9. LOCAL PLANNING IN ENGLAND

INTRODUCTION

In contrast to Dutch planning law, English planning law recognises the dynamic relationship between the development process and the planning process. By emphasising policy and plans rather than plans and regulations, and by deliberately creating the two-stage process whereby discretion is allowed in the interpretation of development plans at the development control stage, it appears to give backing for the informal, flexible, opportunistic, pragmatic process of operational decision making. By not requiring planners to follow the lines set out in the development plan strictly, the stress appears less but that does not mean the English planning system does not have problems.

In fact, judging by the number of enquiries and investigations held in recent years both into plan making (PAG 1965) and development control (Dobry, 1975, House of Commons Expenditure Committee 1977; RTPI 1978), there are great stresses which occur especially over the relevance of plans and the apparently arbitrary nature of control.

Furthermore, there is a continuing concern to ensure that the public is drawn into the processes of plan making and control (Skeffington 1968; DOE 1978). Examination of the case studies in Oxford suggests, however, that some of the criticisms may be ill-founded. Great efforts have been made to make the system work responsively and effectively, especially by involving the public. For example, local plans for East Oxford and Jericho were modified continuously in response to evolving ideas and are considered reasonably successful. The project plans for Blackbird Leys and Cowley Centre were also changed to meet new demands, all of which shows English planning to be attempting to be responsive. Nevertheless, a number of doubts remain about the operation of English planning which will be expressed later on.

Analysis of those case studies where the local authority was more concerned with control than promotion highlights the role of the planner as co-ordinator, gathering views from various parties about the likely impacts from what are private initiatives. The planner appears as if at the centre of a web of consultation and negotiation with the applicant, other departments of the local authority,
government departments, public bodies, amenity groups and local residents.

The English planning system makes operational decisions about the development of land at the moment of deciding a planning application. This is not only so in fact, as it often is in the Netherlands, but also conforms to the law. In so doing, planning procedures coalesce the applicant’s initiative with the policies of the council and other statutory bodies and interested parties. It is also an opportunity for private developers to challenge local authority policy. Finally, the chance to appeal to the Minister against a local authority decision with the possibility that the appeal may be upheld allows a further opportunity for flexible response. The case studies provided an example (Harefields) of an applicant appealing against a local authority decision. In that case, the local authorities’ decision was upheld, although the developer was provided with a loophole to modify the scheme and obtain permission later.

The basic methodology of the system of development control is described in Chapter 2. It shows the planning department operating on two levels: one following a general routine of registering the application, checking previous applications, publicising the application in the newspaper and the neighbourhood, consulting the plan and other bodies listed in a check-list and visiting the site. The other level is provided by the power of discretion which allows the department to exercise judgement over which additional bodies to consult, which neighbours to inform, what factors to take into account on site and what conditions to propose.

The planning control cases showed the planning officer often acting as a mediator between different parties (the Wyndham Flats and Harefield are good examples) but more rarely taking the initiative. There appeared to be only one occasion when the planning department attempted to seize an opportunity to obtain a more comprehensive development (the attempt to co-ordinate the development on either side of Shoe Lane in the North Bailey House study). By contrast, other departments of the local authority, such as those of the City Estates Surveyor and the City Engineer were often found using development proposals for their own purposes. The notion that planners should be concerned to safeguard third parties is seen in the case of their attempt to look after the neighbour of the Wyndham Flats and in the growing consultation with residents around Harefield.

The case studies do show the way the development control system is used for purposes other than the straightforward development of land. The Harefield study provided an example of outline applications being used to search for compromise between council policy and the applicant’s intentions. Sometimes outline applications are used to establish land values, but they are more commonly used to ascertain the local authority attitudes towards both land use and design aspects, as seen at Harefield, the Wyndham Flats and North Bailey House.

An examination of the conditions placed on both outline and detailed applications does suggest that the opportunities provided by a system which seeks to control each application on its own merits are often missed. Applications in the 1950s, when approved, were usually subject to rather general conditions relating to building details. Over the years, conditions appear to have become a little more strict, with an increasing concern for aesthetic quality — colour of bricks,