



## The Saturday club for people with big plans to build

Further discussion on the Aims of the 250 New Towns Club

### Fearing a developer's charter in 2012: The strange case of the National Planning Policy Framework

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#### The National Planning Policy Framework was meant to simplify planning

David Cameron's Coalition Government was elected in May 2010. Within their first few months of power, and with the clear support of the Local Government Association,<sup>1</sup> the Coalition's Secretary of State for Communities Eric Pickles had instructed his Department for Communities and Local Government (DCLG) to attempt to simplify the planning process. The Coalition and the DCLG, the department that runs the planning system, were genuinely worried about the fall in the rate of house building. They remain worried about the continuing decline in house building activity, but have found that it is far from easy to reform the British planning process into the simplified National Planning Policy Framework (NPPF) they dreamed of. They want to better facilitate house building, but instead have found there are vocal political constituencies who want to use the planning process as an instrument to achieve other things, other than volume house building.



Prime Minister David Cameron and Deputy Nick Clegg share power in a Conservative led Coalition with Liberal Democrats



The Coalition never wanted to do much more than to simplify the bureaucratic planning process. They never wanted to take the side of house builders, and yet they found themselves wrongly accused of writing the NPPF as a "developer's charter".

The need for a developer's charter can easily be imagined as house building activity continues to decline. 2011 ended with the muted announcement by the DCLG that total new house and flat completions for all tenures last year were 106,050 for England, 16,220 for Scotland, and 5,510 for Wales. Excluding Northern Ireland that is 127,780 for Britain. Only 97,030 of those were for the private housing market,<sup>2</sup> and now under the headline 100,000. British house building is down from the total for 2009 and 2010 of 136,990, widely discussed at the beginning of 2011.<sup>3</sup> This is lower than the house building figures after the First World War, when reliable industrial records began.

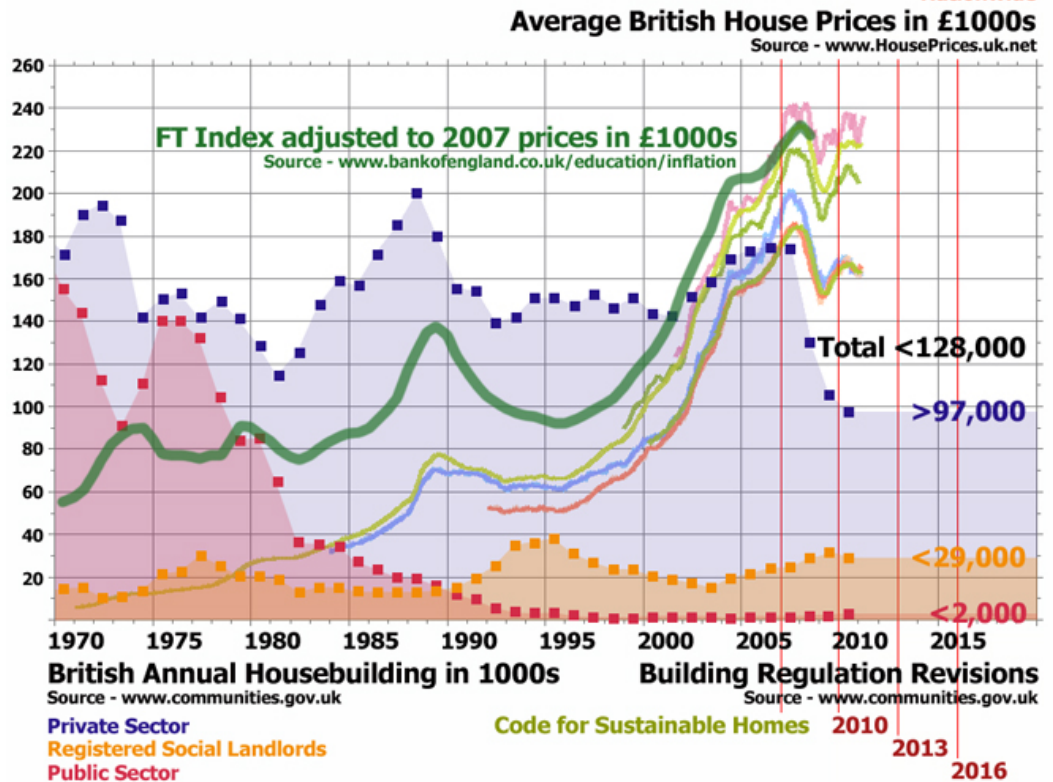


Eric Pickles the Secretary of State for Communities

The construction historian Marian Bowley advised against relying on statistics before 1921. <sup>4</sup> Alan Holmans of the Cambridge Centre for Housing and Planning Research, <sup>5</sup> in correspondence in *Town & Country Planning* with Janet Dougharty, Head of Profession for Statistics at the Department for Communities and Local Government, suggests that government figures may be underestimating housing completions by up to 15,000. <sup>6</sup> But the DCLG has the most reliable data set, based on Local Authority returns. With the exception of the Second World War, after which the planning system was created in 1947, house building has never been as inadequate as it is today for a developed industrial democracy with a growing population. Britain is unable to house its people.

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Rightmove  
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Nationwide



**Clive Betts, Chairman of the DCLG Select Committee**

In 1921 the British population was nearly back up to 43 million after the slaughter, <sup>7</sup> but with much larger households than we prefer today. In 2011 the population of England, Wales, and Scotland is now approaching 61 million. <sup>8</sup> By 2031 the British population is expected to be far closer to 70 million, subject to the retarding effect of the Government's attack on immigration. With such existing unmet and growing demand for new housing the DCLG, might be expected to be busy finding ways to allow developers to build. However the DCLG is doing nothing of the sort. They are reeling from the reaction to the attempt to simplify the planning process through the NPPF, first prepared for release in January 2012. <sup>9</sup> As late as December 2011 the DCLG Select Committee reviewing the NPPF, along with the mass of complaints received about the draft, recommended the best thing was to postpone publication, probably until March 2012. Committee chairman Clive Betts argued:

*'The published, final NPPF will be a significant document, with far-reaching consequences. It must be balanced, comprehensive and adequately linked to other relevant central and local Government policy documents. Now is the opportunity to take on board the suggested changes we are recommending, based on the evidence we have received, to produce a well crafted, effective document, used to inform planning decisions made locally across England that will address social, environmental and economic demands on land supply on an equal basis.'*<sup>10</sup>

It is questionable how much weight the Government is giving to the complainants of the DCLG Select Committee. The criticism has been levelled that the Committee has nothing positive to offer but a return to the *status quo ante*.

The DCLG Select Committee may even negotiate the reintroduction of the failed concept of “Brownfield First” that even New Labour abandoned in 2007 because it had proved an obstacle to house building. Nevertheless the postponement of the NPPF publication was widely taken as a victory by the complainants in their opposition to the planning system being used as the economic instrument it undoubtedly is. The DCLG and the Committee overseeing them are struggling to avoid any suggestion that greater emphasis should be given in planning decisions to economic growth. This, they believe, undermines the equally important environmental and social elements of the planning system.

Since the NPPF was published in draft in July 2011 for a period of consultation it has undoubtedly been presented by the DCLG as a key part of Government reforms to make the 60 year old planning system less complex and more accessible. However they are not merely concerned to reduce bureaucracy, but to promote the “Triple Bottom Line” of sustainability, expressed as a balanced approach to social, environmental, and economic concerns. The DCLG believe the purpose of planning is to help achieve sustainable development. They believe, in other words, in the green ideological concept of sustainability, which might be expressed as follows:

## Ideal Triple Bottom Line



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Britain’s political leaders and their civil servants certainly sound worried about the continuing fall in house building activity as the population grows. They make all the right noises, however they cannot overcome their attachment to sustainability to make an unqualified argument for economic growth.

### Government pursues the “Triple Bottom Line” of sustainability

Their critics inaccurately accused the new Government of subordinating social and environmental concerns. If anything Government has failed to use the NPPF to explicitly argue for economic growth. It is very clear that they do not want a developer’s charter.

Mike Leonard, Director of the Modern Masonry Alliance, <sup>11</sup> hit back at the DCLG Select Committee saying ‘... the select committee is missing the point. They need to come off the fence and do everything possible to enable houses to be built. We have over 5 million people waiting for them, unemployment is rising and our economy is declining.’ <sup>12</sup> Such a naked economic argument is easily ignored because it has no political force behind it. The brick and block manufacturing sector that Leonard represents, so dependent on volume house building, pushed itself into a corner long ago by arguing in favour of the balanced Triple Bottom Line ideology of sustainability and sustainable development. Leonard is not alone. The Chief Executive of the British Precast Concrete Federation Martin Clarke, representing the concrete block sector, gives his allegiance to sustainability. In 2009 he stated that ‘... we have collectively agreed to put sustainable construction at the heart of our businesses. The discipline of monitoring and reporting against our common sustainable construction goals will help ensure that we achieve



**Modern Masonry Alliance  
Director Mike Leonard**





**British Precast Concrete Federation Chief Executive Martin Clarke**

real changes in the environmental, social and economic performance of concrete in construction.’<sup>13</sup> The Concrete Centre, part of the Minerals Products Association, has published the *Concrete Industry Sustainability Performance Report* in its fourth edition using 2010 data.<sup>14</sup> It did so at an evening reception on 20 February 2012 at Portcullis House in Westminster, alongside a gallery of contemporary portraits and busts of Britain’s political elite. The executive commitment to sustainable concrete is very real.<sup>15</sup> You don’t have to look too far into the Brick Development Association’s website before you are told that ‘... brick is better for the environment... brick is made by the community and for the community, minimising any impact on the environment.’<sup>16</sup>

The construction industry is imbued with the green Low Impact or Zero Impact ideology the DCLG and their planning reform critics share, and like to measure.

You might hope that the lessons from the attempt to build Eco-Towns as Low or Zero Impact settlements would have been learned. The Eco-Towns are about as zero carbon as they possibly could be. After the enormous effort in planning, none of the initially short-listed Eco-Towns are likely to be built. The projects going ahead are not really new towns at all, but extensions to existing settlements. These would have happened anyway with or without the moralistic “eco” prefix. All the original Eco-Town schemes were blocked because they were said to be insufficiently balanced in their Triple Bottom Line.

The green critics of necessarily new settlements certainly don’t like crudely profitable development, but would rather nothing was built than approve some shifting sub-optimal measure of sustainable development.<sup>17</sup> No doubt some businessmen in the development and construction sectors resent the ideological frustration of their best efforts at sustainability, but they come back for more by trying to prove they will make less impact than ever the next time round.

Others hope that the ideological nonsense of sustainability will simply end. That some how it will pass and they can get back to the “proper” business of making profits, such as by manufacturing and distributing more construction materials and building lots more houses. However many businessmen are convinced that sustainability is business as normal. Some old-school businessmen like Leonard may take heart that Peter Schofield has been appointed Director-General for Neighbourhoods at DCLG, with responsibility for housing and planning. Schofield moves from the Treasury, where he led the Enterprise and Growth Unit for Chancellor of the Exchequer George Osborne. Many in the construction sector hope that this will inject some economic realism and urgency into the DCLG. Their hopes are likely to be dashed despite Schofield’s best efforts.



**Peter Schofield, goes to the DCLG as Director-General for Neighbourhoods**

Of course Schofield’s eager new Permanent Secretary can say ‘... he will be met by a full in-tray, as we look to him to drive forward key reforms in housing, planning and on policies to stimulate economic growth’.<sup>18</sup> However Schofield will hardly skew the balance in the DCLG’s government backed commitment to sustainable development, even if he wants to. Indeed it is more likely that Schofield will be under pressure to use the planning system to sustain the mortgage market that is evidently dependent on the housing market. He will not be exclusively focused on promoting greater volumes of house building, which while beneficial in generating jobs and business, will be derided as socially and environmentally unsustainable, and, all importantly, a threat to house prices that many are now financially reliant upon. We will return to this significant predicament.

Small wonder the DCLG felt aggrieved by the response to the draft NPPF; they were and are quite prepared to promote the impossible to achieve three-way balancing act required for sustainable development. They were not just arguing for house building, as they and the Prime Minister have been at pains to reassure everyone. The DCLG felt the need to publish a “myth-buster” guide to the NPPF in September 2011, after their draft faced so much criticism. They insist that ‘... reform is imperative for our economic recovery... But this isn’t a green light for any development, anywhere. The Framework retains strong protections for the environment and heritage that we cherish.’ Green ideology requires that developers are given a red “stop” and amber “slow down” or “get ready” light too at the metaphorical traffic light of planning. The DCLG are clearly keen to insist that the NPPF is not a developer’s charter, and that developers have to work very hard to get a green “go” light. ‘From the birth of modern planning in 1947 there was a presumption in favour of development. This was turned into a plan-led approach in 1991. The presumption in favour of sustainable development carries forward this emphasis

on positive planning, while reinforcing the primacy of the democratically produced Local Plan.’<sup>19</sup> Planning sounds positively in favour of growth, but is nothing of the sort.



**Chris Patten was appointed Secretary of State for the Environment by Margaret Thatcher in 1989, and introduced the legislation behind the Environmental Protection Act 1990**

The discussion around the “presumption” and what this means in planning has been instructive. It is true that Planning and Compensation Act 1991 gave new importance to the plans supposed to be produced by Local Planning Authorities. The plan-led system was conceived under Conservative Chris Patten’s “turquoise” tutelage,<sup>20</sup> a Blue-Green response to a series of developer initiated new settlements in the countryside of the South East of England. These were nevertheless very popular with purchasers, but derided as “Executive Homes” by the comfortably housed intelligentsia. Many have overestimated the significance of that emphasis on published plans.<sup>21</sup> The essential law of the planning system dating back to a post-war political compromise was unchanged in 1991. Many too have overestimated how much of a departure the NPPF is from ideas of “positive” planning. As ardent green critics of the British planning system Chapter 7 observed in *The Land* that ‘... most critics are now only too happy to jump from the fire of “presumption in favour of sustainable development” back into the frying pan of the “plan-led system”.’ They fear that ‘... fewer people will believe in a sustainable future if we are subjected to “sustainable development” that isn’t sustainable.’<sup>22</sup>

However despite the hopes and fears of critics like Chapter 7 the NPPF is planning as usual, only a bit abbreviated. The “presumption in favour” does not mean approval for any development claiming to be green. People are confused by this. The DCLG is not being precise enough about the presumption in favour of development.

### **The moral presumption is no longer in favour of development**

Richard Wakeford is a man with green sympathies and an Honorary Membership of the Royal Town Planning Institute. He was until 2010 the Director General of Rural Futures for the Scottish Government, having made his career between 1999 and 2005 as Chief Executive of the Countryside Agency, after being a civil servant in Patten’s now replaced English Department of the Environment. Wakeford has been clear, and certainly since his University days at Princeton University as a Mid-Career Fellow studying land use and development, that many within the British planning system fail to understand the specific presumption in favour of development. ‘The fundamental principle in Britain that development should always be permitted unless there are sound and clear cut reasons for refusal or conditional consent has been the subject of reminders to local authorities from Central Government.’<sup>23</sup> The NPPF furore is another moment for reminders.

Wakeford knows the pursuit of sustainable development through the planning system means avoiding the prospect of a presumption in favour of any development by presenting and insisting upon a complex balance of reasons for refusal or conditional consent. The draft NPPF already provides this complex balance of reasons and the civil servants revising the draft NPPF will attempt to better articulate those reasons to obstruct developers, and would-be volume house builders in particular. The reasoning has to satisfy people like Wakeford. They are not easily if ever satisfied.

There is no presumption in favour of any landowner who might hope to develop their land for housing. Ask any farmer who finds their land outside of the area planned for development. The NPPF is not a developer’s charter. It is rather a charter for all those who oppose development as unsustainable, who successfully use the local plan-led approach, based as it is on the 1947 national denial of development rights on Freehold land, to variously frustrate the different forms of development of which they don’t approve. The 1947 Act made an entirely new beginning by repealing all previous town planning legislation, re-enacting some important provisions salvaged from previous law, and innovating significant legal principles. The Town and Country Planning Act 1947 came into force on “the appointed day” of 1 July 1948, and only after Britain’s farmers had secured a post-war commitment to continuing state regulation of food production at guaranteed prices. Sir Desmond Heap understood this significant legal moment:

*‘It is impossible to exaggerate the importance of July 1, 1948, from the point of view of the local planning authority, the landowner or the building developer, for the 1947 Act contained some of the most drastic and far-reaching provisions ever enacted affecting the ownership of land (which for this purpose includes buildings) and the liberty of an owner to develop and use his land as he thinks fit. Indeed, after July 1, 1948, ownership of land, generally speaking, carries with it nothing more than the bare right to go on*



**Richard Wakeford, Honorary Member of the Royal Town Planning Institute**

*using it for its existing purposes. The owner has no right to develop it, that is to say, he has no right to build upon it and no right even to change its use. Until the 1947 Act was amended by the Town and Country Planning Act 1954 a landowner selling his land could expect to obtain (in theory, at least) only its existing use value, because whatever development value the land had was expropriated by the State under the 1947 Act. The 1947 Act did not nationalise the land; what it did do was to nationalise the development value in land – a state of affairs which was reversed by the 1954 Act under which development value in land was returned to the landowner.’<sup>24</sup>*

By 1952 it was obvious that the attempt by government to capture 100% of the increase in land value due to development was discouraging post-war reconstruction and investment, and was antithetical to capitalism. By the 1954 Act developers were allowed to keep all of the “betterment” that came from gaining a planning approval from a Local Planning Authority. It would not be until later planning legislation that the valuable prospect of “planning gain” would be reconsidered. All Governments have sought to capture an increasing share of development value, first as a “voluntary contribution to the community” in the 1960s, to the present day when commercially sensitive planning gain negotiations are routine between developers and the Local Planning Authority.



**Expert Planning Blogger  
David Brock**

It is however the national denial of development rights which have remained a constant since the 1947 Act was enacted. As a consequence no developer is today free to build on their own land without first having to obtain planning approval from the Local Planning Authority. Moreover since the 1970s onwards Local Planning Authorities have considered the views of a growing array of third party interests who have an interest in limiting development activity in often lengthy consultations. Today each Local Planning Authority and those they consult are all insisting on their interpretation of the moral idealism of sustainability. There is an anti-development democracy now in Britain, unlike anything seen socially in operation since the Second World War.

The experts in planning law are of course scrutinising the NPPF too. Unable or unwilling to criticise sustainability, the otherwise sensible planning expert David Brock recognises that the DCLG have to harden their previously “chatty” wording in the NPPF:

*‘Planning should support a presumption in favour of sustainable development as a strategic purpose, but that presumption is not precise enough to be used as a tool for decision making. Where there is an adopted Local Plan in place, the Local Plan should be the starting point for planning decisions. Local Plans should be based on robust evidence, transparent, capable of providing the development needed in an area, reflective of local circumstances, and offering as much certainty as planning reasonably can. The presumption in favour of sustainable development should be redefined as ‘... a presumption in favour of sustainable development consistent with the Local Plan.’ In our view, this will not only firmly anchor sustainable development to local circumstances, but will also provide a spur to local authorities to prepare their Local Plans.’<sup>25</sup>*

Being sensible is simply not enough of course when it comes to criticising sustainable development. No-one can appear sensible by arguing for unsustainable development.



**Gro Harlem Bruntland**

Sustainable development is imagined to be a sensible balance of the Triple Bottom Line, and its lineage goes back to political anxiety of the World Commission on Environment and Development, which under the chairmanship of Gro Harlem Bruntland published *Our Common Future*, better known as the Bruntland Report. Sustainable development carries with it a heavy moral idealism about sustaining the Earth. Apparently, according to many greens, ‘... there are thresholds which cannot be crossed without endangering the basic integrity of the system. Today we are close to many of these thresholds; we must be ever mindful of endangering the survival of life on earth.’<sup>26</sup>



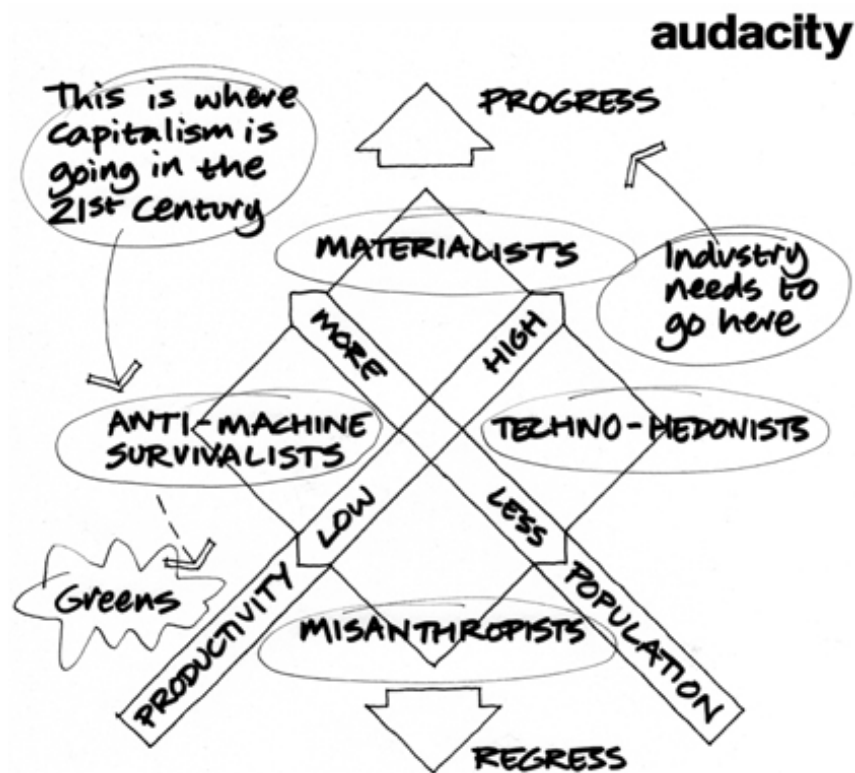
**Editor of *The Architectural Review* Catherine Slessor**

Its many critics are concerned that the NPPF could endanger life on Earth, unless the Coalition and the DCLG are not careful to identify and prevent unsustainable development. Writing for the January 2000 edition of *The Architectural Review* Catherine Slessor sensibly observed that the Bruntland report ‘...serves as a starting point, but it hardly suffices as an analytical guide or policy directive.’<sup>27</sup> Yet that is precisely the unrealistic expectation the Coalition, the DCLG, and all the critics have for the NPPF. Slessor, like Wakeford, is motivated by green concerns. They believe in the heavy moral idealism about sustaining the Earth free of unsustainable development. They imagine



it possible to strike an eternal balance in capitalist development. They idealise capitalism as a benign three way balance. Capitalism has no balance as Bruntland's followers have assumed, jumping straight to policy making. At best capitalism is dynamically unstable and destructive as a force for industrial development. Often capitalism lacks sufficient dynamic to support the populations that need industry. At worst that failure to be able to continually raise production is turned into a virtue, in which lower productivity and lack of development are considered benign, or even socially desirable. Population growth is turned into the problem rather than the goal of society. Materialism is frowned upon. By rejecting the dynamic growth of mechanised industrial democracy as a political and economic goal, advocates of sustainability default to formulations of a limited population working more laboriously in some balance with the environment. This green presumption against development in sustainability is a mystical point of view, but popular today.

We have attempted to conceptualise this shift. When the materialists among capitalists and communists fought for the future on grounds of population and productivity, the battle might have been discussed in terms of Progress. Today the retreat from industry that would have been understood in the past as Regress is now seen as a green virtue:



## The regression of Green Capitalism

We cannot today assume that capitalists will argue for Progress and the material advance of industry in the way they would have done, without equivocation. Certainly socialists renounced materialism long ago, choosing to oppose consumerism. Industry has become a dirty word in the minds of misanthropists of the Left and Right, who want to save the planet from too many productive people. Development is held suspect. This is far from the commitment to industrial development that operated when the planning system was created at the start of the Cold War. The Cold War ended in 1989. The battle is over between capitalism and communism, with Stalinism from the early 1920s leading to an historic defeat. There was no Red Plenty in the 1950s, as many hoped and feared.<sup>28</sup> In the two decades since the Cold war ended capitalists have felt less need to claim to be materialists. There is less pressure on capitalism to plan to meet the needs of growing populations with gains in industrial productivity.

Most greens dream of people working much more laboriously, and far fewer than 7,000,000,000 people at that. Unfortunately that is not popularly understood as a regressive misanthropy, but as being greener, and morally good.

Within a greened capitalism who will demand planning for growth? At the level of planning policy forget any pre-1947 presumption in favour of development, which as

Brock recognises was innovated on 29 January 1923 by the Ministry of Health in their Town Planning Circular 368, based on the Town Planning (General Interim Development) Order 1922.<sup>29</sup> This was inconsequential as legislation at the time because planners had no real power, except one of persuasion. It was not until 1947, that Local Planning Authorities had the legal power from national government to deny anyone the ability to develop their own land. After the 1947 Act was enacted in 1948 the Circular 368 presumption in favour of development was increasingly limited by Local Planning Authorities producing reasons for refusal or conditional consent.

Generations of greens, many of which are in the Coalition and working at the DCLG, have now extended the reasons for refusal or conditional consent to failure to achieve the qualification of sustainability. Developers are not free to build on land unless they can prove to the Local Planning Authority that in the view of the most expert opinion their proposal has no prospect of endangering the survival of life on earth.

Simply wanting the jobs or the business is not sufficient justification to be a house builder. They must be pursuing a Triple Bottom Line, and many developers are happy to spend a lot of their capital proving that is their goal. The NPPF will ensure that the task of proving the benign character of any development has become far harder, and more expensive. Developers are presumed guilty.

Of course many developers will feel that they are not meant to prove their innocence.

The larger developers may play this planning game with green ideologues, and spend serious money employing their own experts, because they have to. Many developers are cynical about the planning process, but many share the green ideas of anti-development campaigners that face them. For the greenest developers it has been cheap to directly employ their own sustainability experts, while maintaining a stable of very well paid and socially connected eco-consultants. As James Heartfield appreciates, Environmentalism is the ideology of capitalism in retreat from production.<sup>30</sup> Some developers are obviously still thriving in the contemporary eco-minded retreat from industrial growth.

The NPPF will do nothing to challenge the evident power of networking anti-development campaigners. Green objectors are sophisticated and adept at using the planning law that operates by denying the rights of property owners to build on their own land. These campaigners are well known and organised. Convinced of his cause Craig Bennett, Policy Director of Friends of the Earth (FOE) was critical of the NPPF in *The Guardian*, accusing Eric Pickles and George Osborne in particular of "breathtaking hypocrisy":

*'This is hypocrisy of the highest order... These ministers have used the planning system to stop developments like composting sites which are part of a sustainable economy. Now they are taking away the ability for people to oppose developments that are unsustainable. It is an outdated ideological mantra that a development free-for-all is needed for economic growth.'*<sup>31</sup>



**James Heartfield, a founding Director of the pro-development website [www.audacity.org](http://www.audacity.org)**



**Craig Bennett, the Policy Director of Friends of the Earth accuses George Osborne and Eric Pickles of hypocrisy of the highest order. They must wonder what greens like FOE are talking about**







**Eric Pickles defends the Green Belt against builders unless approved of by Councillors like Tony Balls**



**Anne Power and architect Lord Richard Rogers join forces with the "Hands off Our Land" campaign**



The government is not made up of anarchists. A "free-for-all" is not intended. Obviously Pickles had long been an opponent of planning targets from New Labour, and was willing to scrap Regional Planning structures in favour of some ill defined "Localism". Osborne too, following Cameron, has spoken about "The Big Society" since the Conservative election campaign. However *The Guardian* got it wrong in believing that the NPPF would result in some eighties style Keith Joseph inspired attack on the planning profession. They couldn't be more wrong! Margaret Thatcher's Enterprise Zones were modest as experiments in reducing the powers of planners. At no time was the Coalition proposing to scrap the 1947 legal innovation. The planning system derives its power from this law.

It is through the 1947 denial of development rights that national government empowers the public, including well funded green campaigners like FOE, to intervene in consultation over planning applications. The NPPF preserves the power of third parties to intrude.



However any talk of the economy rather than society or the environment seemed enough for *The Guardian* to have a hissy-fit. Eric Pickles and George Osborne are a pale shadow of a Cold War and pre-Bruntland capitalist zealot like Keith Joseph. They hold power but have no plan to use it to push for development. Also FOE was not complaining that Members of Parliament were using their planning powers to stop developments in their constituencies. The green ideologues at FOE clearly think that is a good use of a nationalised power, and want more of it. Neither did it much bother *The Guardian* that at that very moment Pickles, with the zealous assistance of Basildon Council Leader Tony Ball, was brutally evicting the residents of Dale Farm in Essex for daring to build homes on their own land in Green Belt.<sup>32</sup> The NPPF was clear that Green Belt is to be protected. Eric Pickles is nothing if not a consistent defender of Green Belt and the power of locals and campaigners to oppose developments they don't like on other people's land.

*The Guardian* writers were amateurs at opposing the shred of pro-growth sentiment in the Coalition's first draft of the NPPF. More expertly Anne Power and the other Urban Task Force (UTF) members around architect Lord Richard Rogers have correctly identified themselves as the flip side of the "Hands off Our Land" campaign run by *The Telegraph* during 2011. The old Tory newspaper pitted itself against the NPPF.<sup>33</sup> Power insisted that the NPPF would '... undermine 10 years of unbelievably good progress in reclaiming Brownfield sites and redensifying cities.'<sup>34</sup> Offering a simplistic choice in the *Financial Times* in January 2012, Lord Rogers insisted that the NPPF '... will either lead to economic prosperity through a continuing urban renaissance or let loose the damaging forces of sprawl.'<sup>35</sup> Inanity such as this has framed the planning debate since the late 1990s, and arguments for cities do nothing to counter the attack on suburbia. Lord Rogers is clear in the UTF's opposition to popular and necessary road transport:

*'Our task was to help end an era of poorly planned out-of-town development that sucked the life out of town and city centres and put millions of cars on the road. We aimed to use economic development to revitalise towns and cities and put them on a more sustainable footing.'*<sup>36</sup>

Lord Rogers tells the truth when he notes that the UTF's recommendations were supported by all the major UK political parties. He also has the members of numerous professional bodies with Royal Assent backing him. However that doesn't make the recommendations any less regressive. The UTF insist now that their policy of "Brownfield First" should be reiterated in the draft NPPF. This is despite the Government's earlier acknowledgement that between 1997 and 2010 New Labour's planning policies had effectively amounted to a "Greenfield Never" situation. The adoption of the UTF's recommendations without any serious opposition has been counter-productive since the late 1990s, frustrating the wider construction industry. Forget jobs and business, or even suburban homes and gardens to live in. Of course Government might yet decide against the perpetuation of a Brownfield First requirement through the NPPF. However as Betts indicated, the DCLG seem to want to satisfy the UTF and *The Telegraph* campaigners:

*'The (2011 draft NPPF) document omits any reference to "brownfield development first". We welcome the Government's openness to reinstating the familiar and well understood term "brownfield development" in the NPPF. For similar reasons the NPPF should be revised to reflect the "Town Centre First" policy.'*<sup>37</sup>



**Chief Executive of Igloo Regeneration Chris Brown**

Obviously some developers with interests in Brownfield rather than Greenfield land rather benefit from this policy of "Brownfield First". In fact it often becomes hard to tell the difference between an anti-development green ideologue and a City Centre developer. The 2012 NPPF, if it is redrafted this year to the approval of the likes of the UTF and *The Telegraph* campaigners, could be said to be their charter. Chris Brown, the vociferous Chief Executive of Igloo Regeneration, director of Isis Waterside Regeneration, and UTF member,<sup>38</sup> speaks for many when he insists that '... one of the things the planning system is designed to do is to prevent the environmental and social damage that urban sprawl creates.' In his popular view '... the NPPF in its current guise substantially undermines that goal.'<sup>39</sup> It should of course come as no surprise that developers are in a self-interested competition over planning policy, but Brown along with the other members and supporters of the UTF go further by claiming to be acting on the moral principle that development must be sustainable.

These virtuous critics of the NPPF object that the NPPF is not yet written in a way to push sustainability properly. Those with financial stakes worry that "growth" might mean sprawl into redundant farmland, and the writing down of the value of their urban property portfolios. It is little more than self-interest, but they believe their morality.

Lord Rogers was quite clear at the House of Lords debate on 13 October 2011. The debate transcript on Hansard is well worth reading in full, but Rogers, had few doubts about what is and is not sustainable development. He insisted that '... cities need to be contained,' most obviously by a Green Belt, because '... the only sustainable form of development is the compact, polycentric city, which is well-connected and encourages walking and the use of public transport, where public spaces and buildings are well-designed and the poor and rich can live in close proximity.'<sup>40</sup> For Rogers and the UTF there is only one morally acceptable form of development. The fact that they already know most of the developers who own that land has nothing to do with it.

That their communitarian dream for a well heeled few has been funded on the back of a huge rise in residential prices and a period of high public spending necessary to make their regeneration schemes viable is recognised as a social good, not a burdensome predicament. In the mind of Lord Rogers the "Brownfield First" planning policy meant that '... neglected historic neighbourhoods were redeveloped, then recolonised amid rising property values. Urban neighbourhoods were strengthened by the coherent development of homes, offices, shops and cultural sites. Community life was fostered, car dependency cut and old buildings and empty land brought back into use.'<sup>41</sup>

### **The deadening weight of green idealism**

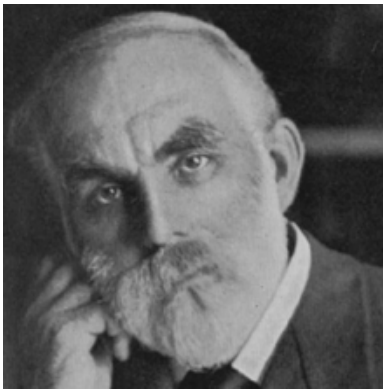
There is a heavy moral idealism at stake, and the moralists around Rogers imagine they are in the business of saving the planet for all of society. They might have a greener morality than some of the "Hands off Our Land" readers of *The Telegraph*, who mean to keep profiteering developers, and the population, off their land. Lord Rogers told the *Financial Times* that '... I share the concerns of the House of Commons select committee, which found the draft national planning policy framework emphasised economic considerations over social and environmental ones.'<sup>42</sup> He wants a Triple Bottom Line.

The UTF's moral idealism about cities being planned for the good of rich and poor alike, to maintain the antithesis between Town and Country through the planning law, may be self-serving. It also serves the interests of the landed readers of *The Telegraph*. It articulates the moral idealism of all the environmental and heritage campaigners that *The Telegraph* managed to unite with one voice against the NPPF.<sup>43</sup> Of course the DCLG will not say anything that will contradict this. They want only sustainable development, which means the separation of Town and Country, perfectly expressed as "Brownfield First".

We all know where such policies lead. "Brownfield First" has not led to a golden age of regeneration for all, but to a decade of lucrative property investment for Town Centre land owners and developers with access to sufficient private capital and state subsidy to be favoured by planning approvals in the inflating and still inflated urban land market.

The volume of Greenfield land released for development declined dramatically under New Labour's tenure, strengthening the trend caused by the construction industry recession of the early 1990s. The area of land developed annually for housing has been falling since around the time Rogers gave his BBC Reith Lectures and published his books on sustainable development, all of which stimulated UTF thinking on a planning strategy devoted to densification and compaction by 1999.<sup>44</sup> Most noticeably between 2000 and 2006 the total area of land used annually for housing fell by 23%, with a 5% fall in previously developed Brownfield land, and a 42% fall in the annual amount of Greenfield land. In 2010 76% of all housing was built on previously developed land, a slight decrease from the 80% built on previously developed land in 2009. Only 2% of housing was built on Green Belt.<sup>45</sup> Small wonder that the morally justified strategy of "Brownfield First" caused developable land prices to inflate, and remain inflated.

The volume of house building was only increased from the low level of output of 2001 by increasing the densities of developments, mainly in the principal metropolitan centres. Average densities in this period rose dramatically from 25 dwellings per hectare (dph) in 2000, to 43 dph by 2010.<sup>46</sup> In London the average density is now much higher, at 115 dph in 2010. The definition of "Superdensity" is said to be 150 dph or the old threshold when planners used to worry about over-development.<sup>47</sup> Town Centre over-development was celebrated as sustainable development. Most would call it cramming.



**The anti-war socialist and advocate of Britain's first Planning Law, John Burns**

The morally justified densification of "Brownfield First" represented an historic shift in the way people live in Britain. It is of course meant to. Housing density matters. Average development at 25 dph meant mostly popular detached and semi-detached houses with modest gardens. These popular homes had typified British housing development throughout the Twentieth Century, but can no longer be built commercially, or afforded by most. The majority of the working British public can no longer buy a new house with a garden, in ways that previous generations may have taken for granted.

Suburban home ownership was a powerful aspiration, because based on a degree of truth between the decades after the First World War and the end of the Twentieth Century, as redundant farmland was turned into a place called home, mortgaged, but free of any landlord. The Planning Act of 1909 marked a change in Britain, which denied private land owners their freedom to cram tenants into basements and back-to-back housing. This was a humanist cause for reformist but anti-war socialist John Burns in Edwardian Britain.<sup>48</sup> However Burns could not do much more than clear slums. As Marian Bowley appreciated in *Housing and the State 1919-1944* the Housing and Town Planning, etc., Act of 1919 required Local Authorities to survey the housing needs of residents, and to propose and promote plans to provide the housing needed.<sup>49</sup> Thereafter successive governments sought to find ways to realise housing production. Land owners, largely limited to the social minority of the upper classes and to farmers selling off redundant land, also experimented with ways of delivering. Owner occupation was easily the most successful inter-war experiment, with a larger middle class gaining development rights in Freehold. That democratisation annoyed many in authority. The 1947 Act denied that freedom to build suburban "sprawl" over Greenfield sites.



**Author of *Chavs* Owen Jones**

Of course after 1948 much more new housing was also built for public rental and an amount by charitable landlords. The business was volume house building, and while some was medium to high rise often at higher densities, most was still planned as popular low density and low rise suburban sprawl. The volume built in a single year at the peak in 1968 was 413,714 new homes.<sup>50</sup> In his engaging *Chavs* Owen Jones is too quick to see the subsequent dramatic decline in house building as the fault of





**Harold Wilson presided over the beginning of the end for post-war Council house building in the late 1960s, assisted by Tony Benn**



**Blue-Green Philosopher Roger Scruton**

Conservative and New Labour administrations, and doesn't recognise it began under Old Labour leader Harold Wilson, who failed to deliver the 500,000 thought necessary at the time. Jones however is not unusual in pointing out that '... as the 1970s drew to a close, before the Thatcher government launched the "right to buy" scheme, more than two in five of us lived in council housing. Today the figure is nearer one in ten, with tenants of housing associations and co-operatives representing half as many again.'<sup>51</sup> This is not quite accurate. The right to buy was experimented with by many governments before Margaret Thatcher made such a popular ideological play of creating a "home owning democracy". Indeed, Labour, reflecting on the causes for its defeats in the 1980s, kicked itself for not promoting and extending the pre-Thatcherite right to buy more vigorously.

The combined public and Registered Social Landlord sector is still substantial, and grows in volume, even while the private rental sector is growing in proportion after home ownership peaked at just under 70% of households. Yet Jones is right when he says that most of those '... who remained in council housing were too poor to take advantage of the right to buy scheme.' The result is that '... over two thirds of those living in social housing belong to the poorest two-fifths of the population. Nearly half of social housing is located in the poorest fifth of neighbourhoods.'<sup>52</sup> The only noticeable effort by successive governments has been to attempts to winkle out the poorest of residents still living in social housing in better locations.

The British house building industry, already reduced by the start of the Twenty-first century after public house building activity was reduced to near zero because the British economy could no longer sustain state subsidy, was forced by New Labour's planning policies to build 80% of all new homes on Brownfield land. The British public has largely been driven from its aspiration of a house with a garden to flat on former industrial sites. The UTF managed to squeeze more new households into less space. They had imagined they were regenerating cities. Densification seems to be the Brownfield developer's charter, but that is not what the UTF members or *The Telegraph* readers complain of.

The anti-sprawl alliance around Rogers, that includes the Town and Country Planning Association and the Royal Town Planning Institute, is lending its support to *The Telegraph's* "Hands off Our Land" campaign. They insist that dense cities are saving the countryside and the planet from the environmental destruction caused by sprawling 25 dph housing. *The Telegraph's* campaign, best articulated by conservative anti-growth philosopher Roger Scruton, is clearly the flip side of the densification argument. Scruton doesn't much care about industrial scale development, provided growth, and the population that it serves is kept away from the countryside he loves:

*'There are few success stories in environmental politics. But the 1947 Act is one of them. And its success is due to one fact above all, which is that it removes the default position from the developer... The Government justifies its new proposals as instruments of economic growth. The 1947 Act has certainly been an obstacle to economic growth... Thank God for obstacles to economic growth.'*<sup>53</sup>

Scruton appreciates the 1947 Act as precisely as Sir Desmond Heap. He also speaks for the comfortable who already enjoy plenty of space, but he need not have worried quite so much. The NPPF was not and is not going to repeal the 1947 legal innovation and give development rights back to the owners of land. Planners get to keep their power, and Scruton is going to be grateful for that.

Scruton is perfectly aware that it is only the 1947 law which gives planners the power to negotiate with developers. What Scruton shows is that even the most ardent defender of the privileges of social elites, often expressed in terms of aristocrats holding their land in stewardship for future generations and given new life by *Our Common Future*, cannot countenance living without legal protections from the capitalist state. Scruton just wants a capitalist state that protects Britain's wealthy landowners from what little industrial dynamic there is in Britain, and of course that is precisely what he has in the Government. Urban compaction is nothing less than a momentous compromise between Britain's surviving feudal and contemporary capitalist interests.

The price paid is the retreat from or rejection of industrial growth and one of the consequences is the spatial containment of the workforce. For that Scruton thanks God, but he should really be thanking Pickles and the NPPF authors as the defenders of the legacy of the 1947 Act. Scruton may yet thank the real people in charge of planning.



**Alan Hudson, the first and defining essayist in *The Lure of the City - From Slums to Suburbs* by Austin Williams and Alastair Donald**

Urban compaction, or the containment of the British workforce, completely informed New Labour's planning policies from the late 1990s. Urban compaction persisted after Tony Blair gave way to Gordon Brown, into the housing market led financial crisis of 2008. It still persists, but people fear the planning led effort to contain the industrial British workforce will cease. Scruton speaks for those who are comfortably off with plenty of space. *The Telegraph's* campaign is ultimately concerned that existing housing markets are protected, and sustained through the divide between Town and Country, moralised as a concern for environment and heritage. Scruton is an idealist, but he is not different in that respect to the idealists who make a fetish out of the built form of cities.

The robust response to green moral idealists with plans for the rest of us, like Scruton and the UTF, attempting to take the city out of social history, comes from Alan Hudson in the enjoyable collection of essays *The Lure of the City - From Slums to Suburbs*:

*'The physical fabric of cities ultimately amounts only to a large collection of inanimate objects: citizens make cities, not the other way round.'*<sup>54</sup>



**Ed Milliband's Next Labour**



The talk of "Localism" or "The Big Society" sounds like an appeal to citizens, but the Coalition, like New Labour, wants a citizenry content to be contained in the Town for the sake of the Country. It is not clear yet if Ed Milliband's Next Labour will make such a fetish of protecting Greenfield land as New Labour did before, but the Shadow Secretary of State for Communities and Local Government Hilary Benn is likely to do so. Benn is entirely with Pickles, not opposed to him on that. Benn's father Tony proved adept at containing the workforce with political reformism, and following the moral innovations of the New Labour years Hilary attempts to forge a green ideology for Miliband's cohort.



**Shadow Secretary of State Hilary Benn and Jack Dromey may argue for a revival of Brownfield First**

**The episodic reformism of Labour - through Red to a Greenish Brown**

Benn's Shadow Ministers with portfolio interests in planning, housing, or even construction, such as Jack Dromey, have voiced their support for the reintroduction of "Brownfield First" policies in the NPPF as a moral principle of sustainable development. They will in that case back Betts. The reasons for this are arguably threefold:



**First, they need to represent an idea in Parliament.** Long after Old Labour's reformism was exhausted in the 1980s, New and Next Labour still search for a moral framework that has the appearance of Parliament being able to advance the interests of the workforce, but will do nothing to upset the opponents of development. It has proven useful to New Labour to adopt the ideas of green ideologues who complain about production and consumption through the market. However these anti-capitalist ideas have been too easily revealed in their similarity to the aristocratic and pre-industrial sense of stewardship, as Scruton has so helpfully clarified. Next Labour agonise over growing social inequalities, made manifest under New Labour. The work of the UTF appeared radical for a while with its love of cities and rhetorical talk of citizens, but the tensions arising from these urban renaissance schemes are now widely recognised



as evidence of deepening inequalities. Next Labour is looking for fresh idealisms to better sustain the Town and Country divide that maps their place in representative democracy.

**Second, they need an electoral constituency.** New and Next Labour came to rely on the planning mechanisms by which development values on Brownfield land, and the little Greenfield allowed planning approvals, could be concentrated, maximized, and captured to fund regeneration projects to provide social housing and other benefits. This “planning gain for the community” was most significant in the largely Labour voting districts, even if those lower paid working class people were ultimately forced to move away because they were priced out by the resultant house price and rent inflation. Gentrification, as the process is well known, is a major issue in London, but also in other cities and towns.

The top of the London residential property market in 2011 was clearly being driven by international buyers. The new build sector also has a higher proportion of international buyers than the market in far larger secondhand homes market in London. This means the top of the London market has dynamics more in common with Hong Kong and Singapore real estate than with the British housing market, including the ordinary London housing market.<sup>55</sup> It is the residential development at the top of the London market that also keeps architects like Lord Rogers in fees. Mundane gentrification may have slowed since 2007, but it continues. Many areas across Britain are in great need of costly regeneration, but do not need the purging process of gentrification. Some areas of Britain might be better demolished. Anti-sprawl densification appeases *The Guardian* reading environmentalist middle-classes, who want to restrict development at any cost, and who have come to form the core constituency of New and Next Labour.

*The Guardian* and *The Telegraph* readership are closer than either cares to think, but Next Labour will prefer to appeal to the interests of new urban money. These gentry represent “the community” that gain most from planning.

**Third, they need an acceptable way to contain the workforce.** Labour Members of Parliament have traditionally feared the “flight to the suburbs” lest they lose voters and the associated tax revenue. The planning system has proved very effective in maintaining the political geography of Britain. Labour politicians negotiate their political dependency on the post-1947 urban containment with a Red-Green stance in urban areas, without threatening the Blue-Green interests of those, like Scruton, who want to keep development out of the countryside. All depend on the denial of development rights that date from the 1947 Town and Country Planning Act, and which the NPPF only reinforces. Lord Rogers gave New Labour MPs a way for containment to seem virtuous.

An illustration may help explain this further...



**MP for Stoke-on-Trent Central, Tristram Hunt**

Labour Member of Parliament for the Stoke-on-Trent Central constituency, Tristram Hunt's opposition to the draft NPPF and house building more widely is instructive about the use of planning gain. Hunt says that when he is ‘... flying back from abroad, you instantly know you're over England when you see that luscious, natural quilt of town and country, farmland and fields.’ He takes this to be natural not social, and worries that ‘... under David Cameron's new planning reform, it is all set to go’. He warns that ‘... the draft National Planning Policy Framework sounds dull but it could vanquish our unique landscape’.<sup>56</sup> When he says “our” landscape he of course means the land that belongs to the local readers of *The Telegraph*, and increasingly *The Guardian*, less so the readers of *The Mirror* in which his article appeared. Hunt protests, but it serves his party interests to present the NPPF as a developer's charter from the Conservative led Coalition.

As MP for the super-deprived Stoke-on-Trent and champion for a revival of Victorian civic pride the spread of suburbia beyond the political administrative boundaries of Stoke-on-Trent is to be opposed if he is to sustain his electoral power-base. Labour MPs like Hunt have tended to depend on the votes of the cowed but traditionally Labour voting urban working classes on the receiving end of the occasional largesse of the state. That means the public spending of taxes, both nationally redistributed and locally raised. Yet Stoke-on-Trent like any Local Authority raises funds for some of the public expenditure from the planning gains that come from forcing development and redevelopment onto urban land. Parliamentarians like Hunt use planning gain to help maintain basic public services. Hunt depends on privileging Town Centre sites with planning policies that constrain housing output beyond Stoke's administrative boundary. He needs to inflate land values on which planning gains can be drawn by his administration.





**Greg Clark, the Minister for Cities and Decentralisation**

There isn't any possibility that places like Stoke will be regenerated through the extraction of planning gain. The development revenues will never be sufficient to compensate for the area's economic decline. In demanding high contributions from previously developed sites they choke-off output by rendering potential development unviable. Protecting the existing pattern of Town and Country has tended to help subsidise some local council services. The development revenues captured have, nevertheless, been too small to decisively regenerate these areas. Meanwhile housing that might be built elsewhere is obstructed. Politicians find their charter in the planning system. Dromey would rather ignore this reality. He told *The Telegraph* that the Coalition needed to "come clean" over its links to developers.<sup>57</sup> It is hardly news to learn that developers and politicians are in constant negotiation with each other over the planning gain available through the post-1947 planning system. However this planned business as usual is very far from the way *The Telegraph* portrayed a "pact" between the Coalition's Minister for Cities and Decentralisation Greg Clark and developers over the NPPF. No conspiracy is required. Clark promotes cities, and the decentralisation does not mean sprawling suburbs, but ideas of "Localism". This is simply capitalism today.



**Sir Peter Hall and Kate Henderson lead the Town and Country Planning Association as one of a number of campaigners in "Hands off Our Land"**

Dromey should come clean too. High planning gain demands have served to choke-off new housebuilding. Elsewhere, and notably in London, regeneration has become synonymous with gentrification. Labour MPs in London get to keep their constituencies, chiefly by securing votes from the public sector employed middle classes who are the main beneficiaries of planning gain. They benefit as administrators responsible for running public service welfare programmes sustained by planning gain, or, more directly, through initiatives like "key worker housing", whereby public sector professionals are assured a given number of new homes in a development. The social mix of constituents can change as the low paid get squeezed out. Labour politicians negotiate their political dependency primarily through the regeneration of established urban areas, without threatening the interests of those who want to keep development out of the countryside. The working class is caught in a political crusher made manifest through the planning system. The Red-Greens, who may imagine themselves on a new Left, gentrify towns and cities in the name of "sustainable redevelopment", and the Blue-Greens, who mostly persist with being on the Right, protect their landscape for their exclusive enjoyment.



**Listen again**

The 250 New Towns Club received cautious endorsements from Kate Henderson, Chief Executive of the TCPA, and from the Housing Minister Grant Shapps on the Radio 4 programme *You and Yours*. Listen again on:

[www.bbc.co.uk/programmes/p009xv98](http://www.bbc.co.uk/programmes/p009xv98)

The workforce on low incomes, subsidised or sometimes substituted with subsistence benefits, are squeezed between the complimentary green moralities of the new urban gentry and rural environmental stewards. Working class families are increasingly squeezed into what little of the 25 dph suburbia dating from the Twentieth century is still affordable. They are forced to compete unsuccessfully with the middle classes for ownership of this increasingly scarce and desirable housing resource. The little new housing that does get built is at higher densities, often on the least attractive sites. The suburbs are being densified too, but the process, which had been such a prominent trend in the first ten years of the Twenty First century, is slowing as objections are raised to back-garden development. The Government acknowledged these concerns by removing garden land from the definition of Brownfield land.<sup>58</sup> They reduced the potential for "garden grabbing". But since the planning system has not increased the supply of Greenfield sites on the periphery of existing settlements or in the countryside the effect of this measure can only further restrict the amount of land allocated for housing development. The new restrictions will only worsen the housing predicament because these suburban settings tend to be where people would prefer to live.

Where households can't afford homes of their own, generations live more together. Some will make an environmental and social virtue out of this trend, imagining that such planning-backed compulsion will assist with CO<sub>2</sub> reductions, or help revive community spiritedness and extended families. Sharing may be imagined as sustainable development, but it should be recognised as overcrowding.

Sir Peter Hall, the doyen of the British planning movement, first backed such "cramming" as a UTF member, and then resigned to accurately describe New Labour's planning policy as a Land Fetish when it was all too late.<sup>59</sup> Hall is now supporting *The Telegraph's* campaign via the TCPA, which under Kate Henderson's direction wants to require developers to demonstrate that their proposals enable residents to realise the goal '... of living within environmental limits,' and help to create '... a strong, healthy and just society'.<sup>60</sup> Henderson wants these aims explicitly acknowledged as a requirement of the planning system, and incorporated in the NPPF. There is no establishment opposition

to the idea that the Country should be left to those who already live there, and the Town densified in ways that support a socially divided housing market.

*The Telegraph* has cohered elite opinion of all political shades into one anti-development position. It is being openly argued by some that the purpose of planning is to stop development and sustain the housing market. This has never been an objective of the planning system. The 1947 Act was always intended to identify and operate in the widest public interest through locally elected planning committees. Obviously competing interests must make themselves heard, and some Local Authorities are more representative of their electorates than others. While local democracy was flawed in 1947 as much as it is today, it is not hard to imagine that soon the argument will openly be that planning should be used to engineer house price inflation. After all, today the majority are dependent on the evident financial benefits of owner occupation. That dependency is popular and respectable.

The prospect for renewed house price inflation is good. According to estate agency Savills, inflation-adjusted house prices grew by 68 per cent in the decade up to 2010, even after the British housing market finished wobbling during the sub-prime mortgage finance crisis. Savills told readers of *The Telegraph* that house prices will inflate by 40 per cent in real terms over the next decade.<sup>61</sup> House prices rose 0.8 per cent in January 2011, according to the Halifax. At the bottom of the dip average priced British homes are around £165,000, but higher in London, the South East, and the South in general. The national rate of house price deflation in 2010 was modest when compared to the declines in 2008, down 2.4 per cent annually.<sup>62</sup> That wobble is over.

Britain's vast majority of home owners will be relieved. Most people have felt uneasy with financial dependency on the debt and equity in their home. For most British households wages and pensions are insufficient. Housing equity withdrawal flourished under New Labour, peaking at over £50 billion a year between 2003 and 2006. That subsidised household incomes. The housing finance bubble of the New Labour years did deflate. The deflation was uneven. The value of flats in less desirable locations collapsed faster than the value of houses in the more sought after parts of the country. Even so, as the Office for National Statistics clearly shows, in 2009 the tangible asset value of residential buildings was just over £4.0 trillion.<sup>63</sup> New Labour propped up the banks with a repayable injection of a few hundred billions to protect the £1.2 trillion of mortgage lending. Investment the government will get back from future bank profits and sales. The Bank of England dropped the interest base rate to an historic low of 0.5 per cent, and, seem to have little choice but to hold it. Another round of house price inflation was made possible. Savills are not the only Chartered Surveyors expecting general house price inflation to return, albeit unevenly across Britain.<sup>64</sup> Meanwhile most of the political and moral talk about dependency is obsessed with the low paid living, if it can be called living, on residual systems of welfare benefits.

Dependencies do not just exist at the very bottom of society. The majority has come to depend on the inflated and unaffordable housing market. The dilapidated condition our homes matters less than the inflating price they can be bought and sold for. It was general house price inflation that New Labour came to depend on too for planning gain.

Planning gain was needed it as a way of financing regeneration projects, and to pay for some social housing, local services, and basic infrastructure. More significantly New Labour needed the planning gain that could be derived from an inflating housing market to allow the owner occupying majority to supplement inadequate wages by withdrawing equity from their homes. Now the dependency on the housing market is exposed as it falters, but does not collapse. The market was expected to collapse, but has not.

Meanwhile the heavy green morality about protecting the distinction between Town and Country not only persists, but is being reinforced over the drafting of the NPPF. As Martin Pawley observed - sustainability is another way of deciding who is in charge.<sup>65</sup>



**Martin Pawley, ardent critic of sustainability**

### **Keeping people in their place**

It is perfectly clear that the leaders of the construction industry still willing to challenge the heavy moral idealism of sustainability have lost their power. The construction industry can wither away for all *The Telegraph* campaign supporters care. When they talk about wanting to revive economic growth, they don't mean a massive surge in new

building work or an expansion of infrastructure. They are equally opposed to projects like High Speed Rail, or the Thames Tideway Tunnel, as they are to the demographic idea that every household should have a home of its own. New Labour had an idea of household independence as the basis for annual housing targets, but annual housing production never achieved the targets. The Coalition government scrapped the missed demographic targets and has no serious intention to use the NPPF to encourage house building. What they have in mind is a revival of financial services in The City, subject to uncertainties in the fragmenting Euro Zone, while the countryside is kept pristine as home to the few with their sense of environmental stewardship. That is countryside in the right hands, available as an exclusive weekend retreat for the new pro-urban gentry.

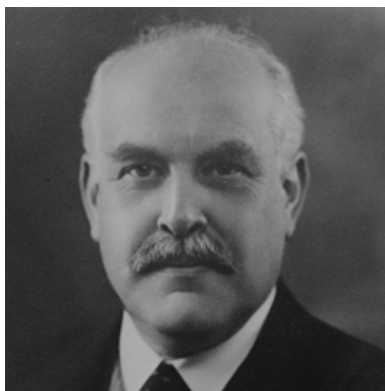
Most people crammed into town hardly ever get to enjoy the country properly, let alone periodically live in it, even in a country that could be far more easily commuted. This is not a matter of Country versus Town. Planning might make a synthesis of both.

Effort should be made in overcoming the antithesis between Town and Country. We can all enjoy a much greater use of both, and far more dynamic life. That is what the stewards and the gentry enjoy. Why not everyone in an industrial democracy?

We are not against cities. However joining the chorus articulating support for cities will not counter *The Telegraph's* "Hands off Our Land" campaign, and will not, as the UTF imagine, encourage investment in urban infrastructure and reconstruction. The capital remaining in the construction industry, and in construction product manufacturing, is not anticipating growth. Indeed, the green adherents in the construction industry quangos and trade bodies are in positions where they have to manage decline, not expansion. They are not complaining because in their view industry is generally considered unsustainable. There will be some industrial mavericks, and some surprising ones, but they will be exceptions. Some in the construction industry will question the ideology of sustainability, but will not know how to argue for more development in the face of those who say that too many people are already endangering the survival of life on earth.

### **Green Belts like housing markets are manmade and can be remade**

An anti-development opinion has cohered around the Coalition's attempt at a consolidated National Planning Policy Framework. The proposed NPPF is set to make a fetish of cramming existing Town Centres, fixed within areas of Green Belt larger than the developed areas they contain. Taking his cue from Policy Exchange and its substantial but ultimately equivocal studies of the planning system that waffled on about a presumption in favour of development, <sup>66</sup> Pickles had the DCLG edit the NPPF to emphasise opposition to "unsustainable" development, and in particular against development in Britain's extensive Green Belt. Green Belts have provided and continue to provide effective containment of the workforce. Nearly 20 years ago Martin Elson, Stephen Walker, and Roderick Macdonald wrote about *The Effectiveness of Green Belts* in ways Pickles defends:



**Sir Laurence Dudley Stamp organised the first Land Utilisation Survey of Britain, from 1933 to its published completion in 1948**

*'Green belts have been a cornerstone of planning policy... Introduced around London in the late 1940s they were adopted around a number of other towns and cities following the publication of the 1955 Green Belt Circular. Over the past 15 years the extent of fully approved Green Belts in England has doubled, to over 1,550,000 hectares.'* <sup>67</sup>

The authors saw no reason to stop the growth of Green Belts after that period of most rapid expansion from the mid 1970s. The free-market orientated think-tank Policy Exchange, despite their standing on the shoulders of Alan Evans, balked at doing away with Green Belts. They fell into line with the UTF. The area of designated Green Belt land in England in 2010 was estimated by DCLG at 1,639,540 hectares, about 13% of the land area of England. <sup>68</sup> That can be put in a national context.

Excluding Northern Ireland it appears that Britain may be thought of as nearly 23 million hectares, or 22,909,000 hectares, made up of 13,043,000 in England, <sup>69</sup> 7,793,000 in Scotland, and 2,073,000 in Wales. <sup>70</sup> When Dudley Stamp looked at Britain's land use in 1948 he rather measured the land area at 22,744,099, or 22.75 million hectares. <sup>71</sup> Looking at landscape categories up to 2007 the Office of National Statistics (ONS) measured the developed area of Britain to be around 1,932,000 hectares including all gardens and parks, "Linear Features" of infrastructure and "Other" categories, out of what they said was a total land area of 22,627,000 hectares, or closer to 22.6 million





**Solly Angel, Adjunct Professor of Urban Planning at New York University says:**

*'The containment policy of the 1947 Town and Country Planning Act was certainly successful in limiting urban expansion in Britain. It was also successful in ensuring that home values have soared, to the merriment of homeowners and mortgage banks, and much to the chagrin of the increasing number of families who are shut out of the housing market. The 250 New Towns Club seeks to break the stranglehold on urban expansion by sprouting new settlements in the British countryside, in a contemporary synthesis of town and country, vastly increasing the supply of residential land, and thus making both land and housing more affordable. This is certainly both a revolutionary and a welcome change, but not one likely to take hold unless many of you join together to make it a reality.'*

hectares.<sup>72</sup> These figures have been presented in the *Land Cover Map 2007* and the various reports of the Countryside Survey.<sup>73</sup> The ONS suggested Britain was 8.54% developed, even taking the lowest figure for the total area of Britain and the highest measure for what constitutes development. There seems to be plenty to dispute in these figures. With 1,323,000 hectares identified as "Built up Areas and Gardens" it may be residential development constitutes between 5 and 6% of Britain.<sup>74</sup>

With most of the population living, travelling, and working in much less than 10% of Britain, as is often stated as a round figure, 13% of the land area of England is designated as Green Belt,<sup>75</sup> and growing. More than 90% of Britain is countryside. The Green Belt is often poor quality landscape, and of the other 77% of Britain's countryside, much is poor quality or redundant farmland. It would be easy to give developers a charter to build on 1 or 2% of that undeveloped land, and everyone knows this. However to charter developers to build on a small fraction of ordinary and unremarkable British countryside, within and without the bloated Green Belts, would have wobbled fragile housing markets, threatening the security of the £1.2 Trillion of live mortgage lending that the members of the Council of Mortgage Lenders (CML) enjoy.<sup>76</sup>

The Institute of Directors (IOD) called on the Coalition to think about building on the 90 per cent of land in Britain that stands undeveloped. The IOD say build more on the Green Belt. 'Greater land release could also lead to lower land and house prices and greater affordability', insist the IOD.<sup>77</sup> Yes indeed. Lower land prices as a result of letting farmers sell up to developers and smaller builders would generally mean lower house prices in the market of existing homes. The National Housing Federation predict that without any housing market shocks in England, the proportion of people living in owner occupied homes will fall from a peak of 72.5% in 2001 to 63.8% in 2021, the lowest level since the mid 1980s. They expect that the average house price in England will rise by 21.3% over the next five years from £214,647 in 2011 to £260,304 in 2016.<sup>78</sup> To put farmland on the market for house building may not collapse the housing market in London's Mayfair, Kensington, or Chelsea, or the smart localities in which the IOD members live, but for everyone else the effect would be lowering of house prices. That will be painful, and we think needed, but deeply unpopular because of that pain.

Everyone knows this too. The electorate doesn't want a housing market collapse any more than the Treasury. While the effect would be profound on the CML members individual households would face lower housing costs after some disruption. The 26,000,000 existing homes would still exist after the bank write offs. Eric Pickles knows all this most of all, but also wants to avoid financial disturbance and to restrict the growth of the inhabited area. The Coalition could have challenged the UTF prejudices about containment that New Labour applied when in government. Instead they have reinforced them, adding the qualification that only sustainable development has any hope of a weak legal presumption. The Coalition has ensured that an argument about what is and what is not sustainable development will weirdly rumble in 2012 and beyond. Yet it will be a morally pretentious way of avoiding the prospect of housing market disruption that might be better directly confronted. In his long running column in the *Architects' Journal* Pawley was surprised, it seems, that the obvious was being ignored:

'Nowhere is there any acknowledgement that the predicted need for more building land is more than matched by a tremendous superfluity of agricultural produce, which has left a huge surplus of unused agricultural land. So striking and so irreversible is this situation that – were they allowed to – impoverished farmers, land-strapped greenfield house builders and would-be home owners could solve one another's problems at a stroke.'

'Land without beneficial use is not scarce today. If it cannot be used to build on, what can it be used for?'<sup>79</sup>

Pawley never got a satisfactory answer of course, least of all from Lord Richard Rogers.

In characteristic style Pawley had realised the stupidity of the self-perpetuated problem, and saw anti-development green ideology at work. Now of course in Britain we can go on indefinitely failing to confront the housing cost predicament, to focus on green morality. We could just resign from development and let the construction industry dwindle. Who would blame builders for not building? Heartfield appreciated that, '... like previous announcements, the eco-town proposal is so heavily hedged with conditions that developers would be daft to take them on.'<sup>80</sup> Of 50 proposed eco-towns, a handful

survived being talked down. None are built, and few, if any, will be. The numbers of homes being eco-assessed are piffling in the overall predicament. This is far less than the social achievements of the post-war New Town programme.<sup>81</sup> Britain develops pathetically compared to elsewhere in the world. Surely we can build houses?



**Robert Bruegmann, Professor of Art History, Architecture, and Urban Planning at the University of Illinois at Chicago, and author of *Sprawl: A Compact History*, 2005, says:**

*'Britain pioneered many of the most important and beneficial planning techniques used around the world. But today, with the planning system so often deployed to fight any change or progress, it is time for some new ideas. This is the goal for the 250 New Towns Club. For the sake of people everywhere, let's hope it is successful.'*

[www.robertbruegmann.com](http://www.robertbruegmann.com)

### **Slower Little Britain**

Development planning processes will now only crawl. It will take Betts and the DCLG far longer to grapple with a definition of sustainable development than they imagine, and they will be challenged on every word. Local Planning Authorities only have to produce Local Plans that repeat the NPPF's moral aims. The 1923 presumption in favour of development that Policy Exchange thought was their idea only ever applies if Local Authorities have completely failed to approve and maintain Local Plans. After being aligned to the Triple Bottom Line ideology of sustainability and sustainable development in the NPPF these Local Plans only need to be based on some reasonably convincing evidence, and the Planning Inspectorate has tended to give Local Authorities the benefit of the doubt when it comes to their reasons for refusal or conditional consent. In any event the Planning Inspectorate reports are to be non-binding in future, which means that Local Authorities will be under no effective constraint.

In these circumstances any manner of local planning policies will be introduced under the NPPF to restrict the release of land and reduce new house building volumes.

The threat of the presumption in favour of development hardly even encourages Local Authorities to produce Local Plans. At the moment only a quarter of all Local Authorities in England have a Core Strategy in place, the key to the local planning policy document hierarchy. This is despite all Local Authorities being obliged to have one since 2006. Lord Rogers believes that to implement the UTF approved "Brownfield First" NPPF '... we also need a new commitment to local authorities preparing the necessary local plans.' He complained to the *Financial Times* that '... it is scandalous that fewer than half the councils in England have an up-to-date plan to guide development in their area. The government also has to address the skills deficit within local planning authorities. Left unresolved, there will be parts of the country that have no up-to-date plan for many years to come.'<sup>82</sup> He imagines this is a problem of funding skilled planners. The simple reason for slow plan production is more likely to be one of deliberate neglect.

The DCLG says it might allow a period of transition to allow Local Planning Authorities more time to produce Local Plans. If that transitional arrangement amounts to allowing local authorities a period of grace to adopt local plans before the presumption applies then the only provision of the NPPF that might allow for an increase in development activity will probably be suspended. Local Planning Authorities fear neither developers nor the lack of a Core Strategy based on anything more than morality, and will use the NPPF to exhaust anyone making a planning application that is not already divined as an exemplar of sustainable development by a top table of fee earning experts. Many Local Planning Authorities uninterested in development won't care they have no Local Plan, or lack a well funded and skilled planning department.

The Government might be surprised that *The Telegraph's* "Hands off Our Land" campaign forged an anti-development alliance of urban and rural complainers, united in their opposition to the NPPF. It will no doubt come as another surprise when novel green reasons for refusal or conditional consent are innovated using the NPPF. For example the issue of "prematurity" has been cited in three recent appeal cases in Winchester,<sup>83</sup> St Austell,<sup>84</sup> and Cheshire East,<sup>85</sup> as a reason to refuse permission on the grounds that planning permission granted now might compromise decisions made by the community through the local plan process to determine the most appropriate and sustainable locations for development.<sup>86</sup> The idea of "prematurity" has always been frowned upon within the planning profession as poor practice, and is regarded as an extremely dubious justification for refusal since it encourages Local Planning Authorities to do nothing, placing them under no compunction to produce an up-to-date plan against which applications can be determined.<sup>87</sup>

A spate of "prematurity" decisions at the end of 2011 has the potential to dry-up the supply of future strategic housing sites. Developers are understandably wary of committing the resources to making applications in such an uncertain environment. However the prematurity threat does now appear to be receding as the Government



**250 New Towns Club  
organiser and architect Ian  
Abley says:**

*'The 250 New Towns Club is a popular response to the fact that Britain should be building many more homes than the 128,000 that were built last year. We say 500,000 houses and flats should be built every year as a minimum. We also say that 260,000 demolitions are required at the same time to get rid of the worst old housing. Of course, housing does not exist in isolation. We all want to live near good facilities, and close to work. Towns take time to grow and become established.'*

*'The Dutch and North Americans have been notable at creating new places to live in new landscapes. We see ambition too in Brazil, Russia, India and China. We should learn from that and get building here. The 250 New Towns Club will learn from the scale and pace of development in the rest of the World. We believe in population growth and free migration.'*

is perhaps losing patience with Local Planning Authorities for the glacial pace of plan preparation. Nevertheless, the fear of "prematurity" means that developers are focusing on small schemes, usually of fewer than 10 homes, because these will not be called-in by the Secretary of State as they are not deemed to be of strategic significance. Focusing on small schemes will allow house builders to remain in business in the hope that a more favourable planning regime will emerge in due course, enabling them to then scale-up production. However, without large, strategic schemes coming forward, there is a strong possibility that annual completions will remain below the low levels realised in 2010 to 2011. Research from the Home Builders Federation indicates that in third quarter of 2011 there was a 10% fall in planning approvals for housing compared to a year ago.<sup>88</sup>

The NPPF risks threatening even this reduced level of house building activity. Hope amongst house builders that the Government is determined to deliver planning reform to boost housing supply and economic growth is fading rapidly.

The NPPF was initially imagined as an exercise in editing down the mass of accumulated Planning Policy Statements that New Labour had generated. The Coalition had claimed it would cut bureaucracy. Few believed that claim. Many believe the all these Planning Policy Statements will merely reappear as "supplementary" guidance. Most worryingly the NPPF promises to institutionalise sustainability, opening fresh opportunities for innovation in the field of environmental law. It is a gift to green minded planning lawyers.

Far from cutting bureaucracy, there will be more.

**House Builders want to build more but face the Housing Trilemma**

The financial crisis that started in 2008 has caused problems for house builders. House builders have reduced or ceased their activity in response to the uncertainties in the housing market, but other uncertainties in the planning system and the cost of getting to any site have created a predicament. The fall out in the financial sector, and particularly the Euro Zone, might still jolt the British housing market, but it will not collapse. It is underpinned by the 1947 denial of development rights. The consequential inability of farmers to release swathes of cheap land for house building means that they cannot collapse housing markets. While developable land is maintained in artificial short supply by the allocation of Planning Approvals the housing market can be managed to some great extent to keep inflating, except for unexpected periods of financial shock.

The planning system is a powerful instrument to keep the housing market inflated. As a society we seem to want planners to ensure that new house building will never satisfy the expected annual rate of new household formation in the government's own household growth projections. We appear not to want farmers to be free to sell their land cheaply, and collapse the housing market in ways that would make housing affordable. No conspiracy is required for this to happen. It is the housing market at work, intersecting with the limited democratic institutions that pass for Local Government, backed by Central Government.

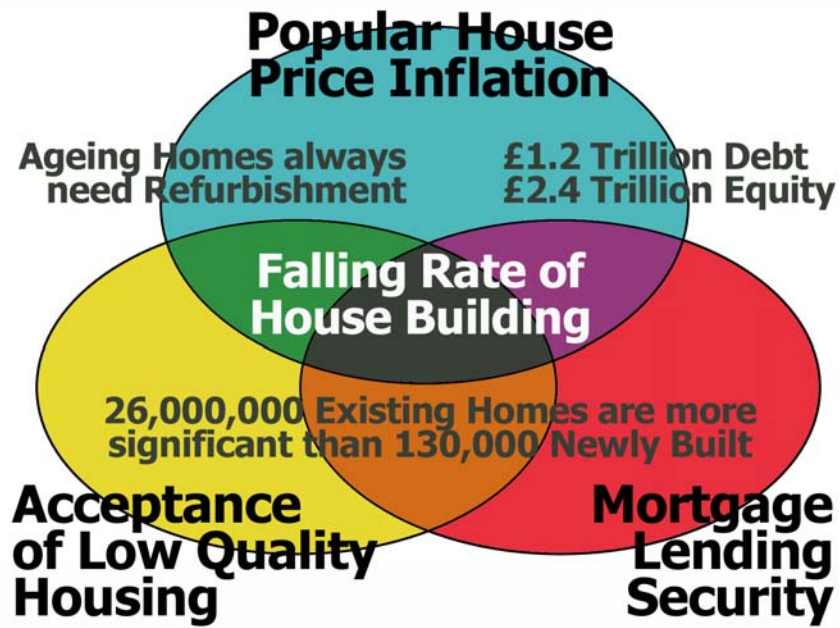
Oddly, many opponents of the NPPF blame house builders for "land banking". They are accused of not building out sites in the anticipation that house prices will restore to the inflated levels of 2007, so they can sell once again at the top of the market. This ignores the fact that house builders need to achieve shareholder returns each year, as do all private sector companies. They cannot do so if they are not building and selling homes.

In any case even if these arguments accurate, the total number of land-banked plots with planning permission waiting to be built out according to the National Trust is only 330,000. If the house builders were working to meet annual household growth that would only be a land bank sufficient for a year and a half ahead. Land deals and planning approvals take house builders some time and effort to secure, and a year and half is little time to get their sites underway.

House builders could double or treble their present building activity, but they would need to expand their land banks in the process. There would be nothing inflationary in House Builders doing that. The inflation in house prices is consequent on making developable land an artificial scarcity by the aggregated effect of Local Planning Authorities restricting locations in which houses can be built. Deliberate or not, *The Telegraph's* commitment to building fewer new homes will stabilise what we have called the Housing Trilemma.



# Britain's Housing Trilemma



## audacity

The Housing Trilemma precisely reflects the Triple Bottom Line of sustainability in having a clear A) social, B) economic, and C) environmental dimension. The British predicament consists of a triangulation, characterised as:

- A) Social dependence on substantial house price inflation in Britain's political economy
- B) Securitisation of mortgage lending by government through the planning system
- C) Public acceptance of the low quality of an ageing and delapidated housing stock

We are saying this is a mutually reinforcing trilemma.

Between A) and B) £1.2 trillion in debt also means £2.4 trillion in housing equity. Maybe equity of £2.8 trillion if the Office for National Statistics figures for 2009 hold.<sup>89</sup> House price inflation is sought by owner occupiers and the Council of Mortgage Lenders alike.

Between B) and C) it is clear that The City is far more interested on the trade in the stock of 26 million existing homes than in the 128,000 new homes built in the year 2010 to 2011. If fewer luxury homes are built The City will not care. In fact, The City may provide the customer base. For most people the housing stock is poor quality. That inferior quality is mostly accepted by owner occupiers because of the financial benefits.

Between C) and A) the desire for house price inflation is more important than the utility of most housing. The stock is substantially dilapidated, certainly ageing badly with a negligible rate of replacement through demolition, and in need of enough refurbishment to keep it habitable.<sup>90</sup> That stock is increasingly overcrowded as households "Make do and Mend". This mundane repair and extension work is too large a proportion of the British construction industry. It is highly unproductive, although this is just what Hugh Pearman, editor of the RIBA Journal recommends. Endless refurbishment is Pearman's ideal, echoing the slogan from the second World War.<sup>91</sup> That, and several households sharing the same extended family home, rather than enjoying a home of their own.

This mutually reinforcing trilemma results in a fall in new housing production. A fall in production that is turned into an environmental virtue. 100% of the fewer new homes have to be "zero carbon" by 2016, so that more of these will be luxury eco-homes being added in small number to the stock of housing in need of extensive upgrade in their building envelope, heating and ventilation systems.

It is this volume of laborious, low productivity eco-refurb that is seen as the business opportunity, not productive new house building. The reason, of course, is that the



**Hugh Pearman, Editor of the RIBA Journal**

### Listen again

Ian Abley and Hugh Pearman argue about the need for much more new house building in the countryside on the Radio 4 programme *You and Yours*. Listen again on:

[www.bbc.co.uk/programmes/b011vg95#p00hld0d](http://www.bbc.co.uk/programmes/b011vg95#p00hld0d)

housing market is in the inflation of the existing stock, and the fund of housing equity that most households prefer to living in comfort. Small wonder that those who want to make money from the eco-refurb market are trying to find intrusive ways to financialise the upgrade work from the equity in people's homes. We should not stand by and watch the greens compel domestic refurbishment,<sup>92</sup> while new house building declines.

This is not only a problem for the majority of home owners of course. House price inflation underwrites burdensome mortgage lending and private debt, while households in the majority owner occupied sector accept low quality housing conditions. However high rents in the private rented sector shadow housing costs in the majority owner occupied sector, while privately rented housing is often of the lowest quality.

The chance to avoid rental housing is now restricted to only those with higher incomes, or those receiving assistance from family or friends. 77% of First Time Buyers required such assistance in 2010, compared to 35% in 2005. 33% of tenants in private rented accommodation aspire to be home owners, 85% believe they will stay renting.

Lucy Alexander has noted the private rental sector that '... has traditionally catered for carefree twentysomethings is now becoming the only option for families with children.' Meanwhile, '... a third of private tenants also claim housing benefit, a figure that is likely to grow once shorter council tenancies start to push low-income tenants into the private sector.'<sup>93</sup> Extreme cases are often reported where landlords rent out mouldy garages or dilapidated rooms at punishing prices. Migrant workers are sometimes seen living in sheds in people's gardens.<sup>94</sup> Rather than provide more land for more houses, Local Authorities channel their efforts into refusing permission or declaring unlawful these shanty-style solutions to the housing crisis.



**Kristian Niemietz, Institute of Economic Affairs**

As Kristian Niemietz observed, '...if a landlord can find tenants who are willing to pay a lot of money to live in a mouldy garage, then this is a stark indication that something is going profoundly wrong in the housing market.' It is lucrative for landlords to divide family homes into several tiny residential units. Local planning authorities are introducing local policies to resist this trend, but if those local authorities are not supplying the land with planning permission to build new family sized homes it is hard to see how this will help cash-strapped households. Such policies are likely only to fuel gentrification and benefit those with ready cash who want one of the dwindling stock of Victorian, Edwardian and inter-war homes. Many call for tougher regulations for landlords. For Niemietz at the Institute of Economic Affairs '... it is not a deregulated rental market that causes the abuses described above. It is an over-restrictive planning system that causes a severe shortage of homes, and within these constraints, it is thanks to a lightly regulated rental market that things are not even worse.'<sup>95</sup> He gets in a free-market muddle. We don't have to be grateful to unregulated landlords.

Private landlords perhaps have most to gain from maintaining housing scarcity. The activities of the worst landlords show that people at the bottom of British society face the severest consequences of the Housing Trilemma Of course home ownership is not for everyone, even at historically low rates of interest. Despite the lowest of interest rates developers are still unable to build modest housing for affordable rents in any significant volume, let alone build simply for sale at low prices.



**The Coalition's Housing and Local Government Minister Grant Shapps**

There is no immediate mood at the Bank of England to raise interest rates. While some at the Bank of England would like to capture capital gains directly through taxation within the housing market,<sup>96</sup> not simply through planning gain negotiations at the time of development, their political masters are simply too scared to try such taxation. The response from *The Telegraph* alone to the suggestion of a capital gain tax based on house prices would make the "Hands off Our Land Campaign" look trivial! There is only a mood for more Quantitative Easing, while the Euro Zone struggles with wider problems. The business of state intervention in the housing market through an effective planning system that considers development morally unsustainable will continue to grow.

Anyone expecting British house building to pick up soon will be disappointed, even as the housing market inflates into another bubble. Grant Shapps,<sup>97</sup> the Coalition government's Housing and Local Government Minister, is also hoping that house price inflation will not return to make the present housing predicament worse.<sup>98</sup> He will be disappointed too. Shapps wants modest deflation and more houses built. However he is powerless to make that happen.<sup>99</sup> The house builders have been stripped of New Labour's national target of

240,000 net additional homes a year, but that was an unmet and inadequate target. <sup>100</sup>

Future urban expansion and new settlements are needed around the world, as Solly Angel, Jason Parent, Daniel Civco, and Alejandro Blei appreciate in *Making Room for a Planet of Cities*. They call for minimal preparations for the impressive urban population growth expected in the coming decades. Over half of the world's population lives in urban areas, including many millions in informal settlements. The large cities of the developing world are expanding. Yet there is little planning and preparation for this novel growth in urban population. <sup>101</sup> Their complete data sets, with the associated maps and spreadsheets, are available in *The Atlas of Urban Expansion* on the Lincoln Institute of Land Policy website at [www.lincolninst.edu/subcenters/atlas-urban-expansion](http://www.lincolninst.edu/subcenters/atlas-urban-expansion).

In need of the work, Britain's planners could be taking the initiative on urban expansion and new settlements. We could also welcome many immigrants, and make Britain a World Country. We could go well beyond London as a World City, <sup>102</sup> and set about deliberately increasing the population of Britain by 50 per cent to 90 million in 20 years.

The builders who produce 80 per cent of the new homes built each year are represented by the Home Builder's Federation (HBF). HBF members, to their great credit, attempted to increase housing production from 2001 to 2008, as the government first adopted an inflationary urban containment policy. But the HBF is now also much reduced.

### Resigned to sustain the Housing Trilemma



**President of the Planning Officers Society Mike Holmes doesn't appear to be prepared to build many more new homes**

As we have tried to show, many in Britain, including the majority of the middle class, are dependent on the Housing Trilemma remaining stable. Many are perfectly happy that the planning system is used effectively as a way of guaranteeing inflated house prices, and of maximising development revenues to pay for local services. Mike Holmes, the President of the Planning Officers Society (POS) has articulated the extent of middle class dependence on the planning system, warning *The Telegraph* readership '... the risk is you get a big splurge in development in an area - or the prospect of it - and prices go down for properties already there... Babies should not be thrown out with bathwater... There is a danger of unintended consequences here.' <sup>103</sup>

It is disquieting, but not unsurprising, to read that the POS is anxious that the planning system should operate intentionally to protect the interests of existing home owners. While the NPPF is redrafted to address the heavy moral idealism of sustainability, the immediate instrumental objective of planning, if the POS is correct, is to restrict new house building to guarantee high house prices. The planners of the POS are lending their support to sustaining a planning system that supports Rentier Capitalism rather than an economy based on expanding production and the creation of new value. The POS parrot the ideas of the UTF, reiterated by Rogers and Power in *Cities for a Small Country* in 2000. They believed that regeneration within cities was threatened by "over-building" by largely non-urban Local Authorities. <sup>104</sup> Strip away the planning jargon of "over building" and the intent is clear. The planning system is not only to be deployed to prevent supply matching demand for low density housing, but to attempt to direct effective demand to a limited supply of town centre developments. That such a policy would force inflation in all housing markets seems obvious. Of course that is exactly what happened up to 2007.

The fact is that development in urban centres, places designated as built heritage, or protected countryside invariably requires expensive services from architects. Meanwhile suburbia has been repetitively built from house builder generated pattern books. All architects, from Rogers down, understood and understand that. <sup>105</sup> However architects are not unhappy to have their business model bolstered by planners, the professionals architects say they hate, even as they depend on the planning process. The architectural profession is sufficiently self-aware to appreciate that they represent an elite facing international architectural artistic culture, which can be self-obsessed even when it tries to talk about population growth or productivity in the building industry. <sup>106</sup> Architects tend to seek conversations with other architects, particularly about what is and what is not a proper aesthetic for sustainable architecture. <sup>107</sup> They find ways to do that remote from the mundane tensions and pressures of being professionals in the construction industry. Such work depends on the profitability, pace and scale of development.

Expert understanding is necessary precisely because all buildings, including those aiming to be architecture with heightened qualities, are made through the social division of





**David Chipperfield founded his practice in 1984 and has offices in London, Berlin, Milan and Shanghai**



**Baron Deben, John Selwyn Gummer, Secretary of State for the Environment from 1993 to 1997**



**Jules Lubbock, wrong on the meaning of the 1947 Act**

labour in the construction industry. Many have to work together to make buildings happen. Yet for all the specialised talk architects fail to define sustainable development any better than anyone else. The sustainable development discussions architects are embedded within, at best ignoring population growth, but at worst arguing for population reduction, tend to trivialise the social problems of producing and consuming the built environment. As David Chipperfield has observed, there is surely a fundamental problem with '... the image of architecture propagated in much of today's media of projects springing fully formed from the minds of individual talents.' <sup>108</sup> "Starchitects" are never out of the architectural press. That mystification is peculiar, particularly when architects like to talk of architecture as a public art. However the comfortable failure to establish much professional "common ground" with the public masks a theoretical vacuum in the practice of architecture that reflects a political and economic theorylessness in society.

Architects are not to blame for being as vague and limited as everyone else when it comes to their political and economic purpose.

That said, the only significant effort the architectural profession made beyond backing UTF policies was to extend John Gummer's innovation. This was the 1997 planning exception in Planning Policy Guidance 7 that allowed new country houses to be built in the countryside, provided their architecture and landscaping was of "outstanding quality". This meant expensively architect designed. Even for New Labour, hardly shy about assisting the wealthy, "Gummer's Law" was too obviously a planning privilege. <sup>109</sup> Yet they agreed to extend the exception anyway in 2004 in Planning Policy Statement 7. It appears that the NPPF will extend the privilege with some tinkering with wording. Fewer than 60 country houses have been approved under "Gummer's Law", and probably less than a third of those approved have been built to date. <sup>110</sup> No-one on an average income can hope to use this planning exception.

The planning process is supposed to be where the public and architects meet, but this is a democratically truncated and highly managed engagement. Architects only get repeat business by serving their developer clients during any process of public participation, while the tricky negotiations over who gets what from the planning gain are concluded prior to public meetings, with architects keeping their distance in a workable formula based in the 1947 Act. A host of sub-consultants have emerged to support clients and their architects in that delicate period of negotiation.

Perhaps the POS is also anxious that a planning system that allowed more and cheaper homes might result in a decline in development revenues from planning gain? Now that's what we call a "dependency culture". One dressed up to appear as a moral mission to save the planet from evil developers, and to save developers from their capitalist selves.

During the election Shapps insisted that he wanted '... to create nothing less than a nation of homebuilders... So we'll give you the tools... the incentives... and the power to build.' He didn't actually mean that. But he didn't stop there, because he wanted '... the right homes in the right places. Affordable homes, family homes, well designed, and always green.' <sup>111</sup> Always green is the morality that will allow Holmes and his planning officers to regulate the housing market more like estate agents than planners.

In the *Man-Made Future* Jules Lubbock remarks on the resilience of the 1947 law that gave planning officers, working under instruction from elected local councillors, such a power. Lubbock mistakenly thinks that '... the right to develop one's property remained inherent in ownership,' but admits that the development right '... could only be exercised after planning consent had been obtained.' <sup>112</sup> Lubbock fails to see that a development right, like other political rights, is a freedom from the state.

Late in the nineteenth century and in the first half of the twentieth century there were various proposals for full Nationalisation of the property of land. That state control of all development was never accepted in Britain even during the emergency of the Second World War. By 1947, anticipating rebuilding after the war damage, the Coalition of the day innovated the idea of the state nationalising only the right to build on land. Development rights were stripped from Freehold. There can be no right to build if planning approval has to be obtained first, and might be refused. Lubbock quibbles over whether development rights were nationalised in 1947. They were. He thinks that the war time cross-party consensus must persist to explain the maintenance of the 1947



Ellis Woodman, Editor *BD* magazine

Town and Country Planning Act. It is true that no government has yet dared to break that planning consensus. All have strengthened it. However that does not mean the power of the 1947 Act is being sustained in the NPPF today for the reasons it was enacted. The Housing Trilemma of today never existed in 1947.

As Gordon Cherry knew,<sup>113</sup> land owners try to play the planning system, accepting that:

- Land ownership does not confer the right to develop
- Development can only take place if planning permission is granted by a popularly elected Local Planning Authority or by the government minister responsible
- Local Planning Authorities are required to produce Development Plans, to which new developments are expected to conform.

Yet it is not obvious why land owners perhaps grudgingly rather than enthusiastically accept the need to obtain planning approval today. There has been a time in Britain when land owners were free to build, free of the need for planning approval. Before 1947 a Local Planning Authority had to persuade land owners to participate in improvement projects, and win the argument for a plan. Now the elected Councillors of a Local Planning Authority do not have to listen to anyone they don't like the tone of.

The NPPF furore will ensure that planning applications will be reduced in number and their industrial ambition. Planning permissions are steadily falling in England, with only 25,000 new homes approved in the second quarter of 2011 compared to 32,000 in the second quarter of 2010.<sup>114</sup> This will be read by the POS, the UTF and *The Telegraph* campaigners as "proof" there is no demand for development, inverting the causality.

Neither is this a technical problem of building. Ellis Woodman, editor of *BD magazine*, imagines that site built construction will struggle to achieve the technical ambition of reforms to the Building Regulations.<sup>115</sup> He is mistaken. Offsite manufacturing could have quantitative and qualitative productive advantages, through aggregated R&D, but meeting the projected Building Regulations is not too hard to do on site even now. By 2016 when the Building Regulations will be onerous, the HBF members will have plenty of technical options that avoid the need to capitalise house building as factory production. It is also entirely possible to build in ways to reduce energy consumption in the operation of housing. What is needed more so is a transformation in energy supply,<sup>116</sup> as James Woudhuysen and Joe Kaplinsky articulate in *Energ!se*.<sup>117</sup> That is more about planning.

Planning based on 1947 law is blocking development, and there is more money to be made in the trade of land that has already been developed than in building new settlements in new locations. Money is being made out of a planned scarcity in housing that is justified idealistically, and not through increased industrial productivity made possible by the sorts of technological and organisational innovations that capitalism has historically generated. It is notable that this failure has been brought into sharp focus by the actions of *The Telegraph* in their campaigning against house building.

### The "Hands off Our Land" campaign is more significant than the NPPF

An anti-development alliance has been forged by *The Telegraph*, and pity on anyone trying to get speedy authorisation from planners for new building work anywhere that isn't on the brownest of post-industrial wastelands, away from the expanding Green Belt.

Many imagined that given the need for growth in a period promising austerity Britain's house builders were being given a "developer's charter" in the NPPF. We wish! It would be so easy to allow far more house building in Britain's farmland, even with average arable land values in England reaching a high at nearly £15,000 a hectare in 2011.<sup>118</sup> However the NPPF is no developer's charter, unless you are a developer friend of a Town Centre land owner. It is not even a reduction in bureaucracy. The NPPF is rather another manifestation of a planning system that serves as an obstacle to development. The NPPF is a way of sustaining the Housing Trilemma, but it avoids confronting the widespread dependency on equity release from the value in our homes. The British economy is in steady economic decline and offers a future of stagnating incomes. Britain's economy needs growth, but not, it seems, in the work and profits that come from greater volumes of new house building. That sort of business exposes wider fragilities. Volume house building has become politically threatening.



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The fact is that home owners want house prices to increase. House price inflation also means that any new construction can be sold for more. To the satisfaction of almost everyone with a financial stake in the development process, the granting of planning approval on favoured land secures the planning gain negotiated with planners in the housing development process.<sup>119</sup> The design, building, and sales processes are the largely laborious and protracted efforts required to realise that planning gain as a bankable, capital gain. Many house builders have low profit margins of between 10 and 25 per cent of gross development value. Returns on Capital Employed are low. Profit margins down the supply chain are lower still. House builders have squeezed their favoured sub-contractors until they can squeeze their employees no more. These are mean times for capitalised materials manufacturers who would like to be selling house builders the volumes of construction products they required up to 2007.

### **We face a predicament in 2012**

The Coalition cannot afford to confront the political problem of the Housing Trilemma if it is to sustain its fragile political support. The Coalition depends upon an increasingly aging demographic with most to lose from a housing market collapse. The elderly and equity rich will be mostly satisfied with modest house price inflation as a hedge against general inflation, while savings in banks attract little return in a period of historically low Bank of England base rates. The NPPF hopes to manage the housing related predicament for a while longer, at least until the next election and a new government perhaps with more scope to politically manoeuvre after the first years of fresh austerity. The housing related predicament is closely connected to the pension and health care problems that are looming. Debt is secured, but housing remains unaffordable, quality low, and house building activity is at an all time industrial low. This is not a conspiracy.

It is a predicament. Saying that of course we should not to fall for the lie that ‘... we’re all in this together’.<sup>120</sup> We are not. Dynamic capitalism is always unfair, but we face a worse predicament in Britain. Construction activity is subdued because the sustained house price inflation assured by the 1947 planning system, necessary to secure the ability of finance capital to earn an annual percentage in the existing housing market of 26 million homes, matters most to the British government, the Bank of England, the CML, and The City. As Heartfield observed, ‘... we had Labour against socialism. Now we have a Conservative government shy about capitalism.’<sup>121</sup> This government will not dare to produce a developer’s charter, and the NPPF is nothing of the sort.

Meanwhile an influential propertied class that includes those working in financial services and related sectors, based largely in London and the heavily planning protected towns and villages of the South East and South West of England, still enjoys house price inflation at the top of the market. They are content to see the environmental and heritage designations that apply to their homes and neighbourhoods reinforced in order to restrict further development, confining developers to the least attractive areas, enhancing the value of their exclusive localities.

The unelected charities, quangos and Non-Governmental Organisations that were aligned against the NPPF before December 2011 represent these elite interests, not those of the wider British public. It should come as no surprise that these elites will become supportive of the Coalition when the NPPF is redrafted to force the UTF’s “Brownfield First” policy as the definition of sustainable development. Lord Rogers puts it this way:

*‘If we allow property developers too much freedom out of town, we will not be thanked by this country’s future generations, who will end up paying a heavy price in lost social cohesion, lost natural heritage and lost economic opportunity.’<sup>122</sup>*

Only favouring land owners and property developers in town is considered sustainable.

When the urban containment policy is perpetuated *The Telegraph* and Lord Rogers will have done their job, and the true message of the NPPF will be clear – “Hands off Their Countryside, and Hands on Their Towns”. The Coalition wanted to better facilitate house building, but instead have found there are vocal political constituencies who want to use the planning process as an obstacle to house building, using the morality of sustainability either idealistically, or cynically. As New Labour was forced to do before them, the Coalition has been forced to recognise the significance to the Treasury of planning as an obstacle to the development of the mass of redundant farmland.





**Stewart Baseley, Executive Chairman of the Home Builders Federation**

The stakes are high. As Stewart Baseley, Executive Chairman of the Home Builders Federation has warned, the ‘... housing shortage dictates that if local authorities are not implementing this document properly, central Government will have to strengthen the guidance ever further. This is the most important planning document since the Town and Country Planning Act of 1947 - it is vital we get it right’.<sup>123</sup> The legal innovation in the 1947 Act, as enacted in 1948, corrected in 1954 to permit profitable development, and reformed ever since, remains intact. Farmland hardly enters the housing market. How developers get to operate within the national denial of development rights is being reformed by the National Planning Policy Framework. House builders will have to justify their planning applications in far more than simple economic terms.

### **Innovation and effort only in Environmental and Planning Law**

Kate Henderson, the green minded Chief Executive of the Town and Country Planning Association was in no doubt that the planning lawyers were being presented with a charter in the NPPF because of the ‘... vagueness around some of the key concepts, such as the presumption in favour of sustainable development, which may be subject to clarification through the courts’.<sup>124</sup> Henderson underestimates what a messy process this will be. Every word of any attempted definition will be questioned by ardent green amateurs and the paid environmentalists of British business alike.

They will all be obtaining environmental and planning law advice in a zero sum game to substantiate their varying positions. Indeed, this will bring environmental and planning law closer together. It will not only be lawyers making the move. Chapter 7 provide an excellent example when they argue for a presumption in favour of “Highly Sustainable Development”. We paraphrase, but they define as meaning that the development:

- 1) Does not support or facilitate activities which use resources imprudently, requiring people to demonstrate a low ecological footprint through an accepted method of measurement
- 2) Is built primarily from materials of local provenance with very low embodied energy
- 3) Is sited within, or on the edge of existing settlements, unless its use is such that it can only conveniently be located in a site in the open countryside
- 4) Generates no traffic, or substantially less than other developments of the same kind
- 5) Enhances or does not harm the local environment in terms of landscape, biodiversity, tree cover, soil quality, water management, etc
- 6) Is affordable for a wide range of people
- 7) Has safeguards to ensure that it remains highly sustainable in the future<sup>125</sup>

Chapter 7 only present one example of the variously worded but all equally impossible wish lists that are to come with the NPPF redraft, and no doubt from the likes of the TCPA and the other supporters of the UTF and the “Hands off Our Land” campaign. The legal wrangles Henderson anticipates will be messy indeed; a fine green display of philosophical acrobatics. However the more fundamental problem is that the DCLG cannot possibly define sustainable development to avoid challenge in the courts, because sustainability is impossible to define except in terms of moral idealism.

House builders are like any professional under the law – they must exercise reasonable foresight, but they are not clairvoyant. Britain’s Law Lords never expected that standard before the development of environmental law.

The courts only expect reasonable foresight.<sup>126</sup> However the green ideologues and now the NPPF require ideals to be projected into the future. House builders probably now need to employ visionaries with green crystal balls, and there will be no shortage of consultants tendering for the design fees. Whether the courts believe the heavy moral idealism pasted into sustainable development designs remains to be seen. Corrosive innovations in onerous environmental law are certain to follow.

Joan Hanham, or to give her full title Baroness Hanham of Kensington in the Royal Borough of Kensington and Chelsea, is the Parliamentary Under-Secretary of State and Government Spokesperson representing the DCLG in the House of Lords. She warned that the NPPF definition of sustainable development risked creating “a lawyer’s paradise”:



**Baroness Joan Hanham, the DCLG’s Under-Secretary of State and Government Spokesperson in the House of Lords expects a period of legal challenge**

*'If there was ever going to be a definition, we would need to be very clear and sure that it would be legally unchallengeable, because definitions never define the whole process and all the opportunities; sometimes they are restricting rather than helpful.'*<sup>127</sup>



Hanham, like the DCLG, miss the point. They can never define sustainable development in terms that will be legally unchallengeable. The protracted attempt to do so will only reveal the foolishness of trying to make moral idealism into a legal definition applicable for all time, from which everyone is supposed to set about building an inhabitable reality that has no unforeseen social, economic, and environmental consequences, and which also turns a development profit. Reasonable foresight is always challenged in the British legal system. Clairvoyance was never the expected standard. History is made without it.

We used to understand that no-one can perfectly predict the future, but now we are expected to have a green crystal ball that gives us the power of sustainability.



**House building in 1945 was much the same laborious activity as it had been in the inter-war years, except with chronic labour and material shortages, but within a few years house builders were also to be prevented from developing cheap housing on redundant farmland owned Freehold without winning planning approval**

### **Thinking ahead, while looking back to inter-war house building**

Reasonable foresight is essential if house builders are to stay in business. Britain's former volume house builders have no developer's charter in the NPPF, and face a future in which building on Greenfield land is considered an eco-crime. The push to further institutionalise sustainability through the NPPF will be a problem for all of us, even if the Coalition fails to compromise on all of the demands from its green minded critics.

Those house builders who can develop Town Centre sites, perhaps as rental housing, or get into the luxury and increasingly eco-home market for the equity rich will have businesses to talk of. Even the prime markets outside London struggled after 2008, but no regions have collapsed as feared.<sup>128</sup> However, as Savills Research say, '... London





**David Willetts, Ed Howker, and Shiv Malik all seek to blame post-war “baby boomers” for the present housing predicament. Don’t fall for their divisive lies**



and southern markets, and particularly prime markets, are different... they are capable of being driven by buyers with large amounts of equity and low reliance on borrowing. The discretionary nature of these purchasers makes these markets more volatile however, and buyers withdraw when sentiment fails.’<sup>129</sup>

Basically forget building homes with gardens for sale to young working families on modest incomes. If you are in a working family, or hope to start one, the question is:

What are you going to do about the housing predicament you and your friends face?

With limited resources at our disposal we hope to find answers to that question at the 250 New Towns Club,<sup>130</sup> precisely because there is no contemporary habit of young working households organising to demand housing collectively.

Immediately after the Second World War the construction workforce and their employers set about trying to increase production. Today we have to face a stark new reality.

The 2011 to 2012 production figures look set to be lower again, and the developmental uncertainties about to be articulated in a redraft of the NPPF in pursuit of sustainable development will further the decline in production. At the same time young working households don’t think or act as if they are citizens, with the agency to act in their shared political self-interest. We face a retreat from industrial production and the absence of a political challenge to that retreat.

There is a danger in division if the young start to blame their “baby-boomer” parents or grandparents, those born after the Second World War but before the early 1960s, for the housing predicament they are in today. This will be a political mistake... a trick.

The younger depoliticised population of Britain is being encouraged to blame their older but equally depoliticised relatives by innovative but apologetic Conservative Party thinkers like David Willetts,<sup>131</sup> or self-styled “angry and passionate” radicals like Ed Howker and Shiv Malik.<sup>132</sup> The attempted division may not succeed, but perhaps only because the population they hope to polarize is too politically individuated already. While many young people moan about being “Priced Out”, and the Priced Out campaign puts the figure at ‘... over a million people priced out of stable accommodation’,<sup>133</sup> the Housing Trilemma is a predicament facing a far larger proportion of the population than those who stop complaining when they are priced in. Don’t blame “baby boomers”.

It will not always be like this, and of course, surprises do happen. Even now, against the wishes of those who support Lord Rogers, the Coalition Government could reject perpetuating the frustrating policy of “Brownfield First”. That will anger the united supporters of the UTF and *The Telegraph*, resulting in further argument over the drafting of the National Planning Policy Framework. Such a conflict would be a very strange turn of events indeed in March 2012, but will still not amount to the NPPF being a developer’s charter. It will be a small concession to the members of the Home Builders Federation, insufficient on its own to reinvigorate house building. Such a surprise rebuttal of previous planning policy would be welcome. While a political movement in favour of raising industrial productivity and supporting population growth is lacking, it is much needed.

Britain should be building 500,000 new homes a year, and demolishing around half that number of existing ones at the same time, not building 130,000 a year and refurbishing every ruinous pile of rubble. Even if “Brownfield First” is formally dropped the NPPF will operate as an anti-development charter for all those who oppose house building and population growth. Anyone will be able to claim that more house building and more households are unsustainable in their area, in the effort to stop a project which they don’t approve of. House builders will struggle to stay in business.

Britain fears a developer’s charter, even though the National Planning Policy Framework is nothing of the sort.<sup>134</sup> Much depends on what the people of Britain, and particularly the young, do to demand that family houses are built at modest prices in places they want to live together. Parliament might yet instead be in fear of people demanding cheap land on which to build a better place to live. That would be a citizenry that freshly understands the Housing Trilemma as an aspect of the broader political predicament of production and population facing every industrial democracy. Thanks to the early capitalists of the industrial revolution in Britain land began to be seen not so much as



a measure of one's feudal status, but as a thing to invest in and make money from. Land was treated as a commodity, and as a factor of production.

The Law of Property Act and the Land Registration Act, both of 1925, were major advances by introducing the concept of "ownership" of land. People could be registered as having "absolute freehold title", which is as close to outright ownership as one can get. Now that all other forms of feudal obligation have been abolished, owners of freehold land technically hold the land of the Crown "in free and common socage".<sup>135</sup>

In the brief inter-war period, 1918 to 1938, popular owner occupation flourished, with economically struggling farmers keen to sell their Freehold land to house builders. Land nationalisation was rejected by the wartime Coalition as the threat of defeat receded, and Britain innovated the 1947 denial of development rights instead. From the early 1950s onwards this innovation allowed land owners to retain "betterment". Today that betterment on the winning of planning approval is known as planning gain. The house builders are in the business of realising planning gain, increasingly from the construction of luxury eco-homes. Interestingly, house builders have never argued for the return of universal development rights.

We face a Housing Trilemma, or a popular predicament the government is powerless to resolve without serious consequences for British capitalism. The planning law cannot now be changed without potentially destabilising the housing market. The last thing the Coalition members want is to re-establish the inter-war Freehold dynamic. But that would set people free to begin to solve the housing predicament in contemporary ways.

The British collective obsession with inflating house prices must end sometime,<sup>136</sup> unless we are to lose all sense of housing primarily as somewhere useful to live. Shapps is not so out of touch with the predicament the British face. He says '... this government absolutely supports people's aspirations to own a home. But we also believe that property should be primarily thought of as a place to be your home.'<sup>137</sup> However it is not so easy for people to find other ways, except through owner occupation, to support themselves in their old age, to fund the upbringing of children, or supplement wages.

**Grant Shapps and Yvette Cooper share their inability to solve Britain's pressing Housing Trilemma**



Promises by the Coalition that it will build more homes than the previous government look empty.<sup>138</sup> Neither Shapps nor Yvette Cooper as the New Labour Housing Minister in 2007 can claim to have done anything other than reinforce the 1947 planning law that would need to be repealed if Britain were to re-establish the inter-war Freehold dynamic today. Housing Ministers can growl at each other but they are all unable to ensure the population is better housed. There is a resignation that the political and economic predicament is intractable. Old Labour promised the most in 1966:

*'Our first priority is houses... We have announced - and we intend to achieve - a Government target of 500,000 houses by 1969/70. After that we shall go on to higher levels still. It can be done - as other nations have shown. It must be done - for bad and inadequate housing is the greatest social evil in Britain today.'*<sup>139</sup>

National output had peaked in 1968 at 413,714. Having missed his 1966 election promise

the Prime Minister Harold Wilson simply changed the way he presented the housing figures. Then the economy faltered, and the issue of housing tenure became a matter of political posturing as production declined over time. By 1974 Old Labour had coined the phrase worn out by New Labour, that '... everybody is entitled to a decent home at a price they can afford.'<sup>140</sup> That is the rhetoric that Labour politicians relied on through to David Cameron's Coalition Government being elected in May 2010.<sup>141</sup>

Now all parties promise nothing except sustainable development, which when everyone has had their say means very little actual house building. Not building is the truly sustainable housing policy for greens. No new homes being ideal.

### **The 250 New Towns Club as an idea**

The 250 New Towns Club aims to identify who will act.<sup>142</sup> It has proven beyond New Labour to achieve high quality, spacious, affordable housing for all. The Coalition is not even trying. We'll have to organise ourselves to solve this trilemma, whoever we are...

We need not be literal about 250 locations. We want 500,000 new and replacement homes with 260,000 demolitions each year, and it doesn't particularly matter if this growth is in towns of 40,000 households, cities of 4,000,000 households, or villages of 400 households.<sup>143</sup> In England and Wales around 47,500,000 people live in settlements with a population of over 1,000.<sup>144</sup> We may say that settlements of 1,000 people might very roughly equate to a 400 household village. The population of England and Wales is 55,000,000,<sup>145</sup> and so 7,500,000 live in settlements smaller than 1,000 people. There are maybe fewer than 25,000 villages and hamlets in Britain. Another 25,000 villages of 400 households could be added instead of 250 new towns, or the existing villages extended. We could focus on a few large cities, with many smaller settlements. These designs should be published freely and widely. More people need to be able to afford quality housing, and live securely in their tenure. Greens will disagree, but the 250 New Towns Club is not for them. To respond to the passive green disregard and active misanthropic enthusiasm for the fall in housing production the 250 New Towns Club had initially articulated three aims,<sup>146 147</sup> which were:

- 1) To promote development and prosperity for a growing population
- 2) To re-establish the universal Right to Build on Freehold land
- 3) To lower the costs of Owner Occupation, so that all tenures cost less

We can improve on these initial thoughts after a period of discussion and argument.

### **Conclusion**

500,000 new and replacement homes a year remains a quantifiable aim. The national housing stock of about 26 million houses and flats is renewed over time, and so we need at least 260,000 new homes each year. That is about a 1% annual replacement of the current stock, requiring residential buildings to last an average of 100 years.<sup>148</sup> These homes are replacements, and assume demolitions to match, allowing existing cities, towns, and villages to be renewed. With 260,000 demolitions, we are talking about 240,000 net additions. That may be an underestimation of what is needed. Before it was abolished on 28 June 2010 the National Housing and Planning Advice Unit of the DCLG argued that in England alone it is necessary to build between 240,000 and 280,000 new homes a year to satisfy the demand from household growth.<sup>149</sup> The needs of Scotland and Wales should not be ignored, although the greatest demand is obviously in England and in the South East in particular. 250 locations building 2000 homes a year for 20 years will do it, with an emphasis on the South East of England. If more than 240,000 net additions are needed the rate of demolitions can be cut back as a short term plan, but the purpose to build at unprecedented rates, and in many locations simultaneously.

Many of the 250 New Towns envisaged will of course involve redevelopments of existing urban and suburban areas. Identifying where demolitions might be concentrated is important too. The power of Local Authorities to force demolitions is not dependent on the 1947 denial of development rights. Some demolitions will be unpopular.

However a programme of planned demolitions far exceeded by a commitment to unprecedented rates of house building is required. We are talking about a home being completed every hour in each of 250 locations on an 8 hour day, 5 days a week, over

a 50 week year. That is 2000 homes a year in 250 locations. It is an unprecedented but entirely possible productive target for Britain as an industrial democracy.

This is an explicitly materialist position, making a clear argument for raising productivity to support a larger population in greater comfort. We are opposed to the miserable green promotion of lower productivity, particularly when combined with the misanthropic calls for population reduction from prominent environmentalists. We oppose immigration controls. We believe in the universal politics of commonality, not the divisive politics of difference. We are not multiculturalists but cosmopolitan internationalists.

We believe in our collective ability to organise a better future - A plan worth having. We need not fear a developer's charter, and neither will a charter be sufficient. The National Planning Policy Framework is no developer's charter, and David Cameron's Coalition will never write one. Neither will Next Labour. Hopefully we have explained why.

No government can afford to wobble the housing market in Britain, not with so much secured debt. It does come down to the power of government. Today government clings to the powers to deny development rights it acquired in 1947. Then the powers aided rebuilding as "positive planning", using publicly raised funds in equal measure to private capital. However those same powers are used today to frustrate cheap and popular housing development, sustaining the vested interests in house price inflation. Of course funds need to be raised to pay for publicly shared infrastructure in a developed industrial democracy, but it does not follow that the raising of infrastructure funding depends on planning being the power to deny development rights to Freehold land owners. In fact there are four power relationships between the state and Freeholders in our view:

- A) To fully nationalise the property of Freehold land, and capture all development value through Licensing
- B) To continue planning reforms based on the denial of development rights in the 1947 Act, negotiating over planning gain
- C) To return development rights to owners of Freehold land, exchanging the 1947 Act for a system of development or land tax
- D) To repeal the 1947 Act as a reassertion of Freehold land rights, rejecting development or land taxes

Ideas of nationalising land as property were defeated by the innovation of the 1947 Act and since the end of the Cold War in 1989 no-one really believes in that reform. To have nationalised the property of land within a capitalist economy would have been an undoubted disaster. The *status quo* is B), which is where the UTF and *The Telegraph* want the power relationship of planning to remain. There are some in favour of B) who would push for 75% or 100% capture of planning gain, but as was seen in the early iteration of the 1947 Act, that makes development unprofitable and little occurs. Others see that trying to fund infrastructure through planning gain negotiations at the time of development is limited, and prefer to consider other forms of taxation. They are not quite willing to accept C), because they want to hang onto their planning powers in the denial of development rights. However a shift from planning gain negotiations to a development or land tax system would require some return of development rights to owners of Freehold land. The 250 New Towns Club advocates C). Some of the members may want to go as far as D), but that is not a majority position of the 250 New Towns Club.

We can more precisely say in conclusion that to attempt to resolve the Housing Trilemma by establishing the conditions that would facilitate building 500,000 homes a year in a wide variety of ways, the aims of the 250 New Towns club are:

- 1) To work for population growth, more migration, and industrial advances in productivity, as materialists opposed to green idealism
- 2) To demand the return of development rights to owners of Freehold land, exchanging the 1947 Act for a system of development or land tax
- 3) To publicly plan as citizens for house building at a rate never achieved before and with the intention of deflating housing markets



There is much to do to achieve a contemporary synthesis of town and country. Such a synthesis will not be an environmentalist's utopia.<sup>150</sup> Far from it! We understand why most people want what seems to be a contradiction - sustained house price inflation and affordable, comfortable homes. This obsession is not surprising when housing values represent around 60 per cent of the country's net worth.<sup>151</sup> The problem is we can't have both.<sup>152</sup> We face a predicament. We face a Housing Trilemma that requires determined action on social, economic, and environmental fronts. We have to choose to accept expensive and poor quality housing, or do something productive to bring about house price deflation that will have painful consequences. We have to learn to plan as citizens to build and demolish and rebuild as we have never done before.

**Ian Abley and Thomas Cooper**  
**12.03.2012**

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**End**