

# Planning: Knowledge is Power



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## What is Planning?

- A catalyst for sustainable land use
- Setting out a long term vision for places and spaces
- Providing a legal and logical basis to manage competing uses for space
- Balancing social, economic and environmental needs
- Managing growth in the public interest
- Giving development legitimacy through public engagement and testing of evidence
- Making change happen on the ground



# The Planning System = A Balancing Act

- The national interest
- Housing
- Meeting today's needs today
- Respecting tradition
- Developing greenfield land
- The public good
- What's best
- Localism
- Habitats
- Needs of future generations
- Embracing innovation
- Re-using brownfield land
- Individual interest
- What's good enough

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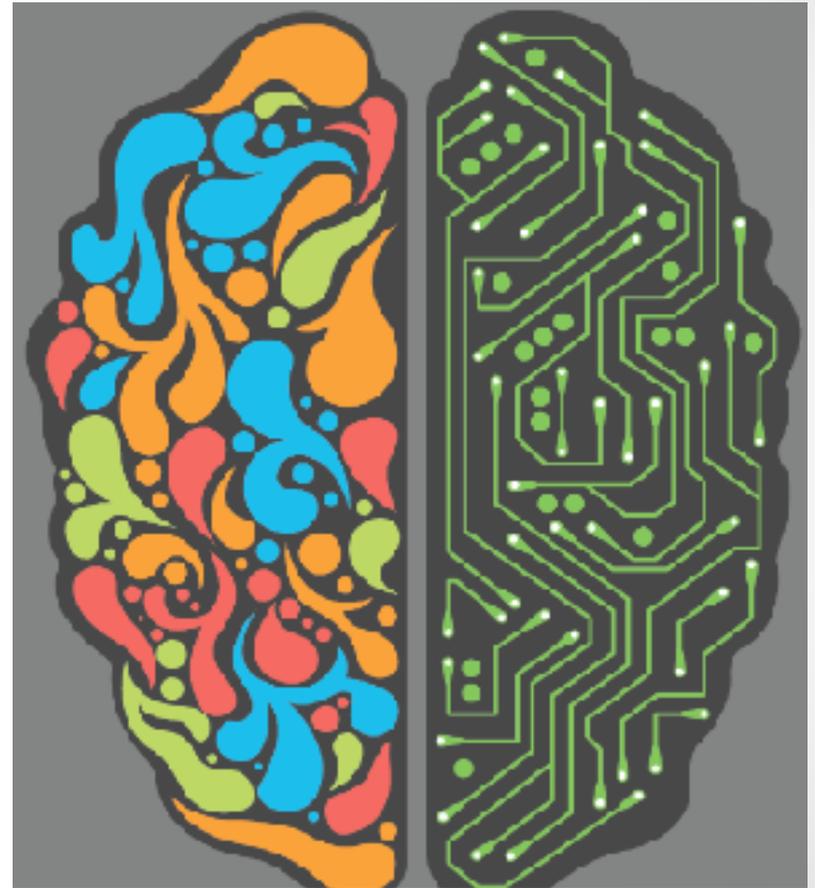
## The Planning System Works Through . . .

- Legislation
- Regulations and orders
- Case Law
- Policy and Guidance
- Applications for Planning Permission
- Appeals and Enforcement
- People!



## Two Sides to Planning in the UK

- Plan Making
  - Forward or strategic planning
- Decision Taking
  - Development management = planning applications/enforcement



# Who Makes the Plans?

## Central Government

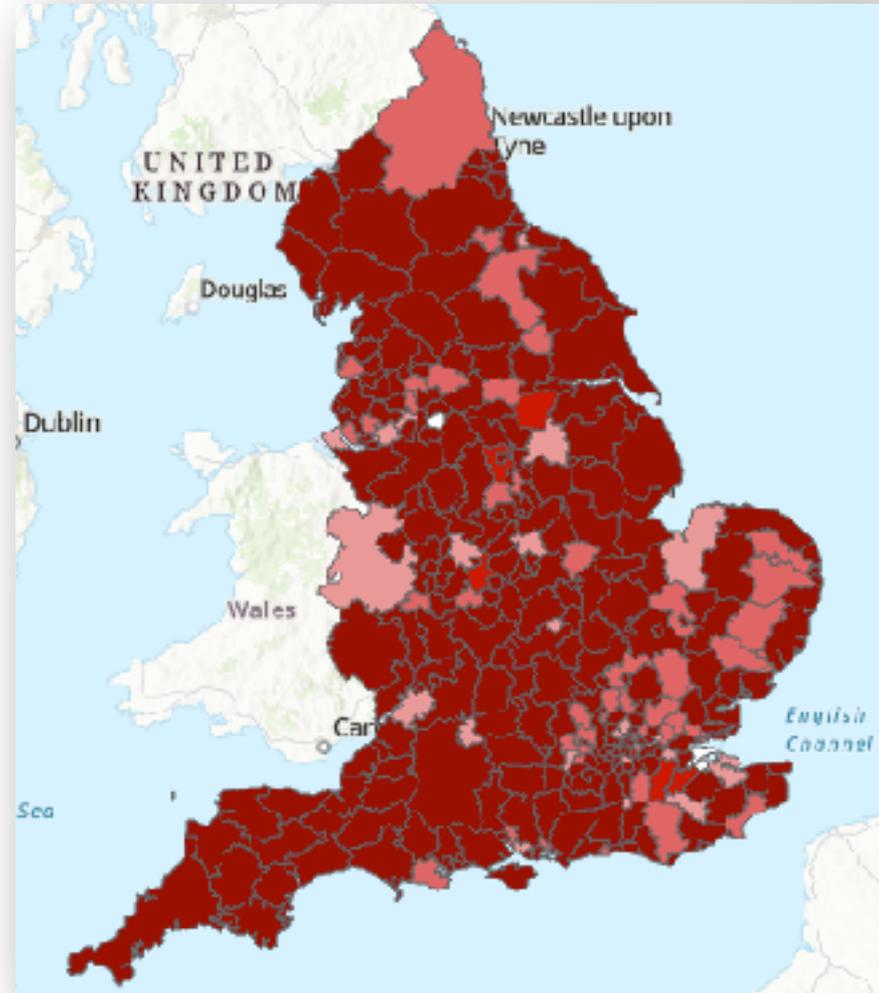
- Town and Country Planning Act 1990
- Localism Act 2011
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- National Policy Statements

## Local Government

- Development Plans (Local Plans)
- Neighbourhood Plans (usually in rural or suburban areas)

## London is a special case!

- London Plan – sits above and in addition to individual London Boroughs' Local Plans

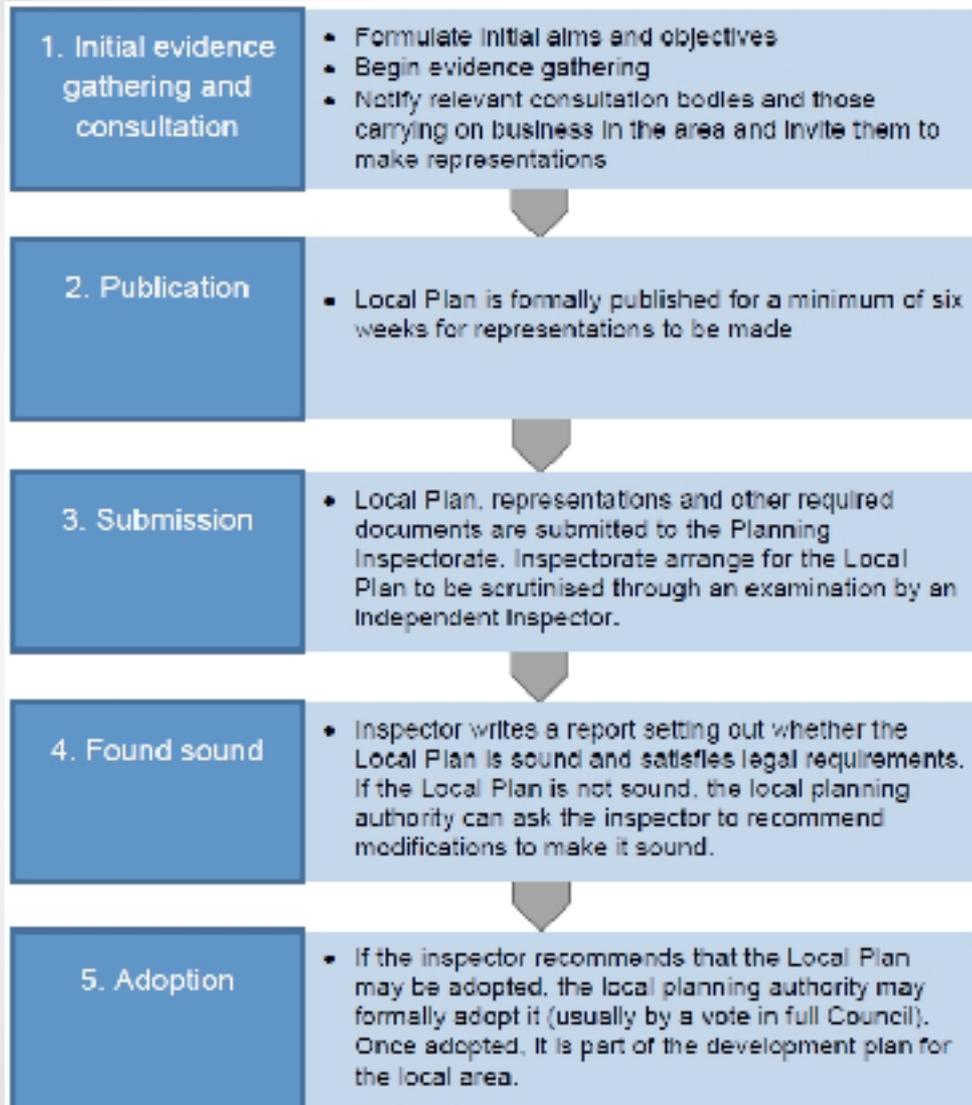


# Who Makes Planning Decisions?

- Local Planning Authorities (LPAs) – delegated to officers or by committee
- Secretary of State for Levelling Up, Housing and Communities (national law, policy, guidance, call-ins)
- Other Secretaries of State, e.g., Transport, BEIS (National Infrastructure Projects)
- Planning Inspectorate (adjudicating on local plans and determining planning appeals)
- Increasingly, the Courts!
- But anyone, anywhere may comment on a planning application – and make one!



# How is a Local Plan Made?

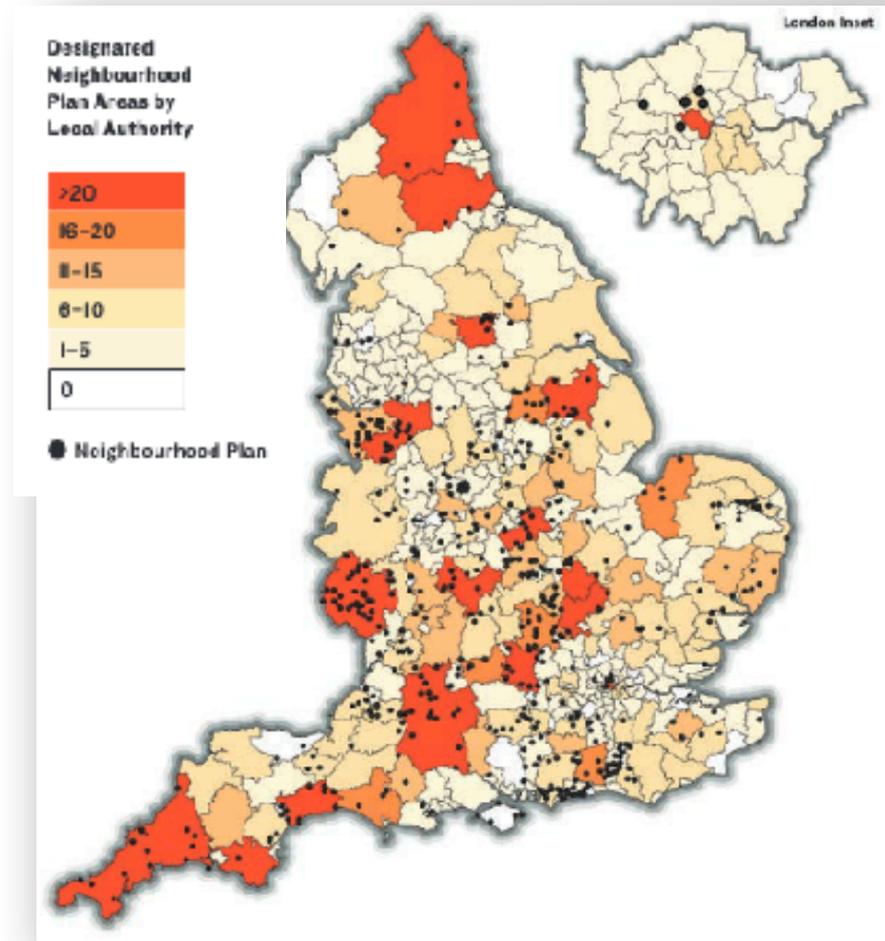


- Your Local Planning Authority is required to post all details about its Local Plan on its website.
- Often, there will be roadshows and other events, so it's important to learn about what's proposed, and feedback at the earliest possible stage.



# Neighbourhood Plans

- Also known as Neighbourhood Development Plans
- Introduced under the Localism Act 2011
- Prepared by a Neighbourhood Forum (most often, an elected Town or Parish Council, funded by Council Tax)
- Most large urban areas don't have these forums (councillors see them as rivals)
- Most Neighbourhood Plans are in rural/suburban areas.
- Leeds is one of a few exceptions: <https://www.leeds.gov.uk/planning/planning-policy/neighbourhood-planning>
- Funding support from Central Government (Dept. for Levelling Up, Housing and Communities)
- Must be approved at local referendum
- Policies can help define or add to development marked in Local Plan for wider area, but can't block it.



## What is Development (in Law)?

- “. . . the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of material change in the use of any buildings or other land.”

[S. 55(1) Town and Country Planning Act 1990]

- **Operational development** = activity resulting in physical alteration to the land: this may include buildings
- **Material change of use** = substantial changes to activities on the location, not necessary the land or buildings
- Here, the developer needs to seek planning permission from the Local Planning Authority (i.e., the council)



## Some Things Aren't Development (in Law)

- Covered under S.55(2) of Town and Country Planning Act 1990
- Includes (for example)
  - Maintenance, improvements, alterations to buildings, highways or infrastructure
  - Within the curtilage of a dwelling
  - Agriculture or forestry
  - Within or between some Use Classes
  - Demolition
- These therefore don't require planning permission, but may still require building regulations approval re quality
- National Parks, Areas of Outstanding Natural Beauty, conservation areas have special, more strict arrangements



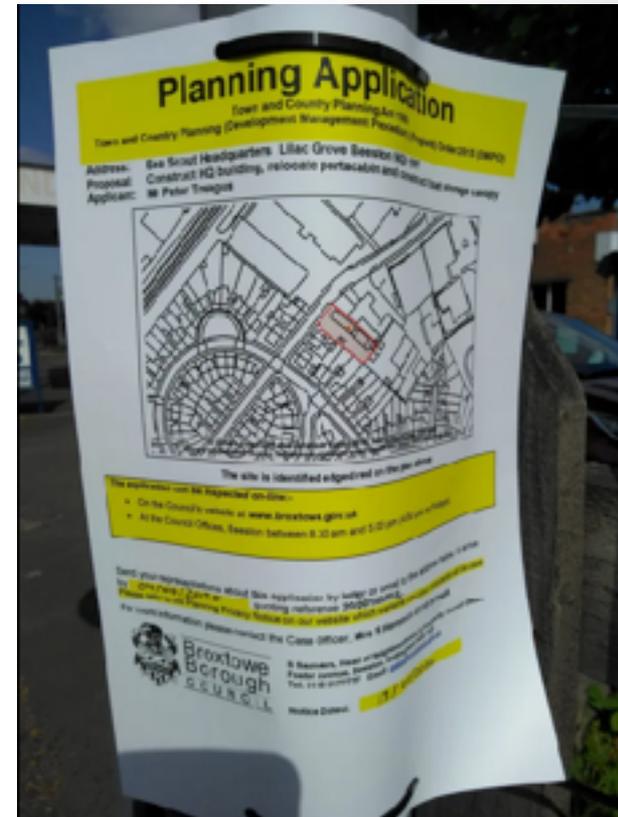
## Stages in a Planning Application

- By law, every Local Planning Authority (i.e., your metropolitan, district, borough or city council) must post all documentation on all planning applications in its area on its website.
- Make sure to monitor the planning pages of its website frequently.
- You have the right to comment on an application during the 8 week period specified in the planning notice.
- Council Planning Committee Agendas, with planning officers' recommended decisions to councils, are published in advance.



# What's Considered – and What Isn't – when Determining a Planning Application?

- **National Planning Policy Framework**  
[www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)
- **The Council's Own Development Plan** (Local Plan, plus Neighbourhood Plan where applicable) – “*unless material considerations indicate otherwise*”
  - What might those considerations be?
- **Other Material Considerations**
  - Wide-ranging: see <https://www.charnwood.gov.uk/pages/material-and-non-material-considerations>
  - . . . and do note what isn't a 'material consideration'!
  - No 'one-size-fits-all'
  - Supplementary Planning Documents: for instance <https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire-east-local-plan/supplementary-plan-documents/supplementary-plan-documents.aspx>
  - Planning Practice Guidance [www.gov.uk/government/collections/planning-practice-guidance](http://www.gov.uk/government/collections/planning-practice-guidance) gives LPAs clear, non-statutory advice
  - Points raised in consultations (if planning-based)



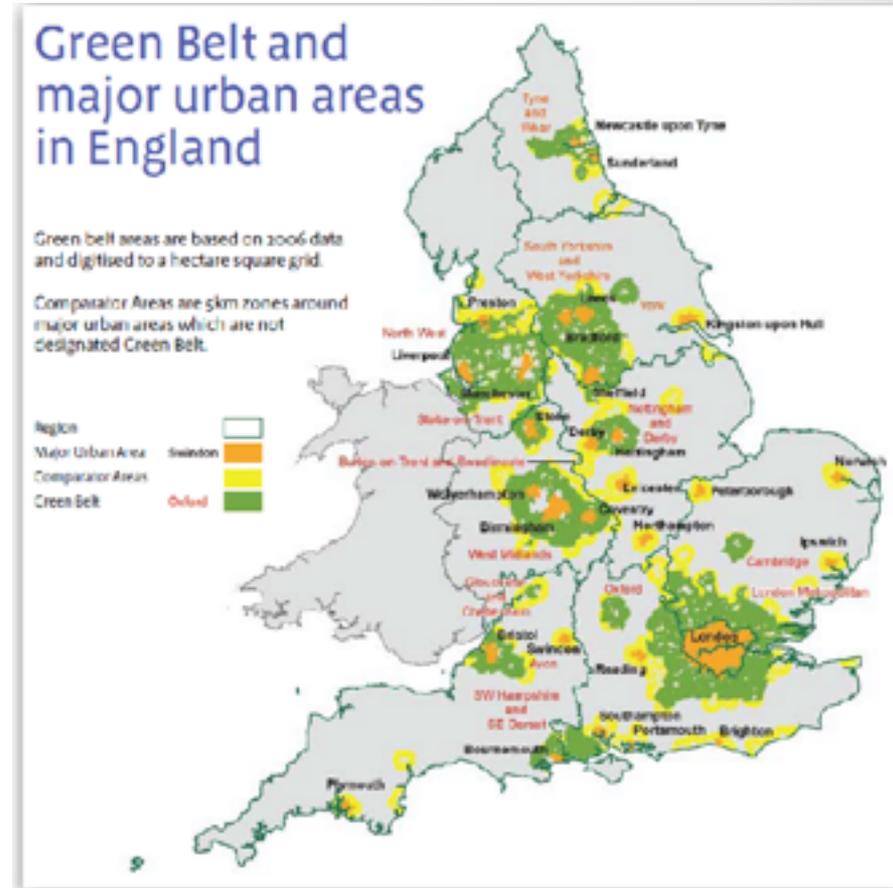
## Planning Appeals

- Only the applicant can appeal a planning decision – or non-decision
- Usually decided by the Planning Inspectorate
- Appeal must be made within 6 months of decision or non-decision
- Three ways of conducting appeals:
  - Written representations
  - Informal hearing
  - Formal Public Inquiry
- Inspectorate may award costs against offending party
- Sometimes, the Secretary of State may call in an appeal for personal decision
- Currently, 30% of appeals succeed overall, though slightly higher % for large developments.



# Green Belts - 1

- The UK's most famous contribution to planning worldwide.
- But often wrongly defined: they're not the same as greenspace or greenfield, and they aren't always green!
  - Greenspace = any land that's now covered with vegetation
  - Greenfield = land that's never (knowingly) had development in, on, over or under it
- Local Planning Authorities can include green belts in their development plans
- Total area of green belts in England (2022): 1.61m ha = 12.4% of land area
- Not all major cities have green belts

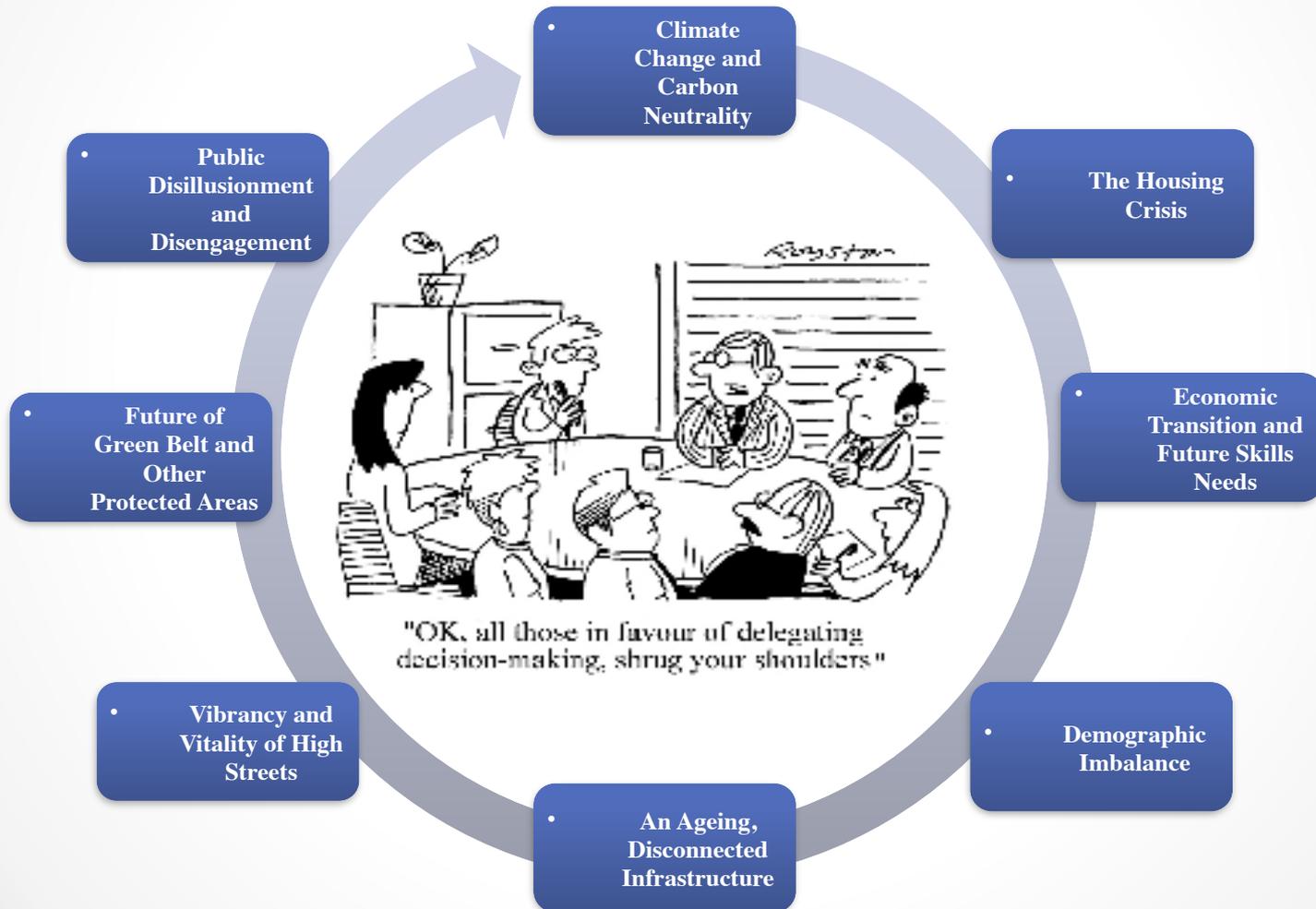


## Green Belts - 2

- Green belts have 5 functions in law:
  - Control sprawl of built-up areas
  - Prevent neighbouring towns merging
  - Preserve character of historic towns
  - Prevent encroachment on the countryside
  - Aid urban regeneration by recycling derelict and other urban land
- Despite other pressures, the government says it wants to keep them.
- National policies (NPPF)
  - New green belts or changes to green belt boundaries can only happen in exceptional circumstances
  - Inappropriate development in green belt shouldn't be approved – but some types of development are permitted
- But doesn't stop development there: currently planning permission for 250k dwellings across England's green belts



# Temptation to Delegate and Delay



# Levelling Up?

- Can't simply be branding . . .
- Or Whitehall-centric
- Not just geographical but societal
- Needs to address environmental, social and economic issues
- Requires agreed strategies and community-wide ownership, not “Strictly-Come-Planning” contests for iconic capital projects!



## Planning In a Nutshell

- Planning isn't a end in itself. It's a means to the bigger, long-term end of sustainable development.
- To achieve that end, it seeks to balance competing priorities. However . . .
- The planning system is itself unbalanced due to institutional gaps and inconsistencies.
- These gaps and inconsistencies keep changing, making sustainable development hard to define, let alone achieve.
- But we can't just wait for 'something beautiful to happen' - so what to do?



# Not Just Challenging the Changes, but Changing the Challenges

- Campaign at all levels for planning that's more connected and responsive - but this will take time and political will.
- Make the language of planning engaging and understandable – sweep away the jargon and the branding
- Planning's not just for politicians, professionals and developers: we all need to learn and engage. ('Open Source' planning)
- Be informed and get involved sooner – and keep involved
- Share your experiences – what works and what doesn't: it's not a one-size-fits-all!
- Put simply, it's all about good environmental citizenship.
- If this sounds like you – let's work together!



# Let's **D**ISCUSS

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