Loophole: how affordable housing is being lost to viability claims [theplanner.co.uk/features/through-the-loophole-how-affordable-housing-is-being-lost-to-viability-claims](https://theplanner.co.uk/features/through-the-loophole-how-affordable-housing-is-being-lost-to-viability-claims) Consulted 6 August 2020; Sayce, S., N. Crosby, A. Parsa, R. Harris and P. Garside (2016) Viability and the planning system: the relationship between economic viability testing, land values and

specify the tenure mix they would require in affordable housing. In addition the value gains from permitted development (currently excluded) would be taxed and thus contribute to affordable housing and infrastructure. And of course the non-negotiable character of the whole system would be good news for all of us who struggle to secure good local plan policies only later to find that they have been disregarded or negotiated away by planning authorities in pursuit of other material considerations or less honourable aims.

There are (at least) two massive faults in this scheme, however. It could easily be a vehicle through which output of new affordable housing, and especially council housing at council rents, declines or stops. One early sign of this is that the discounts which developers now have to grant to first-time-buyers under the 'First Homes' scheme will count against the levy. A further sign is that local councils are given discretion on the balance of infrastructure versus affordable housing and the question of whether to ring-fence a housing element is merely posed for consultation. Secondly it is a system which would yield relatively large sums in high-value areas of London and southern England and low amounts in low-value areas (zero in the lowest value areas since a threshold is proposed) while no inter-district or inter-regional pooling is even considered. It thus embeds what has always been a feature of planning gain: that it works to reinforce regional disparities. Richer areas will get more infrastructure and affordable housing than poorer ones, a problem already apparent within Greater London and the opposite of 'levelling up'. It is now clearer than ever that (geographically) there is a rich England and a poor England<sup>71</sup> and it is not the job of government to reinforce that.

There are many lesser snags in this half-baked scheme. One loss would evidently be the CIL schedules which participating councils have had to prepare to identify shortcomings in physical and social infrastructure and which –in the fullness of time- it may be possible to hold them to. Another is the plan to make the new levy payable on completion. This is kind to builders' cash flow though the document promises councils will be able to borrow against the expected receipts. Oddly the

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affordable housing in London, University of Reading  
[centaur.reading.ac.uk/68820](https://centaur.reading.ac.uk/68820)

<sup>71</sup> Carrascal-Incera, A., P. McCann, R. Ortega-Argilés and A. Rodríguez-Pose (2020) UK interregional inequality in a historical and international comparative context *National Institute Economic Review* 253: R4.

government has ignored the cleverest think tank wheeze, due to Young and Ratcliffe<sup>72</sup>. They suggested collecting the charge at the outset but making it a fixed percentage of the developer's estimated Gross Development Value. Then to prevent the developer under-estimating, the council would be able to use its levy receipts to buy as much as it liked of the scheme at that same valuation.

Who benefits? It is widely understood and agreed that charges and levies will ultimately be borne by landowners in lower prices when they sell land. But 'ultimately' is a long way off. There is a lot of land in the pipeline, however, and in the short run (the next few years) the effect of this proposal is likely to be a big surge in market prices for potentially-developable land.

The quest for simplicity and a one-size-fits-all policy runs up against what has been called the 'slowly sedimented arrangement of "contradictory and complex system of dependencies, jurisdictions, and rules" which characterises British property, planning and governance relationships<sup>73</sup>. This phrase comes from a close study of the Old Oak Park Royal development in London where there were simply too many claims on the prospective property values to cover all the infrastructure costs, get even close to affordable housing targets and gratify the incumbent landowners. Each attempt to make a workable scheme led to further increments of density, way beyond what had initially been planned or consulted upon. The city is complex and thus resistant to simple nostrums.

Just imagine if planning were detached from these considerations, with wealth taxed separately and land values socialised. We could have great cities. The substantial proportion of GDP which just gets paid as rent and capital gains to owners of land and property could house us all, adapt our settlements to the imperatives of the climate crisis and pandemic resilience while increasing leisure time. But that's another entirely different story about how capturing land value growth could be an element in the radical re-think the government claims to be seeking.

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<sup>72</sup> Ratcliffe, J. and R. Young (2020) *Planning Affordable Housing, Planning Anew: A collection of essays on reforming the planning system for the 21st century*. Policy Exchange, London, The Policy Exchange: p39

<sup>73</sup> Robinson, J. and K. Attuyer (2020 in press) "Extracting Value, London Style: Revisiting the role of the state in urban development" *International Journal of Urban and Regional Research*

[onlinelibrary.wiley.com/journal/14682427](https://onlinelibrary.wiley.com/journal/14682427) Consulted 1 August 2020. The authors are quoting Christian Schmid here.

# 11. IS THE PLANNING SYSTEM BROKEN?

Professor Malcolm Tait, Dr. Kiera Chapman  
and Dr. Andy Inch

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## WHAT IS PLANNING FOR?

For something to be broken and in need of a ‘radical’ fix it implies we know what it *should* be doing, but in the case of the planning system it is not clear this is true.

As the Town and Country Planning Association have argued<sup>74</sup>, there is currently no substantive statement of purpose underpinning the operation of the planning system in England. The closest is the ‘National Planning Policy Framework’, which suggests a wide range of often competing goals organised around the amorphous, high-level principle of “sustainable development”. This perhaps implies that a key purpose for the system lies in achieving trade-offs between different interested groups. In the absence of any clearly defined purpose, however, it is hard to *measure* the overall efficacy of the current planning system.

There are significant methodological challenges in isolating how planning processes contribute to wider processes of change<sup>75</sup>. The development of the built and natural environment is characterised by very complex patterns of interaction by multiple actors dispersed across space and time (e.g. landowners, investors, developers, politicians, architects, traffic engineers, planners, citizens all play critical roles). This generates what is sometimes described as an attribution problem, due to the difficulty of effectively assigning responsibility for outcomes to any particular cause<sup>76</sup>. These challenges have been exacerbated by deregulation and fragmentation over recent decades. As a result, the planning system we have in England today is probably less directly responsible for built environment outcomes than at any time in its post-war history.

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<sup>74</sup> Town and Country Planning Association (2018) [Planning 2020: Raynsford Review of Planning in England](#)

<sup>75</sup> Ongoing work by the [Royal Town Planning Institute](#) is revisiting this important question

<sup>76</sup> See e.g. Gurrán, N. & Phibbs, P (2013): Evidence-free zone? Examining claims about planning performance and reform in New South Wales, *Australian Planner* 51(3), 232-242; Carmona, M., and L. Sieh. 2008. “Performance Measurement in Planning: Towards a Holistic View.” *Environment and Planning C-Government and Policy* 26 (2): 428-454

## ATTRIBUTION FALLACIES, TARGETS, AND FREE MARKET MYTHS

However, if these methodological challenges have frustrated attempts to generate meaningful measures of the role and therefore value of planning, they have not stopped critics of planning. Indeed, what we might term attribution fallacies are a common feature of the evidence produced by think tanks who are prepared to lay significant blame at the door of the planning system for failings in our built environment without acknowledging the wider range of factors at play. This is evident, for example, in the use of highly aggregated, comparative data that purports to show how the English planning system constrains the production of new housing more than other national planning regimes<sup>77</sup> – the idea that planning systems alone are responsible for such effects is highly misleading and bears little scrutiny. In fact, existing development processes in England are considerably more market-led than they are plan-led - something that must be taken into account in assessing often poor development outcomes. The assumption in the Planning White Paper that the planning system is a major barrier to SME housebuilders is also a good example of this. Unevidenced, it entirely ignores how consolidation of the market, shaped by access to land, has led to the current dominance of the ‘volume’ housebuilders.

Academic exponents of free-market approaches to urban development meanwhile have frequently presented crude quantitative data on the *costs* of planning regulation whilst systematically failing to even acknowledge that planning processes may also bring *benefits* to society by, for example, preventing poor quality development, including by ensuring minimum space standards, access to amenities and services<sup>78</sup>.

For their part, faced with the difficulty of measuring the performance of planning, governments have tended to fall back on simplistic indicators of procedural efficiency – such as the speed of decision-making- rather than attempting any substantive evaluation of outcomes. Despite this much of the data that is available suggests the accusation that the planning system in England acts as a major barrier to development is overstated. Despite significant resource constraints, planners have become

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<sup>77</sup> Breach, A (2020) [Planning for the Future: How flexible zoning will end the housing crisis](#), Centre for Cities.

<sup>78</sup> See e.g. Adams, D and Watkins, C. (2014) [The Value of Planning](#), London, RTPI

significantly ‘faster’ over recent years and have been increasingly willing to say ‘yes’ to development. In 2001, just 20% of local planning authorities met targets for decision-making, by 2020 the comparable figure was 88%. Around 9 out of every ten planning applications are approved and the system has approved more than 1 million more houses than developers have built since 2010<sup>79</sup>. Whilst there is some legitimate debate about the land supply required to ensure any given level of house building, the idea that the planning system is significantly constraining supply is incorrect.

Still, any attempt to defend the existing system in these terms risks missing the point in other ways. In many respects the planning system we have in England today *is* broken. Successive waves of reform and reorganising, coupled with austerity, have created a system that does little more than police the worst excesses of a market-led development process. Too much focus on planning as an administrative process for licensing housing development, evacuates consideration of the outcomes of development processes and the wider strategic goals that proactive planning could achieve. As planning has sought to prove that it can ‘deliver’ permissions it has become increasingly narrowly defined as an esoteric form of project management – leaving the terrain of debate about the nature and quality of development and place to others. As a result, planning too often exists as a sticking plaster at the moment. And too often this fails to produce what society needs, whilst increasingly riding roughshod over local democratic control in order to ensure the ‘delivery’ of development.

### **DATAFICATION AND DEMOCRACY**

One of the most worrying aspects of the current government proposals lies in its naive attempt to ‘solve’ the problems of the planning system by using a logic of datafication. While the need for a more accessible interface for the public to access planning documents is clear, this represents a much deeper introduction of ‘computational urbanism’ to the planning system. Perhaps more than any other part of the agenda, this reveals a narrow and highly technocratic view of planning. The proposal is to move away from qualitative document-based services to quantitative machine-readable information (White Paper 1.24), in order to allow the entry of ‘PropTech entrepreneurs’ who will build

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<sup>79</sup> LGA (2020) Housing Backlog - more than a million homes with planning permission not yet built: [local.gov.uk/housing-backlog-more-million-homes-planning-permission-not-yet-built](https://www.local.gov.uk/housing-backlog-more-million-homes-planning-permission-not-yet-built)

‘new digital services’ to automate parts of the process (2.39). While the current proposals limit this to ‘routine’ parts of planning, it is unclear how these are defined, and the potential for the extension of technology to other, more contentious areas is clear. The underlying promise of data is a utopian one: that the angst can be taken out of the planning system by reducing it to a neutral, non-value-laden series of decisions to which we can apply a computational logic, automating them. Initially, it might appear that such a depoliticized process would be more efficient and effective, optimising routes to positive development. After all, wouldn’t we all prefer to press a button and have the perfect solution appear, as if by magic?

Unfortunately, such proposals fly in the face of groundbreaking recent work on computational urbanism, which suggests logics of rational calculation and transactional decision-making tend to strip out the complexities of place. They are fundamentally *reductive*, reducing the environment to measurable and quantifiable factors and thus missing many phenomenological elements of the environment that people and communities hold dear.<sup>80</sup> (Additionally, part of the problem is that there isn’t one single standard for places of environmental and cultural value: as we have seen in recent debates over racism and public statuary, different groups within the community can have very different ideas about what is locally important). The modernity of technological delivery should not obscure the fact that their underlying assumptions are as technocratic as those of the 1947 planning system, which Boris Johnson is so keen to present as a ‘relic’: they enshrine an ‘expert’ system that knows better than local individuals and communities what would be best for their area.

Worse, the ‘datafication’ of services tends to carve them up into simplified, easily standardized pieces. When you apply this to planning, you can begin to

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<sup>80</sup> Graham, S. and Marvin, S. (2001) *Splintering Urbanism: Networked Infrastructures, Technological Mobilities and the Urban Condition*. London: Routledge; Kallinikos, J. (2011) *Governing through technology: Information artefacts and social practice*. Basingstoke: Palgrave Macmillan; Kitchin, R., Lauriault, T.P. and McArdle, G. (2016) ‘Smart cities and the politics of urban data’. In: Marvin, S., Luque-Ayala, A. and McFarlane, C. (eds) *Smart Urbanism: Utopian Vision or False Dawn*. London: Routledge, pp. 16-33; Krivý, M. (2018) ‘Towards a critique of cybernetic urbanism: The smart city and the society of control’. *Planning Theory*, 17(1): 8-30; Marvin, S. and Luque-Ayala, A. (2017), ‘Urban Operating Systems: Diagramming the City’. *IJURR*, 41: 84-103. A seminal contribution is made by the forthcoming Luque-Ayala and Marvin *Urban Operating Systems: Producing the Computational City*, MIT Press, 2020, which forms the basis for our argument here.

divorce spatial decision-making from political accountability: government *through* technology quickly becomes government *by* technology. The algorithmic calculations that are foundational to computerised systems reflect only one type of knowledge of place, and only one set of assumptions about its future, but because they remain out of public view, they are extremely difficult for individuals and communities to challenge. Computational logic thus dictates new urban realities, in a way that simply removes other types of solution from discussion.

Any idea that this will reduce the ‘errors and costs’ associated with planning (1.17) is simply naive: most battles over development occur not because of desk-based errors on the part of planners, but because spatial decisions are *inherently and inevitably* controversial, leading to battles between different interest groups over the future of a much-loved place. The only way that computational logic would make decision making ‘faster and more certain’ would be if it removed some of the democratic rights that the current system allows to local communities to object.

The datafication of planning also tends to commodify information about the spatial environment, introducing a logic of privatisation and automation into nuanced spatial decisions. Recent work on the public interest in planning has suggested that privatisation of previously-public sector planning services has already disrupted the connection between planners and communities, and evacuated knowledge of place from decision making. The introduction of computer urbanism, with elements of automation, is likely to intensify this, particularly when it occurs in tandem with a relaxation of permitted development and even automatic rights to develop in certain areas.

### **HOPE: A POSITIVE ALTERNATIVE?**

Finally, the framing of the planning system as an outdated and bureaucratic exercise in anti-market control of the built environment is profoundly unimaginative and uncreative. In promoting an agenda for extracting value from land, it fails to acknowledge the important interventions that a reconfigured planning system could make towards achieving solutions to some of the most complicated, vital, and pressing social, economic, and environmental problems. For example, a reconfigured planning system that works for the majority, not the few could:

- Make significant contributions towards low carbon development. We are building smaller, less energy efficient and more expensive housing than almost any other country in Europe. And we are building them in the wrong places, on the least dense, most car-dependent sites.
- Create ecologically viable places, with a system that is attentive to the enormous difference in wildlife value between sites, offering a greater degree of protection to the most scientifically and environmentally valuable sites.
- Intervene meaningfully in socio-economic inequality, by ensuring that high-quality environments and housing are targeted at the places that need them the most. In tandem with more progressive policies on land use and ownership, this could lead to radical improvements in the living conditions of the poorest in society.
- Allow people to live longer, happier, healthier lives. Age-standardised mortality statistics suggest that life expectancy is falling amongst the poorest in society. Those living in our poorest communities now die nearly 10 years earlier than their wealthier peers<sup>81</sup>. Planning can play a significant role in reducing this gap by producing better quality housing, encouraging high quality job creation, and by destroying barriers to an active and healthy lifestyle.
- Promote mental health. During lockdown, too many people have found themselves confined to inadequate, unhealthy housing conditions by a system that has failed not just to build enough decent housing but to distribute new housing in appropriate locations. The impact on mental health of a lack of access to quality green space has been made clear by the crisis.
- Encourage more healthy and sustainable types of infrastructure. The pandemic has highlighted the ways that we move around cities, showing a real appetite amongst the public for longer-term, far-sighted thinking to support more walking and cycling.

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<sup>81</sup> Bennett, J et al (2020) Contribution of diseases and injuries to widening life expectancy inequalities from 2001-2016: a population based analysis of vital registration data, *The Lancet*  
[thelancet.com/journals/lanpub/article/PIIS2468-2667\(18\)30214-7/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(18)30214-7/fulltext)

- Solve the housing crisis, moving away from the current situation where a distorted land market encourages rampant profit-seeking, and support a wider means of developing housing.
- Ensure that new development is of a high quality, so that the housing that we need can be delivered without detriment to the character of existing places.
- Support small and medium-sized businesses and rejuvenate declining town centres by ensuring that retail development is focused in existing centres, not unsustainable out-of-town sites. Securing development in the right places means taking a bold approach to reimagine and reconfigure local, regional, and national economies, to allow businesses to prosper in “left behind” areas.
- Ensure that the public realm is a safe, inclusive, accessible, and representative space for all members of the community. This includes, but is not limited to, leading discussions on the decolonisation of such spaces, understanding female perspectives on threat and violence in public spaces, and working with those with hidden and visible disabilities to build in enhancements to make all public areas fully usable.
- Encourage people to think in a more visionary and long-term way about their spaces, stimulating debate leading to direct material improvements across the country.

Planning should not be seen as a drag anchor on growth, but as an engine for the creation of visionary new ideas to tackle burning social issues over a long-term time-scale. It offers a way of rethinking places to produce the types of change that we all urgently need. A thoughtless “Build, build, build” agenda will achieve the opposite of this: short-term thinking, poor-quality spaces, unecological and unsustainable building, and the pursuit of profit over health and wellbeing.

## NOTES ON CONTRIBUTORS

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**Dr. Philip Booth** was formerly Reader in Town & Regional Planning at the University of Sheffield. His research has focused on the public control of private development and has had a strong comparative dimension.

**Dr. Quintin Bradley** is senior lecturer in planning and housing at Leeds Beckett University. His research interests include housing development, social and affordable housing supply and management and community engagement in planning, especially neighbourhood planning.

**Professor Sue Brownill** is Professor of Urban Policy and Governance at the School of the Built Environment, Oxford Brookes University. Her research interests focus on the theory and practice of participation in planning, urban regeneration, community-led planning and affordable housing delivery.

**Dr. Kiera Chapman** is a freelance editor and author, who formerly managed the journal *Planning Theory and Practice*. Her research interests include urban visuality, theories of ideology, and planning ethics.

**Dr. Ben Clifford** is Associate Professor in the Bartlett school of Planning, UCL. His research focuses on the relationship between planning, planning reform and the modernisation of the state, and has included work on implementing planning reform, devolution in the UK, local authority house building, outsourcing of planning services and planning deregulation.

**Dr. Bob Colenutt** has a career in planning and regeneration in local government and the community sector and currently teaches in the School for the Built Environment at Oxford Brookes University. His latest book, *The Property Lobby*, examines the close relationship between political parties, housebuilders, landowners and finance groups leading to the disempowerment of

communities and a systematic shortage of social and affordable housing.

**Professor Michael Edwards** is an honorary professor in the economics of planning at the Bartlett School of Planning, UCL where he has taught since 1969. His publications are at [michaeledwards.org.uk](http://michaeledwards.org.uk) and he tweets as [@michaellondonsf](https://twitter.com/michaellondonsf). His 2015 paper on housing, rent and land over the next 45 years, commissioned by the Government Office for Science Foresight project on the future of UK cities is at [bit.ly/1NvjmV7](http://bit.ly/1NvjmV7)

**Dr. Andy Inch** is a senior lecturer in the Department of Urban Studies and Planning at the University of Sheffield. His research interests include the politics of planning reform and community-led planning.

**Professor Tim Marshall** is Emeritus Professor of Planning at Oxford Brookes University. His book on the politics and ideology of planning will be published at the end of 2020. His other current book project is on European city museums and how they can help to link thinking about city pasts and city futures.

**Dr. Edward Shepherd** is Associate Professor of Planning and Development at the Department of Real Estate and Planning at the University of Reading. His research is focused on what theories of ideology can reveal about the ideas and practices of contemporary planning and development. He is also interested in the structures and politics of land markets and the development process.

**Professor Malcolm Tait** is Head of Department and Professor of Planning at the Department of Urban Studies and Planning, University of Sheffield. His research interests centre on professionalism, the public interest, and theories of planning.

**Professor Mark Tewdwr-Jones** is UCL Bartlett Professor of Cities and Regions at the Centre for Advanced Spatial Analysis, University College London. Mark is a recognised authority and has written extensively on place innovation, urban

planning, urban and regional history, digital place connectivity, the politics and governance of the city, public engagement, and the use of land.

**Professor Geoff Vigar** is Professor of Urban Planning at Newcastle University. His most recent research focuses on planning practice and the day-to-day lived realities of planning professionals.

**Dr. Alexander Wilson** is a research associate sitting between the School of Architecture, Planning & Landscape and Open Lab, Newcastle University, with research interests at the intersection of town planning, digital technology, design, and human–computer interaction, with a focus on alternative and enhanced tools and methods for participation in planning.