FINAL VERSION

The Raynsford Review of Planning

Creating a blueprint for a new planning system

Background Paper 2: The rise and fall of town planning

[30 June 2017]

Introduction

Background Paper 1 sets out some of the key failings of the English town planning regime and makes the case for a fundamental reassessment of the system. The Terms of Reference document of the Raynsford Review reflects this ambition, and each of the issues identified within the paper will be supported by a short background paper provided by the review secretariat.

The purpose of Background Paper 2 is to give a high-level scan of the rise and fall of town planning in England during the post-war period. The specific objective of this paper is to explore the core principles upon which the system was founded to assist the review team in their appraisal of the current framework.

The challenge of this assessment becomes apparent when considering the mythology which surrounds the UK planning system. This has caused two problems. The first is short term and relates to the way in which the Government has chosen to apply the evidence of the system's performance in framing the extensive planning reform of recent years, often relying on partial evidence. The conclusion that a particular solution, for example, abolishing regional planning, would improve the system was often not supported by any systematic evidence at all. The second aspect is long term and stems from the entrenched perceptions of planning as Stalinist, centralised, technocratic, out of touch and the 'enemy of enterprise'. While there is some truth to some of these ideas, they often stem from an uncertainty about what planning was meant to be for and its relevance in modern society.

The task of addressing these misconceptions is an important first step in laying the foundations for a new system. For example, if we accept that a free market in the development of housing is an effective basis for future place making, then the role of planning becomes a residual one. This was a core assumption of many of the recent reviews of planning. These assumed that planning control was a problem because intervention in the market was intrinsically anti-competitive rather than there being a specific and balanced evidence base to support this view.

This paper provides a very short history of the development of planning as well as the rationale behind the 1947 planning system and its key principles. It then charts the fate of post-war planning, including the major policy and legal changes that have taken place over the last 50 years. It briefly summarises the major reviews of planning and offers a short assessment of the value of the current system. The paper then concludes by drawing together some key lessons from the reform process.

Future background papers will deal with a full summary of the current system and the implications of issues such as Brexit.

Historical context of the 1947 planning system

The background to the planning system is important because one of the many myths used to justify current reforms is that the 1947 planning framework was a centralised, Stalinist experiment which has no relevance in modern society. This is simply wrong. The 1947 system was an evolution of legislation designed to regulate the built environment, which began with very basic public health legislation in

the 1870s[1]. This resulted in the development of millions of byelaw terraced houses but failed to deal with issues of wider environmental and social infrastructure. Local authorities were responsible for ensuring that each home had basic sanitation and minimum street widths, but everything else was left unregulated. Despite the occasional example of private philanthropy, the majority of housing was of poor quality and lacked any consideration for basic services. The first planning legislation in 1909[2] was the result of concern over basic living standards and the wider campaign for high-quality place making, led by the Garden Cities movement. The DNA of town planning was a complex fusion between these two pragmatic and idealistic forces. This was reflected in the debates surrounding the 1909 act, which sought to promote rational planning and create beauty for everyone. The legislation allowed local authorities to promote town planning schemes to deal with housing needs. However, in common with all the legislation up to 1939, it had two critical flaws:

1. Requirements for planning schemes were voluntary, so many places did not prepare them.

2. Local authorities had no way of effectivity enforcing their plans because there was no need for landowners to apply for planning permission. To prevent development of land, a local authority would have to pay a landowner full compensation. As Winston Churchill pointed out in 1909, local authorities also had no way of recouping any of the increase in land values which resulted from the provision of key infrastructure such as water, transport and energy. This 'unearned increment'[3], as Churchill put it, was seen as a basic inequality between a minority of land owners and the interests of the wider public.

Planning in the inter-war period was marked by some notable successes, particularly the increase in subsidies for public housing and the adoption of demanding housing design requirements (far exceeding today's standards) which were laid down in 1919[4]. Around 1.1 million council houses were built between the wars, while over 300,000 were demolished in slum clearance programmes. In the 1930s alone 2.7 million homes were delivered by the private sector, some of which by public subsidy.[5]At its highest level, in 1936, 250,000 homes were built for owner-occupation, resulting from a combination of cheap credit and low land costs. The majority were built around London but, even there, by 1939 supply had outstripped demand. (In comparison, in 1967, by which time we had had 20 years of comprehensive planning, there were 380,000 completions, of which 181,000 were council houses[6].)

However, the planning system was weak and fragmented and could not deal with the chronically-poor housing conditions[7]; nor could it deal with expansion of private sector housing which, particularly in London, had begun to spread along arterial routes. This development aped the standards of public housing but had little or no wider provision for social infrastructure and was characterised as 'uncoordinated urban sprawl'. Efforts to control this began with the Ribbon Development Act of 1935 and would culminate in the designation of London's green belt in 1955.

Concern regarding uncoordinated growth in the South East was compounded by the rapid and disproportionate decline of Northern industrial areas during the early 1930s. The Special Areas Act

[1] *Public Health Act (1875).*
[2] *Housing and Town Planning Act (1909).*
[3] Attributed to a speech given by Winston Churchill at the King's Theatre, Edinburgh on 17 July 1909.
[4] The Tudor Walters Report. (1919) *Report of the Committee on Questions of building Construction in connection of the Provision of dwellings for the Working Classes*, Cd9191, London: HMSO.
[5] Lawless, P. Brown, F (1986) *Urban Change and Growth in Britain*. London: Harper and Row.
[6] Ibid.
[7] There was further planning legislation in 1919, 1923 and 1932 but other than London it did not result in many examples of successful and comprehensive planning schemes.

(1934) had begun to recognise the need for wider action to rebalance the economy and deal with widespread industrial dereliction and contamination of vast areas of the industrial North and Midlands. The Government established the Barlow Commission[8] in 1938 which examined the evidence of this decline and argued for a comprehensive, planned response.

Two things are striking about this pre-war record:

1. Left predominantly to the market, the development of the built environment for housing and industry resulted in a range of complex market failures which, by the late 1930s, were having a chronic impact on people's welfare. The most striking example of this is the poor housing conditions seen in the Private Rented Sector which, despite some action, persisted as a chronic problem at the outbreak of the Second World War. This has also led to growing economic inefficiencies (for example, in relation to transport congestion and provision of modern business premises).

2. The case for intervention was not primarily ideological but a pragmatic response to these problems which commanded wide cross-party support.

The post-war planning settlement

The wartime experiences of strategic planning – a need for large-scale reconstruction and wider political imperatives to sustain the morale of what was a 'citizen's' army - each helped realise the 1947 system. This was a special political context in which there was an acknowledgment of the legitimate role of the state in the development of land, a consensus which has not applied for the last 40 years. The wider civil society debate on planning was also vibrant and encouraged by high-profile public campaigns on planning and housing, led by leading wartime figures such as J. B. Priestly and the actor John Mills, and by a dynamic and respected planning movement whose advocacy for a better society was expressed as much through cinema[9] as through technical reports.

The technical case for planning was nonetheless impressive. The publication of the Barlow Report (and the two minority reports) in 1940, which recommended a national plan, was further supplemented by the Scott Report[10] on land utilisation and the Uthwatt Report[11] on compensation and betterment. Lord Reith was commissioned to examine the implementation of new towns[12]. The chairs of each of these committees were in every sense conservative and produced practical assessments of the economic and legal challenges of effective planning. While Barlow was commissioned by the pre-war Conservative administration, both Scott and Uthwatt were initiated by the wartime coalition Government led by Churchill and informed by the 1944 white paper 'The Control of Land Use', which set an ambitious agenda for effective planning.

The case for effective planning was not just limited to technical planning reports; it was a mainstream part of the wider construction of the welfare state and was featured strongly in the 1942 Beveridge Report. It is worth reflecting on why the public remain committed to the NHS while there is little or no public awareness of the value of planning.

The Beveridge Report[13] reflected the wider consensus as to the case for planning based on welfare economics. Land is a special kind of commodity; it is finite, fixed in space and of diverse character. Land is also a primary factor in production, upon which diverse activities from housing to food generation rests.

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[8] *Report of the Royal Commission on the Distribution of the Industrial Population.* (1940) Cmd 6153. London: HMSO.

[9] See, for example, Paul Rotha's feature length film '*Land of Promise'* 1946

[10] *Report of the Committee on Land Utilisation in Rural Areas.* (1942) (The Scott Report) Cmd 6378, London: HMSO.

[11] *The Final report of the Expert Committee on Compensation and Betterment*. (1941) (The Uthwatt Report) Cmd 6368, London: HMSO.

[12] The New Towns Committee Final Report. (1946) (The Reith Report) Cmd 6876, London: HMSO.

[13] Social Insurance and Allied Services. (1942) (The Beveridge Report) London: HMSO.

The outcomes of the development of land produced complex externalities, including potentially severe impacts on the welfare of people. These externalities cannot be completely internalised by the market and, in relation to land, lead to the inefficient allocation of resources. In 1939, these externalities were all too visible, from vast industrial dereliction[14] to slum housing and poor infrastructure. In economic terms, land, and some of its major outputs such as healthy environments, had significant public-good characteristics, and it followed that the state should have a significant role in the control and development of land.

The clarity and quality of the reports upon which the 1947 system was based are still striking. Uthwatt, for example, focused primarily on the question of betterment. In short, if the state had nationalised the right to develop land then it follows that the increase in value created by the grant of permission should accrue to the state. The report recommended a comprehensive land-taxation system, which is described below.

The core principles of the 1947 planning system

The '1947 planning system' is shorthand for a range of measures which, taken together, form the basis for land management in the post-war era. As well as the designation of national parks[15], the system was framed with both positive, large-scale place making powers, embodied in the New Towns Act (1946), and powers for more local control and positive planning in the Town and Country Planning Act (1947). Both measures were intended to be delivered as a package, but there was an implicit understanding that the 1946 Act was designed to deal with major population changes such as decentralisation of population in the South East and industrial renewal in the North. There were also powers for the restriction and positive promotion of industrial development through the *Distribution of Industry Act*.[16] Complex though this now seems, it created a system capable of fulfilling the social, environmental and economic objectives of reconstruction and long-term land management. Even though the record of delivery was soon to be challenged there is a logic and clarity to the structure of the system which has never been matched. There were seven foundational elements to the 1947 system:

1. **Comprehensive control of land use**. All land was to be subject to control, but from the beginning there were exceptions on agriculture and forestry, which were tightly controlled through other policies. Certain classes of minor household building were also to be permitted and would not require planning permission.

2. **Nationalisation of development rights**. Landowners lost the right to develop their land. They could enjoy the existing use, and those whose land was about to be developed could apply for one-off compensation. To develop land for a new use, you had to apply for planning permission. To offset the loss of these rights, an appeal system was established which gave applicants - but not the community - a right to have refusal tested by the Planning Inspectorate.

3. **Comprehensive land taxation**. The 1947 system taxed the increase in land values which accrued at the grant of planning permission at 100%. The money was to accrue to the Central Land Board to then be used for housing and infrastructure development.

4. **Locally accountable**. Despite a debate at the time as to whether to give power to the Central Land Board, the functions of local plan making and development control were given to local Government. This forever welded the fate of planning to the wider fate of local Government powers, finances and boundary reforms. **Significantly, the 1947 system gave planning to county councils and county boroughs. This reduced the number of planning authorities set up under pre-war legislation by 90%, to around 145 (less than half the number we have now).** Citizens were also given implicit rights to object to plans and planning applications, and in practice had the right to appear before planning inspectors at the examination of local plans.

[14] The scale of this problem in areas such as the North East and West Midlands was breathtaking.
[15] National parks and *Access to the Countryside Act (1949).*
[16] Distribution of Industry Act 1945.

5. **Discretionary decision-making**. Unlike the majority of international planning systems, particularly those in the USA, the 1947 system was discretionary rather than zonal. The plan was the basis for decision-making but it did not determine the final outcomes. Planners and politicians used their discretion to balance the provisions of the plan with other material considerations to reach a decision. The US style 'zonal plan' has less discretion. Development that meets the requirements of zonal ordinances will be permitted and those that do not will be refused. Both systems have significant draw backs, but the 1947 system was designed to be more flexible and allow for the professional judgement of planners and the political input of politicians. Arguments about the status of the 'plan-led' system stem from the decision to adopt a discretionary system. It is significant that recent reforms have tried to introduce zonal planning measures into an essentially discretionary system.

6. **Central supervision**. The act was accompanied by a new Government department in which a Secretary of State had extensive reserve powers over the planning system. In the case of new towns these powers were clear, but for the other areas of town planning they created an ongoing and uncomfortable relationship on how much central Government should intervene over policy and practice.

7. The system assumed the use of new town development corporations for large-scale growth to deal with major demographic change by using the powers of the New Towns Act (1946).

It is also worth noting that all of this legislation assumed a wider acceptance of the social objectives of planning, which were extensively articulated by ministers who thought that legislation was justified but did not find expression in the legislation itself.

Did the system work?

One of the striking aspects of the English planning regime has been the near-constant level of change which the system has been subject to. The 1947 system was operational for six years before major reform in 1954[17] removed the 'betterment' provisions by abolishing the development charge. New towns legislation fared somewhat better, but major legal changes to the compensation code in 1959 made it much harder for both local authorities and development corporations to purchase land at its current use value. By the end of the 1950s, betterment values, which were the property of the state, had been effectively given back to landowners while the control of land remained in place. This was to have long-term implications for land speculation and the ability of the public sector to lead development in the same way as many other European municipalities. None of these changes were based on evidential review of the system but instead on very powerful lobbying by those representing the interests of land owners and by the unreasonableness of a land tax set at 100%[18].

In the two decades after the regime came into force there was outstanding success on housing and place making, on conservation and the environment, and on the growth of knowledge and expertise in planning. The 1947 planning system oversaw the greatest level of house building in the history of the nation and, while there were other powerful reasons for this success, the 1947 settlement facilitated this growth with an unprecedented concern for coordination and design, including the provision of 32 new, large-scale communities. There were also key problems:

- There was a lack of strategic planning in England. Despite the powers for voluntary joint-planning committees, cooperation between Local Planning Authorities (LPAs) was rare.
- The rate of plan formulation was patchy and very slow.
- Plans were not kept up to date and were of variable quality and content.
- At the national departmental level, there was a lack of coordination between town planning and other ministries such as transport and economy.

[17] The *Town and Country Planning Act (1954).*

[18] The Uthwatt Report had recommended 75%.

- By the early 1960s there was a growing concern that there was a disconnect between planning and people.

Box 1 Green belt

The concept of a 'green belt' has a long, utopian tradition[19] which was eventually introduced as a policy tool in 1955 through Ministerial Circular 42/55. The TCPA had been the major advocate of the policy, although this was based on the assumption of an active programme of new towns and town expansion beyond the green belt. For the public, green belt designations have since become the ultimate expression of the planning system. However, modern designations have five significantly different purposes and are now subject to a historic deregulation in the 2017 housing white paper[20]. The gap between the public perception of a green belt as 'fixed for all time' and the reality of current practises is a real source of tension in the system. Urban containment has been one of the greatest successes of the system but, once disconnected from a comprehensive programme of new communities, the metropolitan green belt has become marooned and subject to increasing criticisms both for its lack of public access and as a barrier to meeting housing needs.

Previous reviews of the Planning system

By the early 1960s concerns began to be focused on the slow delivery of development plans and the wider issues of public participation. These concerns sparked the first major review of the system, which began in earnest with the 1965 Planning Advisory Group (PAG)[21]. The PAG focused primarily on the effectiveness of development plans and led to the reforms of 1968 – subsequently framing the structure plan and local plan system – which lasted until 2004. **One legacy of this period was fragmentation of planning responsibilities between different local authorities.** The 1968 reforms assumed the introduction of a unitary local government, with both structure and local plans being carried by the same body. The 1972 Local Government Act created the dual system of unitary and two-tier counties and districts, and split planning functions between them, giving structure plans to county councils and development management and local plans to district councils[22]. This broke the institutional logic and simplicity of the 1947 system, a situation which has never been resolved.

The first major review of development management was published by George Dobry[23] in 1975. It is significant that both reports essentially took the core objectives of planning as 'read and proceeded' to propose procedural changes to the system.

There are some striking, common features of these past reviews:

- they focused on key aspects of planning procedure but were not reviews of the system in the round;
- they were concerned primarily with 'speeding up the system';
- they accepted that democratic planning in the public interest was a given and did not examine the outcomes of planning;
- *and* they produced, overall, highly procedural responses to 'fixing' the system.

The 1969 Skeffington Report[24] was an exception to this pattern. Skeffington focused overwhelmingly on public participation in the system, reflecting the growing desire for direct community participation in planning in a context where major decisions on urban renewal were seen to have marginalised the voice

[19] Howard saw the green belt as a vital aspect of Garden Cities although its purpose was more creative than was proposed in 1955. The green belt had featured in Abercrombie's 1943 County of London Plan as an essential part of decentralisation policy.
[20] The TCPA policy statement on green belt sets out these issues in more detail.
[21] The Planning Advisory Group, (1965) *The Future of Development Plans*, London: HMSO
[22] Counties kept development control powers on waste and minerals.
[23] Dobry, G. (1975) *Review of the Development Control System,* DOE
[24] Skeffington, A. (1969) Committee om Public Participation in Planning, London: HMSO

of some communities. The report reinforced a culture change in planning practice from a passive view of consultation with communities to a genuine desire to shift power to the community. It is significant that, while there have been repeat reviews on planning procedure, there has never been a repeat of Skeffington. The last Government-sponsored study on people and planning was an attitudinal survey in 1995. Despite significant changes in public attitudes and the nature of society, the Government has not sought to comprehensively understand the key end-users of the planning system: the wider public.

It is significant that much of the analysis and recommendations contained within these reports relates closely to contemporary debates on the system but that, on the whole, there is very low awareness amongst contemporary policymakers on the lessons of these past reforms.

Each of the reviews resulted in legal and policy changes from Government and reflected the increasing concerns surrounding economic decline. However, the literature is clear that the system was dominated as much by legal judgements as it was by policy. The meaning of materiality, the weight of the development plan and the discretion of elected members each produced reams of important case law[25]. This was a perfectly legitimate function of the courts but it led to some unintended consequences which remain unresolved to this day - not least, the power of elected members to act politically in planning decisions.

While there were major changes to planning policy objectives in the 1980s, there were no major Government reviews of the system, although there were radical policy changes (set out below). The Nuffield Report[26] of 1986 was an independent examination of the system which proposed some procedural change. It also noted that there was a wider decline in consensus about the objectives of planning and a fragmentation of public attitudes. The 1989 Carnwath Report[27] was again a focused review of planning enforcement procedure.

The 1990s were marked by a growing concern over probity in decision making following a series of high-profile corruption cases in local Government. The Nolan report[28] of 1997 was commissioned to address these concerns. Although widely taken as restricting the remit of politicians, Nolan explicitly recognised their political function but tried to bound these functions with codes of conduct to limit behaviours which had no legal or ethical connection with the planning decision (such as family loyalties).

During the last 20 years, the review of planning has changed in character in two important ways:

- First, rather than looking at aspects of planning process such as plan-making, the ToR of reviews have focused on the system's ability to achieve one primary outcome and that is the provision of housing units. The Barker reviews[29] of planning (2002-2004) reflects this imperative and were commissioned primarily by HM Treasury.

- Second, these contemporary reviews have had much more limited resources and timescales, and have consequently been able to involve fewer voices from the wider public and planning community.

The tight focus of these reviews reflected a prior conclusion amongst departments such as HMT that planning was intrinsically anti-competitive. As a result, while previous reviews began by accepting that democratic planning in the public interest was designed to modify market behaviours, these reviews did not work from that foundation. If the core 'exam question' of previous reviews had been how the system should operate democratically for a range of users, the new exam question was focused on how the system should work for the promoters of development. There are significant consequences of applying such preconceptions when reviewing the planning system:

[25] McAuslan, P. (1980) *The ideology of Planning Law*. Oxford: Pergamon.
[26] Nuffield Foundation (1986) *Town and Country Planning*. The Nuffield Foundation.
[27] Carnwath, R. (1989) *Enforcing Planning Control*, London: HMSO.
[28] *The Nolan Committee, Standards in public Life*. (1995) London: HMSO.
[29] *The Barker Review of Land Use Planning*. (2006) London: HMSO.

- People's involvement in planning is no longer characterised as due process but as 'delay'. This was a major watchword in the reform of planning, but none of the reviews of the last 20 years have defined what 'delay' means or how it can be distinguished from legitimate community rights.

- In order to cast planning as anti-competitive it is also necessary to have a highly-selective evidence base. So, while there is limited evidence of, for example, the transaction costs of planning, none of the reviews accepted that planning had monetarised financial benefits in delivering wider public goods. At no point was this basic cost-benefit equation ever populated with benefits.

Even with this operational context, significant reviews, such as those led by Kate Barker, have endorsed the need for a spatial planning system which recognises democracy and wider public interest. It is true, however, that they often accepted a dominant role for market values in all aspects of the planning framework.

The latest reviews of planning have tended to accept this position and have returned to a highly-procedural view of the system designed to assist applicants. The Local Plan Expert Group (LPEG) report[30] is an example of this approach in relation to development plans. While many of the LPEG recommendations dealt with the management of the development plan process, it went so far as to suggest the removal of the public right to be heard in the examination of development plans on the grounds that this would speed up the preparation of plans and save costs. It is worth noting that there have also been a series of important parliamentary enquires on planning issues but none of these have examined the system in the round[31].

The exception to this rule is the Royal Commission on Environmental Pollution's 23rd report, 'Environmental Planning', published in 2002[32]. Of all the reviews of planning over the last 30 years, this is the most rigorous and insightful. The recommendations remain useful even if, in retrospect, the reports focus on making a system fit primarily for the environmental challenges facing society limited its scope. The report remains our best template for how a review of planning might best be structured and presented. It is interesting to note that the report summarises the institutional structures of planning as they were in 2002 and how **significantly more complex** this picture now is after the impact of planning reform and the devolution agenda.

Key post-war changes to planning legislation and policy.
The following list records some of the key milestone in the reform of planning from the mid-1960s onwards.

- 1967 — The Land Commission Act reintroduces betterment taxation but at a lower rate.

- 1968 — The Town and Country Planning Act introduces structure plans and local plans, reshaping the 1947 development plan framework.

- 1964-70 — The establishment of a voluntary regional planning cooperation, most notably through bodies such as SERPLAN.

- 1969 — The Skeffington Report on public participation reflects the need for genuine community participation in decision making and is marked by the foundation of a series of initiatives such as Planning Aid and tools such as Planning for People to directly empower citizens in the planning process. This period also saw the formalisation of the 'right to be heard' and the beginning of a campaign for third-party rights or appeals in planning.

[30] *The Local Plans Expert Group: report to the Secretary of State*. 2016.
[31] For example, the DCLG select committee inquiries into the NPPF in 2012 and in 2016.
[32] The Royal Commission on Environmental Pollution, 23rd Report, (2020) 'Environmental Planning' London: HMSO.

- 1970 — The final designation of a new town, in Central Lancashire.

- 1972 — The Local Government Act splits the responsibilities for planning between counties and districts and updates the powers to secure panning gain contributions, which begin to be widely used to try and recoup betterment.

- 1972 — The 'Development and Compensation' white paper signals the end of 'betterment' taxation.

- 1975 — The land white paper marks the reintroduction of comprehensive betterment taxation through the Community Land Tax Act (1976).

- 1977 — The 'Policy for the Inner Cities' white paper marks the end of consideration for investment in new towns, with a new focus on city regeneration.

- 1980 — Community Land Tax is abolished.

- 1981 — The New Towns Act consolidates legislation. HM Treasury forces early repayment of new town development corporation loans and winds up the programme, leaving the new towns without an asset base for renewal or, in some cases, a means to finish the development of the town.

- 1985 — The 'Lifting the Burden' white paper is published, which made the case for the major deregulation of planning and building regulations. In practice this had little impact on the structure of planning but reinforced the presumption in favour of development and, by 1987/8, resulted in record numbers of successful planning appeals.

- 1985 — A new Budget announces the abolition of all development taxation.

- 1986 — Non-statutory regional planning guidance is introduced and 13 RPGs are issued (up until 1996). The guidance is designed to inform structure plans but is of a weak status in decision making and has very limited mention of public engagement.

- 1987 — The implementation of the Environmental Impact Assessment (EIA) directive marks the beginning of a transformative role for EU legal requirements and, more than any other domestic law, reshapes planning practice on key environmental and social issues.

- 1988 — The success rate of planning appeals for housing reaches a record high of 43%, resulting in widespread concern that the system has become 'planning by appeal'[33]. The long-term average was around 33%.

- 1990 — The Town and Country Planning Act consolidates planning legislation and remains the primary legal basis of the planning system. This Act has since been amended multiple times and in complex ways, such as the introduction of neighbourhood planning provisions through the schedules of the 1990 Act to avoid some of the provisions of the 2004 legislation.

- 1991 — The Planning and Compensation Act proposed modest changes to the responsibilities on plan making but, during the passage of the bill, the Government accepted an amendment which reinforced the status of a development plan in decisions and framed the 'plan-led' system, which survived until 2012.

- 1992 — The publishing of Planning Policy Statement 1 (PPS1) introduces sustainable development as the key objective of the planning system.

[33] In 2013 the appeal success rate for major housing touched 59% in one quarter, with little political commentary.

- 1997 — A redraft of PPS1 removes the language of the presumption in favour of development and replaces it with a reinforcement of the presumption in favour of the plan.

- 1998 — The UK signs the Aarhus Convention, creating obligations on access to information, participation and access to justice. Aarhus remains a significant blueprint for citizens' rights in planning decision-making.

- 1999 — The Greater London Authority Act establishes powers for London which shape a unique planning system with a strategic element which survives until the end of regional planning in 2011. How London engages with the rest of the South-East region remains a key issue.

- 2002 — A white paper on the reform of planning follows a number of departmental papers focusing principally on the slow pace of plan coverage and concerns over housing numbers.

- 2004 — The Planning and Compulsory Purchase Act abolishes structure plans and introduces statutory regional plans and local development frameworks. The act retained the split of planning function in two tier areas. The intention was that regional plans would become accountable through regional assemblies, but this part of the package failed. Statutory regional planning had an effective life of five years.

- 2008 — The Planning Act introduces the major infrastructure planning regime and the Infrastructure Commission. The commission was operational for three years before being abolished in 2011. The 2008 regime for major infrastructure is a separate legal framework to town and country planning law.

- 2010 — The publication of 'Open Source Planning' by the Conservative party signals a major shift towards deregulation, abolition of regional plans and the introduction of neighbourhood plans.

- 2010 — There is widespread abolition of bodies supporting the planning endeavour in England, such as the Sustainable Development Commission, the Royal Commission on Environmental Pollution and the National Planning and Housing Advice Unit.

- 2011 — The Localism Act signals the formal abolition of regional plans and reintroduces the local plan format. The act creates neighbourhood plans as a formal part of the development framework. Other secondary legislation temporarily relaxes PD rights on the conversion of rural buildings commercial and office uses to residential use with a 'light-touch' prior approval process.

- 2012 — Planning Policy Statements and all other technical guidance are repealed by the National Planning Policy Framework (NPPF). The framework reintroduces a 'presumption in favour' which is framed in unprecedented language to make the proving of harm that might result from a development much more onerous. The impact of the NPPF will be discussed in more detail in the next paper, but the NPPF uses policy to effectively undermine the statutory obligation for a plan-led system. The NPPF viability test also effectively empowers the developer of land to strike down any policy which compromised their development profit. The role of the public interest in planning is now unclear.

- 2016 — The Housing and Planning Act introduces Permission in Principle, the Brownfield Register and further secondary legislation signalling that the relaxation of PD rights is permanent.

- 2017 — The Neighbourhood Planning Bill strengthens the weight of neighbourhood plans, introduces changes to compulsory purchase and enables locally-led New Town Development Corporations.

- 2017 — The election of metro mayors marks the continued progress of devolution and the creation of combine authorities. Each devolution deal gives bespoke powers to CA and Mayors so that the planning framework in England becomes a mosaic of differing regimes.

- 2017 — The housing white paper introduces a new legal requirement to have a joint, high-level strategic plan based on the limited issues set out in paragraph 156 of the NPPF. There is no requirement for any other form of local plan but it allows discretion to prepare local plans and neighbourhood plans (see separate TCPA briefing for full details).

What does the contemporary system look like?

Background Paper 1 gives a broad indication of the growing concerns over the planning system. The TCPA has produced a number of publications cataloguing the deregulation of the planning system since 2010. These reports conclude that the system is now at a historically low ebb in terms of its reputation, powers and capacity. The TCPA has applied an outcome test to the reforms in terms of place making and empowerment. The Government has applied a different test based largely on the importance of construction for the UK economy and on ensuring that planning provides for an increase in the allocation of housing units. Following the first meeting of the review in May 2017, the secretariat will produce a further background paper on a more detailed 'state of the system'. The necessity of a separate paper is driven by the continuous reform of the system seen since 2010, with multiple legal and policy changes to all aspects of the system.

However, one potentially useful reflection for the review process is to assess the state of the system against the objectives of 1947 planning settlement.

1947	2017
Comprehensive land use control	In theory, the scope of planning remains unchanged despite calls by the 2002 Royal Commission on Environmental Pollution report for the expansion of planning to deal with wider agricultural land use on issues such as climate change. In practice, permitted development has significantly reduced control of land uses in urban and rural areas.
Nationalised development rights	In theory, these remain intact but, in practice, permitted development rights have handed back the full value of development rights to developers (there is no requirement to pay CIL or Section 106 on PD schemes).
Comprehensive land taxation	No mechanism for betterment tax and ad-hoc methods of collecting development values through CIL or 106.
Locally accountable	Planning operates in 340 local planning authorities in England. The system can be charitably described as a 'mosaic' which is shaped by local government structures and, in particular, the split of planning responsibilities between county councils and districts in two tier areas and by devolution. London's planning system is unique, and planning powers are being cast down to combined authorities, but large parts of England will now not be part of combined authorities. In relation to the development plan, the 1,700 parish and neighbourhood forum neighbourhood plans also need to be considered. These are a new form of planning authority with radically different forms of local accountability.
Discretionary decision making	The introduction of 'permission in principle' where plan allocations and Brownfield Register site allocations automatically have permission in principle marks a major new introduction of a form of hybrid zonal-planning into the otherwise discretionary system.

	Since this only applies to housing and does contain a second stage of detail, it's extremely hard to judge the consequences.
Central supervision	There has been a growing tendency for much more national guidance for LPAs. Legislative change has empowered the weight of this guidance in decision-making. This, coupled with increased reserve powers for the Secretary of State to intervene on multiple issues of 'under performance' means that there is now more centralised control of LPA planning function than at any other time in post-war period.
Positive use of NTDC for large scale growth	Ironically, given the description above, the clearly defined central powers on the delivery of new settlements have not been used since 1970.

Conclusions

Any summary of the history of the planning system will miss significant parts of the story and the nuances of how change originally came about. Focusing on the formal reviews and the policy and legal changes to the system tends to underplay other important forces which have shaped planning. The rise and fall of how people regard the professional planner, the rise of community protest, the retrenchment of local Government, and the broader fate of the planning academy and of planning education, both of which face very serious challenges around their survival.

With these other factors in mind, and despite the limitations of this paper, there are some headline lessons which flow out of this historic experience and are insightful in the case for further reform:

- The broader civil society consensus around the need for planning has fragmented, and many people are simply unclear about what the system is for. While the objectives of the 1947 planning system were clear and ambitious, the legislation emphasised process and assumed a political consensus about the purpose of planning. This lack of a consistent and clear statutory purpose has not helped encourage public understanding.

- The case for planning was founded on two primary factors: (1) that land is a public good and that an unregulated market produces poor outcomes for people's personal welfare and the environment and economic efficiency of society and (2) the positive desire to create high-quality place making to promote the health and happiness of society. Neither of these two assumptions have underpinned recent planning reform.

Underneath these broad trends are some perennial issues which reforms have consistently failed to deal with. They are as follows:

- the structure, content and format of the development plan;
- the status of the development plan and the balance between discretion and zonal planning systems;
- the institutional framework for planning and particularly the fragmentation of responsibilities between different parts of local Government;
- the failure to agree on lasting strategic planning and the failure of voluntary approaches;
- the assumption that after 1970 local planning could manage major demographic change without the use of the new towns approach;
- the continuing tension between central direction, local direction and community participation, with LPA planning powers subject to more control by the centre now than at any time since the war. The power of the individual citizen over planning decision-making remains confused;
- the failure to deal with the betterment and land tax question in a way which commands lasting political consensus and the reliance now on ad-hoc, confused and often regressive mechanisms through Section 106 and CIL; and

- the strong tendency for reforms to replace systems before they have any opportunity to bed down. This is a striking and growing reality, with planning reform now being a 'continuous revolution'.

The position the planning system find itself in in 2017 is deeply conflicted. Designed to uphold rational place making within the public interest, the system is now applied principally for the allocation of housing units. It is a paradoxical system where neighbourhood planning empowers communities but national policy restricts community choice, whereby the public interest is conflated with private interest. Near constant reform has left the system much more procedurally and legally complex than it was in 2010 but also much less effective in shaping places. One clear example of the problem is a lack of any consolidating planning legislation, which makes navigating planning statutes a highly complex task[34]. This frenetic pace of reform has failed to leave us with clear planning settlement. Taken together, reform has left a fractured and fragmented system defined by uncertainty and culminating in the end of the requirement for a detailed local plan. If nothing else, this paper demonstrates the need for a considered and evidential review of planning based on its value to public policy in promoting a range of public interest outcomes.

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[34] Planning legislation was consolidated in 1971 and then 1990. Since 1990 the system has undergone complex and extensive amendment and after 2010 this process has intensified. 27 years of extensive amendment would, in normal circumstances, provide a strong justification for a consolidating act