



A FAIR SAY FOR LOCAL COMMUNITIES

A campaign briefing by the Campaign to Protect Rural England
July 2013

'Local people are increasingly unable to stop the destruction of their towns and countryside. The cards are stacked in favour of powerful developers. We want a democratic planning system that gives communities a much stronger say in the future of their area.'

Why is this an important issue for CPRE?

The planning system at its best enables decisions about the future of areas to be democratic, accountable and made in the long term public interest. It secures public consent on necessary development. It helps deliver outcomes the market alone cannot deliver, such as affordable housing, urban regeneration, open space, biodiversity, open landscapes and community facilities. Planning gains its legitimacy as a decision-making process through being trusted by local communities and voluntary groups who should be involved at all stages in a process which must be transparent, accountable and accessible. Planning is also a key tool for meeting environmental objectives, including by promoting sustainable development. It helps to deliver high quality environments, by ensuring the long term protection and enhancement of our wildlife, landscapes and historic environment in both town and country.

What is the problem?

The coalition agreement produced in May 2010 states that the Government will “radically reform the planning system to give neighbourhoods far more ability to determine the shape of the places in which their inhabitants live”¹. This appeared to demonstrate an understanding and commitment to greater local involvement in planning decisions. In line with this commitment the Localism Act 2011 heralded a welcome shift of power to communities through creating a neighbourhood planning system, and abolishing Regional Strategies, through which top-down housing targets had been imposed on local communities.

Since then, numerous planning reforms proposed by Government have left local communities feeling disempowered and less able to influence decisions affecting their local areas. The overriding view is that recent changes to the planning system have led to less local control and more centralised decision-making.

The National Planning Policy Framework (NPPF) - The Government made a number of improvements on the draft NPPF with the aim of ensuring environmental protection and local democracy in planning. Yet, just over a year since the NPPF came into force, the sort of planning decisions that are being made every day across the country give a disturbing picture. They show that the NPPF is being interpreted in practice primarily as a means to justify releasing more land for development

¹ HM Government (2010) [The Coalition: our programme for government](#)

and more market housing in particular. Development is increasingly being allowed in precious countryside, in the face of opposition from local communities, and with little provision of affordable housing. Localism is being undermined because elected local councils have not had enough time to get local plans in place which are in line with the NPPF. As a result there is a return to planning 'by appeal', with local council decisions being overturned by Planning Inspectors.

CASE STUDY - Stratford-on-Avon

In October 2012 the Secretary of State granted planning permission for up to 800 houses on largely greenfield land on the edge of Stratford-on-Avon, reversing the District Council's decision to refuse. The local MP, Nadhim Zahawi, commented: 'the decision destroys in a single stroke belief in the government's localism agenda'. The decision came despite Eric Pickles noting that 'considerable work has been undertaken on the neighbourhood plan process in Stratford-on-Avon.' The land affected adjoins Shottery Conservation Area including the Grade 1 Listed Anne Hathaway's cottage.

Growth and Infrastructure Act 2013 - This new Act is a disappointingly centralising measure, and undermines the ability of the planning system to act effectively as a tool for democratic decision-making. It includes measures that, in certain circumstances, allow developers to bypass elected local councils on planning decisions for major development and certain business and commercial projects², and to renegotiate section 106 requirements for affordable homes; it restricts communities' ability to protect town and village greens³; and leaves neighbours and parish councils with less of a say on home extensions and other building through a widening of the definition of 'permitted development' - ie. development that does not require express planning consent.⁴

Local Enterprise Partnerships (LEPs) - Following the removal of the regional tier of planning, the Government appears to be promoting informal, business-led, sub-regional planning as a way to fill this strategic vacuum. The approach being adopted appears to be following the line that any economic development is good development, regardless of the environmental consequences. The approach is based on a growing role for LEPs supported by the Government. LEPs are dominated by business interests, are not locally accountable, and have a single issue focus on economic growth. The areas they cover often have little coherence in terms of functional geography and so are difficult for communities to relate to. There is growing concern about their undemocratic influence over planning policy and decisions.⁵

Bullying tactics by developers - Too often at present, controversy over local planning is typified by large, powerful developers railroading unpopular proposals through the planning process. This can often involve using the threat of their right of appeal against refusal of planning permission to wear down local opposition. Undeveloped land can always be subject to a planning application for development, and applicants can keep on submitting variants of the same proposal at intervals indefinitely. As soon as any one application succeeds, there is no provision for development to be stopped provided it complies with relevant conditions. In other words, developers can keep on playing the system, and only have to get lucky once to achieve their goal. In stark contrast, local communities and other 'third parties' to planning applications have no right of appeal against planning approval, even if a development would go against a locally-agreed plan.

² DCLG (June 2013) [Planning performance and the planning guarantee: Government response to consultation](#)

³ DCLG (July 2013) [Consultation on registration of new town or village greens](#)

⁴ CPRE (May 2013) [Growth and Infrastructure Act briefing](#)

⁵ CPRE (Nov 2011) [Local Enterprise Partnerships - Are they serving the local community?](#)

CASE STUDY - Mayfield 'New Market Town' proposal

Mayfield Market Towns is promoting a new town of up to 10,000 houses near Sayers Common in Sussex. Mid Sussex District Council does not support the application and its proposed plan outlines development of 10,600 homes between 2011 and 2031 to be delivered through strategic sites and neighbourhood plans, which do not include the site in question. On 4 March 2013 Mayfield wrote to the Local Authority warning them that the 'writing is on the wall' and suggesting that the local plan will founder because the Council has not demonstrated the Duty to Cooperate. Local MPs Nick Herbert and Nicholas Soames have written to the company stating that it is 'entirely unacceptable' for them to 'pressurise local councils in this way'. The MPs also state that the company is 'setting out to undermine' the process of local plan-making.

How can we fix the problem?

- **Urgent clarification of planning guidance:** Ministers say that the NPPF's twin goals are to protect our countryside and to encourage sustainable development⁶. The evidence shows, however, that the NPPF is currently being interpreted primarily as a means to promote more development regardless of the environmental consequences. Government must address this disconnect urgently by providing new planning guidance.
- **Keep planning powers with locally-elected councils:** Repeal the ill-advised and bureaucratic powers in the Growth and Infrastructure Act to allow developers to bypass certain councils on planning decisions, and instead give democratically-elected councils adequate advice and support to make planning decisions on behalf of local people.
- **Reform LEPs:** Ensure LEPs don't assume planning powers and adopt measures to make them more transparent and accountable.
- **Planning appeals:** End the right of appeal against refusal of 'departure' applications, and create a limited community right of appeal against approval of departure applications⁷.
- **Access to information:** Make key public documents widely available on the internet and in hard copy in libraries and council offices. Set reasonable price limits for hard copies of key documents.

What is CPRE doing and how you can help?

At the national level CPRE seeks to influence planning legislation, policy and guidance to ensure a more democratic and transparent system where decisions are taken at the most appropriate level. Local pressure is also vitally important. If you would like to take action please consider:

- Supporting CPRE's Charter - www.saveourcountryside.org.uk
- Visiting CPRE's Planning Help website for advice and how to engage with the planning system - www.planninghelp.org.uk
- Supporting our efforts to change Government policy by feeding in relevant case studies from your local area to help inform our national campaigning work. Please send them to charter@cpre.org.uk
- Contacting your MP by letter or email to raise concerns

CPRE, July 2013

⁶ Stated in correspondence from Ministers to CPRE on the National Planning Policy Framework

⁷ CPRE (January 2002) [Third Party Rights of Appeal in Planning](#); CPRE (October 1999) [Planning for People](#)