

Written evidence submitted by the Institute of Historic Building Conservation [FPS 044]

The future of the planning system in England

The Institute of Historic Building Conservation is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all¹.

1. Is the current planning system working as it should do? What changes might need to be made? Are the Government's proposals the right approach?

The planning system has secured some major successes and these should be acknowledged and used as the foundation for change. For example in conservation the planning system has been successful in the adaptation and re-use of listed and historic buildings, in the enhancement of conservation areas and the promotion of conservation-led regeneration. We do not believe that the planning system requires a complete redesign; a package of reforms and simplifications could be better and safer. Any perceived problems the planning system has are often the result of lack of resources, both funding and skills, in planning local authorities.

The current planning system can be too complex and has some difficulties that may benefit from reform. Local Plans frequently take too long in production. The large number of background documents produced for planning applications, such as Environmental Impact Assessment and sustainability appraisals, often add little value to the process. There is scope to utilise more digital technology in planning. There has not been enough focus on design throughout the planning process and we welcome the move towards a more design-led approach.

Planning, including the protection of the historic environment, is a complex and creative activity requiring a sophisticated regulatory system that allows different areas to interact effectively, building synergies and adding value. We are concerned that introduction of a top-down, rule-based system would restrict the opportunity for such pro-active work at local level, to the severe disadvantage of the historic environment.

2. In seeking to build 300,000 homes a year, is the greatest obstacle the planning system or the subsequent build-out of properties with permission?

The planning system is not the primary reason that insufficient new homes are being built where needed. The need for new housing and its infrastructure cannot be met through dismantling a planning system that has done so much in recent decades to marry and resolve development and

¹ ihbc.org.uk

community pressures. The planning system has granted consent for hundreds of thousands of houses in the last decade, a significant number of which have not been built due to 'restricted supply' and land bank policies of house builders. The White Paper concentrates on housing but does not focus on land uses which generate employment and economic success. We know of no independent evidence to suggest that the planning system is the reason that insufficient new homes are being built where they are needed.

The Local Government Association 2018 report *Speeding up Delivery*² states *"Planning is not a barrier to building. Councils are approving nine in 10 planning applications and in 2017 they worked with developers to grant planning permission to over 350,000 homes, an 11-year high. In fact house builders currently have 423,000 homes with permission that they are still to build. This is a positive base reflecting improving economic conditions following the recession. The long-standing debate on unimplemented planning permissions and slow build-out rates for development has, quite rightly, attracted the interest of national government in the last 12 months. It is an issue that continues to frustrate local councils and the communities they represent – and one that now needs to move beyond the binary argument of it being the 'fault' of local planning authorities or developers 'hoarding land'."* This flawed and inaccurate view of the planning system appears to be driving the proposed changes.

3. How can the planning system ensure that buildings are beautiful and fit for purpose?

A renewed design focus in Planning is strongly supported and welcomed but design needs to be properly understood and should not be diluted as a focus on beauty, which is subjective and suggests that style is being confused with design.

IHBC is extremely supportive of the notion of creating a more attractive built environment, especially where historic buildings are integrated or change involves historic areas. However, there seems to be a major misunderstanding of design in the White Paper. IHBC is concerned that references to beauty are at best references to style rather than the holistic concept of design. Beauty is a subjective term which is too imprecise to use as a standard which needs to be objective and definable. Good design cannot be imposed by top-down codes. The proposed reliance on codes would remove the scope for meaningful participation and achieving good design by a participatory activity. The use of design codes and standard designs could be especially damaging in historic areas.

Recent and proposed changes to permitted development have shown that prioritising speed of decision-making over quality leads to unintended poor design. The conversion of office blocks to apartments with seriously inadequate residential amenity is an example.

The White Paper relies upon design codes which removes the scope for meaningful participation and achieving good design as a participatory activity. The use of design codes may be especially damaging in historic areas. Participation in design codes is a poor substitute for proper opportunities for

² https://www.local.gov.uk/sites/default/files/documents/5.36%20Speeding%20up%20delivery_v03.1.pdf

participation in proposals for actual sites and development schemes. Priority should not be given to speed of decision-making over quality. We are concerned that 'provably locally-popular design codes' might be a term which is used to support a popularity contest in design rather than to enable and support high quality in design.

The production of design codes is high on resources in order to get the design codes right and to make them appropriate for the area. Most Local Authorities do not have a suitable level of design skills available currently. There is a recognised skills gap in local authority conservation provision, which overlaps with design skills. Almost all local authorities have lost their architectural departments and there will almost certainly be a serious shortage of people with appropriate design skills in local government in the short to medium term, to deliver the aspirations of the White Paper.

Even with a design code in place and proposals which match its criteria approved, the true quality of the design cannot be assured until it is built. Minor amendments and unauthorised changes may dilute and destroy the design quality and intention. Using a code will require a considerable investment in monitoring. Good designs can only be assured by ensuring that what is approved is built and monitoring the quality of the outcomes.

Where Local Authorities do not have the skills or capacity to produce their own local design guides a national code may then apply. The imposition of such design guidelines would risk imposition of inappropriate standardised designs across the country, which would be extremely harmful to local character and distinctiveness.

The creation of a central design body is welcomed. The dilution of CABI following its merger with the Design Council has meant that promotion of good design has not had a strong enough voice. The options suggested include a new arms-length body, a new centre of expertise within Homes England, or reinforcing existing architecture and design centres. We do not believe this is suitable for co-location with Homes England. A strong voice for design in a new arms-length body would be the wisest choice whilst also building on the role of architecture and design centres regionally. This should not simply be a body that focuses on aesthetics and beauty as the Building Better, Building Beautiful Commission' appears to have done.

We are concerned that the 'provably locally-popular design codes' referred to in the White Paper might be a term which is used to support a popularity contest in design rather than to enable and support high quality in design. Increasing permitted development rights to enable 'popular and replicable forms of development to be approved easily and quickly... in accordance with important design principles' could result in design of the lowest common standards and the widespread use of standard designs without reference to local character and materials

4. What approach should be used to determine the housing need and requirement of a local authority?

Housing needs should be determined locally based on local need, building on local knowledge and community input. A national standard approach should not be used to determine need in individual areas.

5. What is the best approach to ensure public engagement in the planning system? What role should modern technology and data play in this?

There is much scope to utilise more digital technology in planning.

Digital technology will have an especial role to play in Local Planning. Local Plans frequently take too long in production. IHBC recommends that consideration is given to introduction of a system, managed online, whereby following approval, local plans are subsequently reviewed at frequent intervals and are simply updated to meet ongoing requirements. Such dynamic plans would always be relatively up to date and the major plan-making exercise would only need to be carried out once.

However we are concerned that the White Paper includes proposals for development management policies written in a machine-readable format to automatically screen developments and identify where they align with policies and/or codes will have on the need for skill in development management. Dealing with planning applications should rely on a balance of skills and should not become a formulaic process. Conservation is an integral component of the planning system not a separate matter and should be fully integrated into that system. The decision-making process for Listed Buildings and Conservation Areas will not fit into a system of automatic check for alignment by machine.

6. How can the planning system ensure adequate and reasonable protection for areas and buildings of environmental, historical, and architectural importance?

The Planning White Paper is not a heritage white paper but it does make some suggestions for heritage. Heritage should be properly integrated into the new planning process not treated as a stand-alone activity.

We welcome government recognition of the importance of our unmatched architectural heritage and its protection. We are especially pleased to hear that "The existing statutory protections of listed building consent and conservation area status have worked well" and we would agree with that. Changes to controls and decision-making processes should be led by a principle to not lead to any reduction of protection for historic buildings and areas. We welcome the aim 'to cherish the past, adorn the present and build for the future' with helping historic buildings adapt to climate change being explicitly cited as a goal. The historic environment creates a sense of place and local identity. It provides continuity with the past, but also accommodates change and helps places adapt for the present and future. The Historic Environment informs and contextualises new development. It is however disappointing to see no consultation questions are asked on heritage protection giving no opportunity to ensure that the future of our heritage is integrated in the changes to the planning system. It should be noted that the impact on the planning system of work with Listed Buildings is very small as

Listed buildings account for only about 20%, a very small proportion, of English building stock.

Changes to the Planning system present a major opportunity to work towards successful measures in tackling climate change. But it needs to begin with an accurate and sensible assessment of our existing building stock. Not from the assumption that existing buildings are unsustainable and need radical change but by looking at the existing embodied energy and existing buildings as a sustainable resource. Historic buildings contain large amounts of embodied energy and carbon. Further energy and carbon release are required to destroy them and construct replacements, therefore re-use of both buildings and places is desirable in principle. Planning policies, tax regimes and financial benefits should all reflect this.

Heritage is the result of a dynamic process and conservation is itself a dynamic process. Conservation is a bottom-up activity that relies on informed decision-making on a case-by-case basis and involvement of local people and local skills. The White Paper promotes top-down standard approaches such as national design codes and standard approved designs which is the antithesis of what has continuously proved to be a successful approach to conservation since the 1970s. There should be no loosening of control in Conservation Areas, a popular area-based community-led protection regime, introduced over 50 years ago by Duncan Sandys MP.

The White Paper consultation does not include a single question on heritage protection which prevents the opportunity for engagement on heritage issues by consultees, with no opportunity for them to ensure that the future of our heritage is integrated in the changes to the planning system.

The IHBC is extremely concerned at the re-emergence of the 'accredited agents' proposal for handling listed building consent in the form that "suitably experienced architectural specialists can have earned autonomy from routine listed building consents". IHBC considers that recommendations for and decisions on listed building consent should continue to be made entirely by the Local Planning Authority, as the publicly accountable body. It is essential that decisions that involve balancing intangible harms and public benefits are made by democratically elected authorities. We would object to a shift of decision-making to accredited agents employed by applicants. We believe, and we think the general public would agree, that, in the interests of transparency, public interest and personal rights, as well as maintaining proper protection of the historic environment decisions on matters of public regulation should be taken by publicly accountable persons and bodies. Regulatory decisions should be taken, and seen to be taken, in the interests of the purpose of the regulation and not in those of the matter being regulated. Comparisons are often made with the Building Control system but are invalid in our opinion because Building Control is largely a technical discipline in which compliance can normally be tested as a matter of fact. Listed Building Control involves finesse of judgement often in which heritage significance has to be weighed against economic and social factors. The existing system allows differences of opinion to be resolved by elected members, in a transparent and democratic manner. To put such matters largely or wholly in the hands of a single person, however well qualified, and irrespective of his or her professional integrity, fails the requirement that the

decision must be seen to be taken entirely independently of the interests of the applicant. We are concerned how LPAs could rely legally on the recommendations (and consequences of them) being submitted by accredited agents. In particular we have concerns about legal challenges to decisions under s63 of the Act and complaints to the Local Government Ombudsman. This is not to say that private sector expertise does not have an important and major role to play in the LBC system especially in establishing collaborative common knowledge on the history of the heritage and significance of the historic asset. The IHBC is not against improving the LB consent process in principle. We are about to publish draft advice on alterations to listed buildings and Historic England will be consulting on advice on the need for LBC, both of which will provide valuable guidance for building owners and professionals'.

It is proposed that Local Plans will clearly identify the location of heritage assets but there is, as yet, no requirement mentioned to develop a strategy for managing and conserving them. This is the most important aspect of securing the future of our unmatched architectural heritage. Ensuring that development within the setting of heritage assets is appropriately conceived is an essential part of the planning process. It would not be practical to define the settings of all heritage assets and to map them in line with the White Paper proposals.

Views are requested in the White Paper on the possibility of optional technical standards for Listed Buildings. The IHBC considers the imposition of such standards might imply that listed buildings are all of a type and a single approach can be taken. This is not the case as each and every Listed Building is unique and requires a different approach. It is suggested in the White Paper that new and better ways could be found of securing consent for routine works but few works to Listed Buildings are routine and treating them as such can lead to damaging generalisations. It is claimed this will "enable local planning authorities to concentrate on conserving and enhancing the most important historic buildings". This should not mean that local authorities should concentrate on only Grade I & II* Listed Buildings neglecting the majority of listed buildings, which are Grade II.

We are pleased to see the White Paper recognises the skills of planners and others, acknowledging the importance of good planning and effective leadership. We commend the recommendation for a chief officer for design and placemaking in each local authority. We would suggest that skills and training for this role need to be identified to ensure it is a meaningful and makes a genuine contribution. However, there is no acknowledgement that there is a severe shortage of design skills in local authorities. Few, if any authorities have an architects department and planners are no longer trained in design. Conservation and design teams, which were common in the later twentieth century, were decimated by the cuts following the 2008-9 financial crash. IHBC believes that there is a strong synergy between conservation and design and that the reintroduction of such teams would greatly help implement the Government's aspirations to achieve better design.

Furthermore we are disappointed however to see that conservation skills are not included as an example of those specialist areas in local authority planning departments "under great pressure". Since 2009 the specialist

conservation advice available to Local Authorities in England has decreased by 48.7% and 6% of Local Authorities do not have access to conservation advice in any form. The report of these findings is to be launched in November to the Conservation People & Places All Party Parliamentary Group. It is vital that the planning system is adequately resourced and sufficient levels of suitable specialist skills are available, with regard to both design and conservation. IHBC considers that it is essential that both local authorities and Historic England are resourced sufficiently to advise on optimum solutions for the conservation and enhancement of the historic built environment.

The Institute has in depth knowledge and expertise of issues in conservation provision in Local Authorities and there is no reason to think that, in the absence of evidence to the contrary, the situation is different in other areas of planning. Parallel evidence is provided by the Place Alliance³

The future of the planning system will be impacted by the results of the further proposed reorganisation of Local Government which has not yet been revealed. It is vital that adequate skills for heritage assets in each area are maintained and enhanced. Previous merged authorities have led to reductions in specialist conservation staffing leaving our unmatched architectural heritage without suitable skills for its protection.

7. What changes, if any, are needed to the green belt?

As well as protecting the countryside, controlling urban growth and restricting sprawl, Green Belts are also intended to preserve the setting and special character of historic towns and to encourage the reuse of urban land to assist in urban regeneration. These crucially important aims should be recognised and promoted as they impact not just on the countryside but on urban Planning. Decisions on any changes to the Green Belt should be made locally and changes based on local needs and the character of local environments.

8. What progress has been made since the Committee's 2018 report on capturing land value and how might the proposals improve outcomes? What further steps might also be needed?

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³ <https://placealliance.org.uk/research/design-skills/>