

Structure and agency: variations in planning outcomes and the delivery of affordable housing in England

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The paper

- Planning is a highly regulated and structured system.
- Yet despite operating within the same national policy framework, we see considerable variation in local outcomes.
- This paper highlights the importance of empirically exploring planning practices at the local level.
- To understand how the planning system delivers affordable housing, and the variations in such practices, despite consistency in legislation.

Theory and empirical evidence

- Drawing on empirical evidence, this paper reflects on the variation in the local approaches taken towards the securing of affordable housing across England.
- Discusses the application of Giddens' structuration theory to the analysis of practices of land-use planning.
- Explores the extent to which such theory might help to explain the variations in planning outcomes and affordable housing.

Planning in England

- The UK planning system allows for the separation of development rights and land ownership.
- Government owns development rights to land independently of private ownership of land, every development must obtain planning permission.
- A discretionary planning system.
- Planning acts as a constraint on land supply, while the role of planners is to maintain a balance between the extent of that constraint and the ability to build new homes to meet demand and need.

Planning speed and complexity

- Planning authorities need to ensure a five-year land supply pipeline (supply of land allocated for housing).
- Planning delay has long been a cause of concern.
- Additional complexity – land value capture.
- Planning gain policies capture some of the development value created by granting planning permission, providing a source of revenue for infrastructure and affordable housing that would otherwise have to be funded through the public purse.
- S106 of the Town and Country Planning Act 1990 and the Community Infrastructure levy (CIL).
- Complex process – criticised as slow and bureaucratic.

Giddens

- “Social systems only exist in and through the continuity of social practices”.
- Structure as rules and resources that enable and constrain social action.
- Agency - social actors as reflexive agents, with certain level of power.
- Social practices as both a medium and a outcome of social structure.
- Actors reproduce, produce and change structures.

Planning practices

- Planning practice is characterised by a wide range of different forms of planning action.
- Context-based manifestations of planning cultures are emerging which may display a high degree of local variation.
- Planning cultures are to be understood as dynamic institutional configurations generated in specific contexts, where the values and perceptive patterns of actors come together to influence actions.

Planning structure and agency

- Structural level encompasses those of a political/administrative system, the statutory basis for planning, the formal assignment of tasks, competences, objectives, and the procedures and instruments made available for spatial planning.
- The agency level focuses attention on the actors, primarily planners, but also on their addressees, that is politicians and other stakeholders of planning.
- In addition to individual actors, also corporate actors (public authorities, private companies, etc.), and collective actors (groups of stakeholders) have to be included here.
- (Reimer and Blotevogel, 2012)

Empirical research

- Test and explore through empirical findings.
- Research on the impact of planning constraints on the provision of housing:
 - Secondary data
 - 6 LPA case studies with interviews
 - 26 case study applications
 - Developer interviews.
- The incidence, value and delivery of planning obligations in England in 2016-17, London: Department of Housing, Communities & Local Government:
 - 20 LPA case studies
 - Site case studies
 - Interviews with LPA planning officers and developers

Empowerment and leadership culture

- “As a local authority, we are ‘open for business’: it is an embracing kind of council..... In discussions with developers we are happy ‘to get the tracing paper out’ as part of the open for business approach”. (LPA)
- “[LPA] don’t charge, they answer you straight away, they meet you the next week and you can trust them, they tell you what you need to do. [Non case study LPA] are proactive. They have a chief exec who will ring up and say ‘what can we do to make this scheme happen’? (Housebuilder)
- “But [non case study LPA’s] objections are horrendous. I don’t know why they are like this. One theory is that officers are creating jobs for themselves. Keeping busy so they look indispensable. A 15 unit scheme can take three years by the time you have made two pre applications, had two appeals, and made three applications”. (Housebuilder)

Skills and resource constraints

- “In one local authority we are dealing with the third or fourth planning team – people go off work on stress. They have more applications than time in the day so it is the developer who shouts the loudest or threatens the worst that gets dealt with”. (Housebuilder)
- “Sometimes we haven’t responded because of the sheer volume of work pressure, we have limited resources and there is a lack of professional expertise out there. We have tried to recruit but we can’t fill the places. This has implications on our ability to react in a timely way”. (LPA)

Politics and power

- “One or two are determined not to understand the planning process. They say things like ‘I am voting with a heavy heart’ or ‘I’d like to vote with my heart on this decision’ when it is non-statutory to do so”. (LPA)
- “These are really difficult authorities that tend to be member led and not officer led. This makes a real difference. There are local authorities that really take on board what their officers say, and others that don’t give a toss what their officers say if the locals are up in arms”. (Housebuilder)

Values and attitudes

- Some are pragmatic and are keen to see development come forward sooner rather than later, and so are willing to renegotiate lower contributions if it means the site will commence.
- Others take a harder line and will not reduce the agreed contributions:
- “If a developer has paid over the odds for a site, our argument is that it is bad luck and doesn’t mean the scheme isn’t viable”.
(LPA)

Bargaining and negotiations

- “Every scheme is delayed but the length of time delayed depends on the complexity of the scheme and whether you’re willing to give in”. (Housebuilder)
- “Viability appraisal is an area where the officer expertise is limited... Developers see this as an opportunity to bamboozle the local authority. (LPA)
- “One agreement took two years to negotiate because there were a number of different landowners all with their own solicitors. Once it was agreed there were so many of them it took three or four months just to get all of the signatures”. (LPA)

Findings

- Considerable variation in practice between LPAs in how they secure developer contributions and deal with planning applications – despite working within same planning legislation.
- The individual approach and attitude of the LPA and the case officer can make a difference.
- The personal nature of the process is a recurring theme across the interviews.
- This is also reflected in variations in policy and preferences amongst LPAs.
- This does mean that the process is highly contextual and tied to the geography of LPA control.

Conceptual reflections

- Shaping power of national planning systems – structure.
- But considerable local differentiations and diversity in planning action.
- Agency – local differences in resources, skills, power, political views, values, bargaining, culture, leadership.
- Need to consider planning practice in a local context to understand differences in planning outcomes.

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