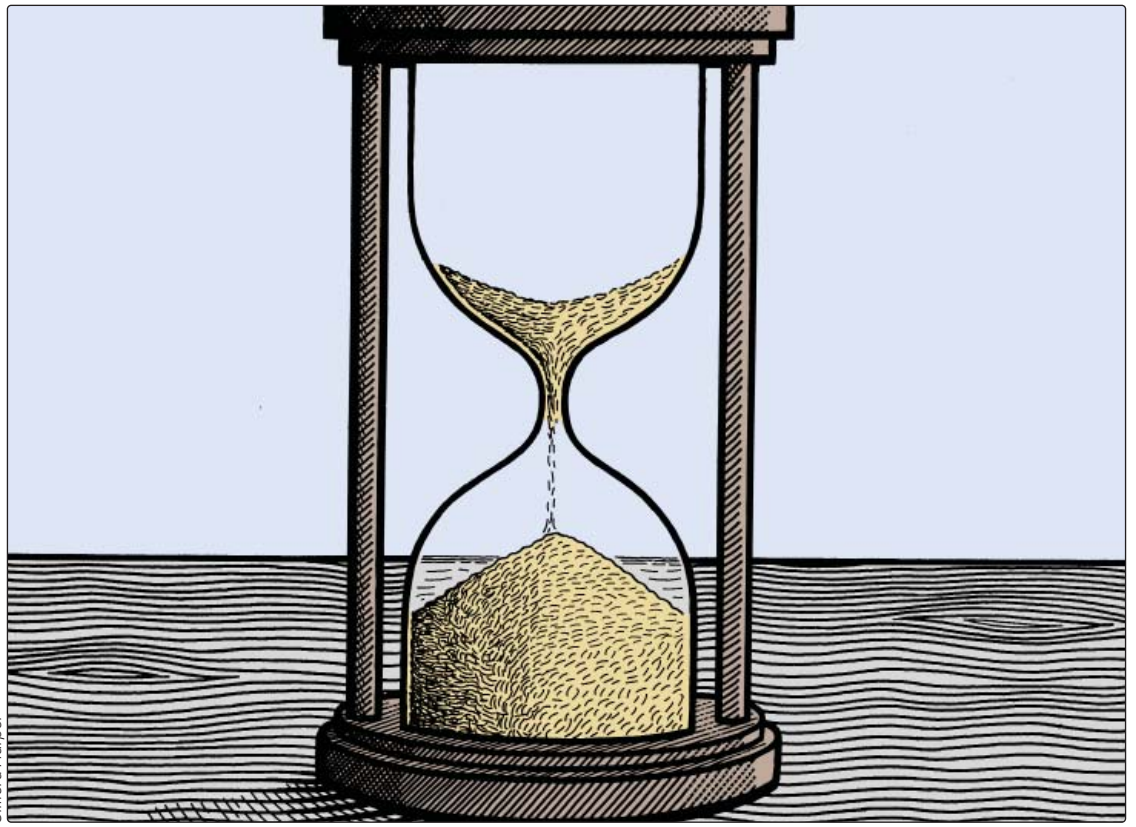
the spirit of '47

The life of the 1947 planning settlement in England is moving quietly to a close, and with it a great pillar of the post-war welfare state is being extinguished, says Hugh Ellis



Clifford Harper

In the midst of all the chaos of planning reform we need to pause and take a breath to mark the end of the 1947 planning settlement. In the next issue of *Town & Country Planning* there will be a more analytical reflection on the values and limitations of the post-war planning system. This short piece is by way of a formal notice of that forthcoming memorial service.

There is no doubt in my mind that the end is now very near. On 1 August of this year the expansion of permitted development rights for Class E land uses will render positive planning in villages, towns and cities in England largely impossible. Local communities will become bystanders in the great debate about the future of our town and city centres. Soon after that, the new Planning Bill will introduce, from what we can currently see, a crude and half-baked zonal planning system which will take forward many of the characteristics of the permitted development regime. So, we can debate whether August of this year or the commencement of the new Planning Act is the date for the formal funeral, but we know the system is finished.

And burying the 1947 planning system is a very important objective – one might almost say an obsession – of the current government and the think-tanks that are used to justify its actions. The 1947 Planning Act was mentioned in the Planning White Paper and again in the justification for the new Planning Bill in the Queen's Speech. The 1947 Planning Act is held up as a great national mistake, the product of a socialist conspiracy to deprive property interests of their entrepreneurial spirit.

These voices are not encumbered by reality or evidence, but are very generously resourced by those with an interest in deregulation. In some ways these voices are simply flies on the corpse of

planning, because the real knife has been wielded under a generational-long cry from HM Treasury: *'Who will rid me of this democratic planning system?*' For the Treasury, planning became an easy target in its anxiety to address national productivity. Again, evidence was less important than the institutionalised mythology that planning was a barrier to development.

While the full detail of the 1947 Planning Act had a short life, the principles that lay behind it had a much longer legacy, and these are the vital organs which will shortly be extinguished. They included local democratic control of the majority of planning decisions and the principle that local discretion was important, so that professional judgement and political accountability were required before consents were given. This was all underpinned by the nationalisation of development rights and the principle that betterment, or at least some part of it, should benefit the community and not simply landowners.

The permitted development regime extinguishes each of these principles in turn. It removes local democratic oversight, local discretion and professional judgement, because you can only think about issues that the Secretary of State tells you can think about in the prior approval process. In most cases this does not, for example, include issues relating to design or climate change. Permitted development gives back the principle of development rights to property interests, freeing them from Section 106 contributions. The Community Infrastructure Levy applies, but, like the proposed national Infrastructure Levy, it replaces a system which can tap varying levels of betterment with a flat-rate levy that yields much less overall value. And, of course, all these features are core to the regime that will be set out in the new Planning Bill.

In shedding a tear for the 1947 planning system we are not foolishly looking backwards to a 'Golden Age'. We are mourning the end of local democracy, the principle of effective and positive planning, and the idea of sharing a fraction of land wealth to secure decent places for people to live in.

I have said before (if to no effect) that the elegance and poetry of the 1947 system is not in the detail of the Act itself but in the way in which the fundamental issues required for an effective democratic system were handled with such intellectual and legal skill. In the more than two years of intense argument over the Raynsford Review of Planning in England we came to realise that the 1947 planning settlement nailed all the key issues necessary for an effective democratic system operating in the public interest. In some cases, its solutions proved unpalatable to many national politicians – particularly the decentralisation of control. It has taken the best part of 70 years for these national politicians to make their local colleagues irrelevant to most planning decisions.

There will no doubt be champagne corks popping in Number 10; but a word of warning. The principles behind the 1947 planning settlement, and particularly the notion of local democratic control, may be inconvenient for some, but they amounted to a powerful social contract which gave legitimacy to the development process. Initially, that contract assumed that the public sector would be the driving force behind development, but the contract survived as that assumption fell away, ensuring public consent for development now driven by private sector interests.

Removing the foundations of this social contract exposes the development process to the public gaze, consequently revealing how deeply incompatible the actions of unregulated private property interests are with the health and wellbeing of future generations. The individual decisions of profit maximisers do not build fair and climate-resilient futures; they build, as they always have, inequality and chaos. It has taken some time, but people are getting angry about losing control of their places, and that anger will increase as the Planning Bill creeps through its parliamentary process.

Let me be as clear as I can be. The government's planning reforms will not work. They will not be accepted by communities and will result in bitter protest and development stasis. And after all of this, we will have to pick up the pieces and recognise that, for all the complexities and mis-steps, the 1947 Act got the settlement pretty much right.

As a final eulogy for 1947 we can do no better than quote Lewis Silkin MP, speaking in January of that year. After a long and technical speech, he allowed himself to capture the spirit of practical hope that wrapped round the drive for democratic planning:

> *'Already the world is looking eagerly to this country to see how we intend to solve the problem of the rebuilding of our blitzed towns and cities and the redevelopment of our dreary, ugly, squalid industrial towns; how we are to decongest the overcrowded large towns, and how we intend to build our new towns; how we are going to reconcile the growth of great new industrial activity with desirable, convenient and attractive conditions of living. I am convinced that we can and that we shall do all these things. When this Bill becomes law, we shall have created an instrument of which we can be justly proud; we shall have begun a new era in the life of this country, an era in which human happiness, beauty, and culture will play a greater part in its social and economic life than they have ever done before.'*[1]

The TCPA will in due course organise a memorial service for the 1947 Act, but instead of flowers we are asking for donations for the cause of democratic, comprehensive and visionary planning.

● ***Hugh Ellis*** *is Policy Director at the TCPA. The views expressed are personal.*

Note

1 House of Commons Debate: Second Reading, Town and Country Planning Bill. *Hansard*, HC Deb., 29 Jan. 1947, c986. https://api.parliament.uk/historic-hansard/commons/1947/jan/29/town-and-country-planning-bill