

## Response to the MHCLG Planning Paper from The Haslemere Society

We attach below our comments in response to the consultation on the MHCLG Planning Paper on behalf of The Haslemere Society (THS). THS is a local civic society with some 480 members based in Haslemere, at the southernmost tip of Surrey. The Society has been engaged with the local planning process for many years, working for its members to try to maintain the local character of the area and the beauty of its natural surroundings while supporting the development of a vibrant and diverse local economy that is responsive to the needs of all members of the local community.

The planning process has been a frequent source of frustration and we agree wholeheartedly that it is in need of review and significant reworking. We support a number of the high-level aspirations set out in the paper including greater provision of affordable housing, protection of AONB and other green land, greater environmental protections and a greater focus on climate change in housing development generally. However, the changes proposed in this consultation paper are not the right answer. The housing market is multifaceted and complex, but the paper offers a simplistic solution, addressing only planning policy and omitting other factors that drive the housing market including employment, transport links and land-banking. There is no serious attempt either to analyse the problems or to provide evidence supporting the proposed solutions. We were forced to the conclusion that the paper is so ill-founded that responding to the detailed questions posed would be inappropriate. We have therefore not done so. We hope however that the higher-level remarks we make below will be fully considered.

### General points

- 1. The paper presents almost no evidence about the issues it purports to resolve, nor any analysis to support the proposed solutions.** The paper sets out a number of problems and failures in housebuilding but there is no acknowledgement of the fundamental complexities and difficulties of planning and no attempt at analysis of what causes the problems. Instead, the PM merely asserts that the lack of “enough homes in the right places” is the fault of an “outdated and ineffective” planning system. No evidence is presented to support any part of this statement. There is thus no proper underpinning for the proposed ‘solutions’.
- 2. The paper suggests a simplistic solution for a complex issue and does not even acknowledge the tension between the different wants and interests in the housing debate.** Given the complexity of the housing market and its connections to other issues such as employment, the idea that a single policy change, however radical, can solve these problems is simplistic. Furthermore, the paper does nothing to address the contradictory wants and interests of different stakeholders in the housing debate, instead preferring to pretend that improvements in the process can somehow resolve all these substantive issues. For example, the paragraph headed “And for our children and grandchildren” (p25) describes a series of deliverables that are simply contradictory – environmental assets protected and more green spaces provided but also more homes built closer to where people want to live while also proposing ‘gentle densities’ (elsewhere in the document).

3. **The overall aspiration for the policy approach is simply unrealistic.** The paper states (p. 7) that the aim is to give “the people of this country the homes we need in the places we want to live at prices we can afford”. This is plainly impossible as stated, not least because it fails to recognise that some things are absolutely limited in supply so that it is not possible for everyone who wants it to have it, however much money can be spent. It is deeply unhelpful to set up unreasonable and unachievable aspirations instead of focussing on what can and should be achieved to help people have decent places to live.
4. **The paper does not address the issue of unused permissions.** Developers have already shown that they will manage the release of new housing onto the market to maintain prices. In order to speed up construction where development has been permitted, the paper proposes (p23) to ‘make it clear in the NPPF’ that sites for substantial development should ‘seek to include’ a variety of development types from different builders. The Paper gives no explanation of why these delays currently occur or how this (extremely weak) proposal will improve matters. The Local Government Association has stated that up to a million more houses have been granted planning permission than have actually been built over the past decade suggesting that there are serious issues in the structure and practices of the housebuilding industry. The paper does not even attempt to address these.
5. **The paper does not address the different roles of developers.** It is now common practice for a company to buy land and get planning permission on it and then to sell it on to a developer who will actually do the build (or not, as noted above). Since the company seeking planning permission may have no intention of actually undertaking the construction, there is a risk that, either through ignorance or indifference, they will seek permission for a build that is either not possible in the detail (e.g. the drainage system proposed is inappropriate for the soil type and slope) or not profitable. The entire reliance for avoiding this then falls on the planning system. This is hard enough now, when councils have limited time and funds. In a world of presumed permission it would be impossible.
6. **The approach is inconsistent with ‘levelling up’.** The paper gives no explanation of the statement that not enough homes are being built “especially where the need for new homes is the highest” so it is not at all clear how the government has determined where these places are – or indeed how they have assessed how many homes should be built overall. Availability of well-paid work is a key driver of house prices and one of the reasons why housing in the South East is so expensive is the concentration of such employment in London. London dominates the UK labour market in a way that isn’t replicated in other countries, including the European countries the paper cites as comparators. The proposed solution is to build ever more homes in the South East, giving people long commutes into London. That will simply exacerbate the problem, keeping London as the most attractive place to run a business. This approach is utterly inconsistent with the government’s ‘levelling-up’ agenda. It suggests that people living in the Midlands and the North of the country must move away from their communities and families if they are to find well-paid work – a sort of ‘on your bike’ for the 21<sup>st</sup>

century – and that the government is going to do nothing to prevent London taking an increasingly dominant position. This serves no-one well.

7. **There are significant gaps in the scope of the paper.** Despite the warm words elsewhere in the document, the ‘topic of this consultation’ (p4) does not refer at all to improving, or even respecting, local democracy or to helping the environment.

### Community engagement and involvement

8. Local democracy is a key theme in the Planning Paper e.g. p6 the aim is a system “That gives you a greater say over what gets built in your community”, and p21 refers to “genuine community involvement rather than meaningless consultation” but the paper gives no detail about what is meant in each case or how this is to be achieved. Mr Jenrick refers (p8) to the current system excluding residents who do not have the time to contribute to the lengthy and complex planning process – our experience is that it effectively excludes even those who do have the time, particularly if they don’t have detailed knowledge and expertise in planning. Based on our attempts to engage in the development of the Local Plan and the planning process more generally we would strongly welcome a change of approach that made it easier for local residents to contribute and took more notice of what they have to say. But the paper is silent on what this approach should be, and the references to streamlining the opportunity for consultation at the planning application stage suggests that in fact local voices will be heard less, rather than more under the revised approach. We note that there has been no attempt to achieve genuine community involvement in the consultation on the White Paper itself.
9. Critically, there is no proposed community engagement or local democracy in the key decision i.e. how many dwellings are to be built. This decision is to be made centrally – by an algorithm – and imposed on communities. Local people just get to decide the superficial details. In no way can this be said to give us a greater say over what gets built in our community.
10. The idea that local NIMBYs are the real cause of a lack of housebuilding is well-established but is not supported by the evidence (e.g. the number of houses with planning permission that have not been built). The existing planning system gives no leverage to local peoples’ objections to a planning proposal, no matter how many objections are registered and the requirement for councils to maintain a 5-year housing land supply has effectively shifted the presumption in favour of permission. Furthermore, the paper’s suggestion that pro-development voices are the ones not heard is disingenuous; as Mr Jenrick is well aware, large developers have channels of access to get their point across that ordinary people lack.
11. The paper fails to recognise that applicants for planning permission span a very wide range, from private individuals seeking minor changes to their property to large developers wanting to build hundreds of homes. While the existing system is onerous and confusing for small applicants, larger developers can afford to employ professional

consultants and legal advisers. Councils are often short of funds and are faced with explicit deadlines to respond to planning applications that take no account of the volume of applications received at any one time. The councillors who actually make the contentious decisions – and are supposed to represent their communities – are lay people. In these cases, the balance of power lies with the applicant.

12. The paper refers (p10) to planning decisions being discretionary rather than rules-based and the majority being undertaken on a case-by-case basis. This is presented as a problem rather than recognising that it reflects the great diversity of situations where planning rules apply and the impossibility of setting up clear, unambiguous rules that can work effectively across almost all situations. If 'case-by-case' review is to be avoided, then there must be no scope for misinterpretation. This is simply impossible to do well given the range of situations that must be covered. Furthermore, a wholly rules-based approach inherently prioritises the need for consistent decisions and fairness to developers over what is best for the community. It may seem unfair to allow one developer to build at a high density and prevent another from doing the same on a similar site, but it may well be right for the community to have a mix of densities. Beautiful, cohesive communities are built by human engagement, not by computers and algorithms.
13. The paper refers (paragraph 3.7) to the National Design Guide, National Model Design Code and the revised Manual for Streets, but also recognises the importance of "local guides and codes" playing the "vital role of translating the basic characteristics of good places into what works locally". What order of precedence will be applied to these different codes? In particular, will locally defined requirements be given greater precedence than national guide/code requirements?
14. The heavy focus on digital technology and doing everything online will wholly exclude some groups of citizens, especially the elderly and the poorest. There must be a mechanism to allow non-digital involvement.
15. The paper suggests that the Local Plan should be submitted to the Secretary of State at the same time as putting it out for public consultation. No explanation is given of how changes arising from the public consultation are to be managed. The primary purpose of this approach appears to be to get Local Plans in place as quickly as possible so that the house-building bonanza can begin. This motive also appears to be the driver behind the suggestion that communities (through their Local Authorities) will be fined if they do not meet the statutory timetable. This approach does not respect the importance of proper community consultation and local democracy. Furthermore, we note that this tough line is not matched by any proposal for similarly aggressive action against those holding planning permissions but failing to actually build.
16. Taken together with the proposals to create more unitary councils, which will increase the size (and variation) of areas covered in these councils, these proposals will move further away from genuine local engagement and influence in planning decisions. Obviously, we would be in favour of "world-class civic engagement" (p21) but that is not what is described in this paper.

## Affordable Housing

17. Building more will not achieve affordable housing. New housing has little impact on house prices, which are largely set by demand for second-hand homes. It is estimated that building 300,000 homes a year would reduce prices by around 0.8%. The paper presents no evidence that housing availability under the new rules will be sufficient to meet or exceed demand, as would be needed to significantly reduce prices and since building more houses will simply increase the strength of London, the overall effect will be like putting an extra lane on the M25 – more traffic but just as many jams.
18. The definition of affordable housing needs to be reconsidered since on the existing definitions most 'affordable' housing is plainly not affordable for a lot of people (whether rented or bought). The approach proposed in the paper gives no role to state provision of social housing, instead relying wholly on the market. But this does not recognise that there is a real minimum cost of providing housing (land, construction, provision of services and expansion of local services etc as well as profit to the various parties involved) which may be above what people can afford to pay.
19. In a time of very low interest rates, house prices rise and thus the cost of a deposit also rises as this is defined as a percentage of the market price. Government could do much more to help people get on the housing ladder by guaranteeing deposits (and ensuring employment opportunities of course).
20. The proposal to allow an 18-month hiatus on affordable housing inclusion on the basis that the pandemic has affected housebuilders ignores the fact that there is already a mechanism to allow developers not to include affordable housing if they can't make sufficient profit on the site otherwise. Indeed, if the government really wants to see affordable housing built, it should make it an absolute and unavoidable requirement on developments over a certain size and should give councils greater scope to refuse applications for larger more palatial homes to force developers to offer developments of smaller, cheaper homes whether technically 'affordable' or not. While it is possible for developers to get out of providing affordable housing by showing that it is not financially viable, the assumption that they will do this is priced into the land when they buy it – it becomes a self-fulfilling prophecy that is difficult for developers to avoid even if they wish to.

## Infrastructure and the community levy.

21. The paper states (paragraph 4.10) that the new process will "aim to increase revenue levels nationally when compared to the current system" but does not explain how these additional costs are to be borne without pushing up house prices. Although there is to be no levy for low-value developments, this is unlikely to apply to developments in the areas where prices are currently highest.

22. Nor does higher infrastructure funding help the local authority actually deliver the additional services needed. It is not clear that the amount of CIL money to be paid will actually be related to the increased needs/costs borne by the local community.
23. Conversely, the approach suggested appears likely to provide significantly more funding for infrastructure in already well-off areas but less in poorer areas. While the paper refers to a rise in national levels, no comment is made about how the balance might shift.
24. Large-scale developments must not be considered in isolation from the community in which they will sit. What processes will be in place to ensure that housing construction is matched (and preceded) by the necessary improvements in facilities and services such as transport links, GP surgeries, local schools and basic utilities like water? In the case of Haslemere's local community, there have been several material interruptions to the water supply this year. These were attributed to exceptional circumstances: the weather and more people working from home because of the pandemic. But in fact it is entirely possible that these will not be exceptional circumstances in the future. If the water system cannot cope now, what will be done to ensure that it will be able to cope with a significant increase in housing? And who is to pay for any changes needed?
25. The paper proposes to abolish the Duty to Cooperate. This can only be counter-productive to aspirations such as "protecting and enhancing England's unique ecosystems" (p18). As it stands, the Duty requires the relevant planning authority to consult with other local planning authorities and organisations that may be affected by an application but lie outside the administrative boundaries – and of course it also requires those other bodies to cooperate. For a town like Haslemere, which lies on the boundary of three separate planning authorities, these duties are key. Without them, the impact of new developments on the environment and on infrastructure like roads and water on adjacent administrative areas will not be properly taken into account.

### Environment and climate change

26. The gov't has committed to reversing wildlife declines and talked a lot about a 'green recovery'. There are fine words (p18) about wanting to promote stewardship of our precious countryside and environment – but that isn't backed up by real protections. The existing protections for AONB land etc can be overridden by the need to meet government-imposed housing targets and local authorities are prevented from proactively developing sites themselves, instead having to wait to see what developers bring forward. Developers prefer greenfield sites, especially those in very beautiful areas, because they are cheaper to develop and sell for more. The incentive structure here is utterly perverse.
27. There is good evidence that access to nature and wild spaces helps prevent and ameliorate mental health issues but the opportunity to embed the right to access to these things is missed. Despite this the paper does not engage significantly with providing access to green spaces or with environmental issues or climate change.

28. There is no pressure on developers to use innovative methods to reduce the environmental and climate impact of their developments.
29. Paragraph 3.32 refers to the commendable aim to build net zero emissions homes. However, this will be undermined if it leads to longer commutes or increased use of private cars. In order to avoid this, new housing should have ready access to relevant public or sustainable transport, good access to local shopping and should not be situated a long commute from the source of residents' employment.
30. The proposal to simplify Environmental Impact Assessments will limit the information developers will gather and make it harder for planners to properly assess the impact of developments – and thus to favour better developments. If Local Plans are similarly disbarred from requiring this kind of information, then there it will be effectively impossible also for Local Plans to demand standards of environmental protection since it will be impossible to assess whether or not an application meets the standards.
31. We support the Wildlife Trusts' call for an additional designation for 'wildbelt' land, which should be based on good data and an overall view of the area, not a piecemeal, site by site approach.
32. The paper favours building on brownfield (which we support) but makes no clear recognition that some greenfield land is more environmentally beneficial than other land e.g. farmland can be of low biodiversity value compared to e.g. heathland. It is not clear how the proposed system would rank these.
33. The paper (paragraph 3.29) considers the NPPF to already provide strong protection for heritage assets but NPPF paragraph 172 also sets out the circumstances where these strong protections can be overridden i.e. "in exceptional circumstances and where it can be demonstrated that the development is in the public interest". This has used by some developers to claim that the need for housing in and of itself meets the requirement for 'exceptional circumstances'. Will the new NPPF make clear that this is not sufficient?

#### Other

34. The paper refers to exploring "how publicly owned land disposal can support the SME and self-build sectors." What does this mean?
35. Enforcement – paragraph 5.28 refers to "enforcement across the planning system". We would strongly support more robust penalties for breaches of the planning system and would want to see these set sufficiently high to ensure that it is not profitable to break the rules. But this is not enough without robust mechanisms to ensure that perpetrators are caught. For example, we believe it is common for councils not to have sufficient staff to routinely check that developers comply with the conditions of permission. However high the fines (and the statement in paragraph 5.29 only that the government will "consider" higher fines does not inspire confidence) they will not be a deterrent if there is minimal chance of getting caught.

36. Housing design – the paper misses the opportunity to set minimum standards for space as requirements rather than (as now) guidance.
  
37. Design – evidence suggests that the housing produced under the existing permitted development rights process is of a lower standard than other housing. Yet the entire premise of the new proposals is to introduce a permitted development process across great swathes of the country. Design Guides have worked well in some environments, typically in urban extensions where large numbers of new dwellings are built on a single site. However, they are not appropriate for areas where much of the new development will be small developments or infill building. How does the Secretary of State propose to ensure that these developments are not of poor quality as precedent suggests they will be?