



# Planning for people

## priorities for planning reform

September 2010

1. The Coalition Government is committed to “*radically reform the planning system to give neighbourhoods far more ability to determine the shape of the places in which their inhabitants live*”. As the new national charity for the civic movement, Civic Voice is excited by the prospect of reforming the planning system to help people shape their surroundings more effectively. We work to make the places where everyone lives more attractive, enjoyable and distinctive and to promote civic pride and we know how important effective planning is to these goals. Given this role it is no surprise that civic volunteers are the most numerous participants in the planning system and this note is informed by their practical experience and local outlook.

2. Civic Voice believes the planning system has untapped potential to engage people in becoming more actively involved in their community as well as managing land use change and development for the widest public good. It combines vision with necessary regulation and already has a critical part to play in protecting and improving the quality of our cities, towns and villages. We believe this needs to be strengthened and supported through improved opportunities for public engagement, selective extension of planning controls (not deregulation) and stronger safeguards against abuse. This needs to be further supported by action to remove the mystique, jargon and complexity of planning vocabulary and processes which act as a deterrent to community engagement. The value of effective planning in the public interest also needs strong defence against vested interests who seek to weaken safeguards or promote exceptions to bypass the system.

3. Working with the civic movement Civic Voice has identified four important areas for reform which will strengthen the role of local communities in shaping the place where they live:

- Reform of development plans so they are based on a truly grassroots, collaborative and neighbourhood based approach
- Introduction of a community right of appeal against the grant of development in conflict with the agreed development plan
- Stronger enforcement based on the principle that action will be taken against breaches of planning control
- New powers for communities to protect local shops and services from being lost by changing the use of buildings without requiring a planning application.

4. Crucially, we believe this needs to be underpinned by a commitment to demystifying the planning system so it works for the benefit of communities and is made as accessible as possible. The language of planning is too often jargon-ridden and exclusive and we encourage any legislation to be drafted in collaboration with a community sounding board to test understanding. It should also be accompanied by a crystal mark which guarantees clarity in its wording.

### **Collaborative planning**

5. We applaud the Coalition Government's commitment to radical reforms of the development plan system *"giving local people the power to engage in genuine local planning through collaborative democracy – designing a local plan from the "bottom up", starting with the aspirations of neighbourhoods"*.

6. There are a variety of existing tools and techniques to draw on in devising the new approach – e.g. village appraisals, charettes, parish plans, enquiry by design, characterisation – but no off-the-shelf solutions. We believe the challenge of developing the new approach will be as much about the culture as the process of planning; rewarding skills of collaboration, facilitation, communication and negotiation in professionals alongside their technical knowledge. It will also need to value local community knowledge and address the feelings and emotions people have about the place where they live in a manner hitherto rarely seen. It will require up front deliberative and forward looking rather than consultative and reactive approaches. It also needs to stimulate a long term interest in communities taking more active responsibility for the future of their area. The desire for neighbourhood input will vary and we believe it important that universal efforts are made to encourage participation while recognising that different techniques may be needed and it will take longer to achieve in some areas than others. The distinctive contribution of different neighbourhoods should be brought together within a framework of planning policies for the whole area approved by the local planning authority. This will provide a workable approach while neighbourhood proposals are developed at different speeds in different places.

7. We also believe strongly in the plan-led system, built on much more effective community engagement, rather than development managed by community referenda. While ballots and referenda have their place they are no substitute for effective community engagement. The process of plan preparation for an area informed by collaborative neighbourhood planning can take a more rounded and long term view.

8. We are keen to work with the Coalition Government and other partners in the design and development of the collaborative approach to plan making.

### **Community right of appeal**

9. Civic Voice welcomes the Coalition Government's commitment to the principles set out in the Conservative's *Open Source Planning* that extend the ability of neighbourhoods to shape their area by introducing a right of appeal against the grant of planning permission for development in contravention with the Local Plan. The current position where appeal rights only exist for applicants is perverse and unfair and will become even more so as the measures for collaborative planning produce Local Plans

which truly embody the views of local communities. People will be rapidly disheartened if they see their efforts to shape their neighbourhood being undermined by the grant of consent for development which flouts the approach they have agreed and they have no means of redress.

10. A right of appeal against the grant of permission for development which contravenes the Local Plan would be both straightforward and beneficial:

- ▶ Local planning authorities are already required to identify such applications for the purposes of publicity and notifying the Secretary of State
- ▶ Only a small number of applications would be subject to such appeal rights – comprising just 0.15% of the nearly six million planning applications submitted in the last decade<sup>1</sup>
- ▶ Only those who had made representations on the planning application would be eligible to appeal
- ▶ A major benefit would result from the improved discipline of decision making on planning applications as local planning authorities become as accountable for approvals as they are for refusals – this would improve public confidence in planning regardless of whether a community right of appeal was actually being exercised
- ▶ It would build much greater public confidence in the system knowing that the public interest embodied in the Local Plan and the efforts made by the community in its preparation could not be simply disregarded.

11. We urge the Coalition Government to ignore the siren voices and shroud waving from some quarters about the impact of a community right of appeal. It will neither stifle development nor create uncertainty. The measure would be both proportionate and effective and is a bellwether of the commitment to empowering communities.

### **Stronger enforcement**

12. A chain is only as strong as its weakest link and there are too many instances where the planning system is being bypassed and unauthorised development is proceeding without enforcement action being taken. This not only damages the local environment but also discourages people from getting involved in community activity. Such development ranges from unauthorised variations to planning permissions, unfulfilled planning obligations or development taking place without reference to the local planning authority. There are no effective recourses for the local community. Breaching planning controls is not a criminal offence; local authorities are under no duty to take enforcement action, however serious the breach; and the Ombudsman can only address procedural errors and has limited sanctions.

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<sup>1</sup> 8,663 planning applications were notified to the Secretary of State as departures from the development plan under the provisions of the Town and Country Planning (Development Plans and Consultation) (Departures) Direction 1999 between 30 August 1999 and 19 April 2009. Around 5,938,000 planning applications were received by all local planning authorities over the same period.

13. Civic Voice welcomes recognition of the need for a new “*vigour*” in enforcement action and the benefits of “*giving local authorities new enforcement powers*” recognised in the Conservative’s *Open Source Planning Green Paper*. We believe an effective way of upping the ante on enforcement is through introduction of a duty on local planning authorities to enforce planning controls in their area. This would require local planning authorities to consider all potential breaches of control and determine whether and what action should be taken. This could include retrospective grant of planning permission, revoking consents that have been abused or direct enforcement. We believe this is a practical measure which would confirm the importance attached by the Government to effective enforcement and respond to community concerns without placing undue additional responsibilities on local councils. Enforcing against development in breach of planning controls would also act to discourage breaches of control in the first place and support all those who respect the planning rules.

### **Protecting local shops and services**

14. The importance of a diverse range of local shops and services was identified as one of the most important contributors to what makes places enjoyable and people proud to live there in the results of Civic Voice’s Love Local survey ([www.civicvoice.org.uk/campaigns/love-local](http://www.civicvoice.org.uk/campaigns/love-local)). This also identified the loss of independent shops as one of the main things at risk.

15. Civic Voice believes the planning system should play a more supportive role in protecting essential local shops and services and giving communities more of a say over what happens in their High Streets and street corners. Currently a local butcher or greengrocer can become another multinational coffee shop without the need to apply for planning permission. We support a change to the Use Classes Order which introduces a new category of essential shops – such as bakers, greengrocers and butchers – and services – such as pubs and post offices - or makes them *sui generis* by placing them outside the use classes altogether. This means that express planning consent would be needed to change use.

16. This change would complement the Coalition Government’s commitment to “*introduce new powers to help communities save local facilities and services threatened with closure.*”