AXE the HOUSING ACT

CONTROL RENTS SECURE HOMES FOR ALL

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How the Housing and Planning Act will destroy the planning system as we know it – and why that matters

The great reforming government of 1945 nationalised a sixth of the economy. The 1947 Town and Country Planning Act removed the rights of owners to build anything they liked and gave the right to decide on development to local councils.

The principle was established that the state regulates development. It is regulated by Local Planning Authorities **in the public interest**, with public involvement, not in the interest of developer or landowner profit.

This principle has been eroded over the years – developers have been allowed more powers and planning authorities have been stripped of powers. Many councils bought into the 'market knows best', and viability tests have stopped Councils that tried, getting developments with enough affordable housing or other community benefits.

But the principle – a regime of regulated development in the public interest – remains at the heart of the planning system. Though it was always far from perfect and increasingly puts developer interests first, there was some degree of transparency, democratic accountability and protection for the local community from inappropriate and damaging development.

The planning provisions in the Housing and Planning Act overturn this principle, replacing it with a planning system run in the interest of developers' applications, enabling developer profit. The Act is also a high water mark in the ideological crusade to destroy all forms of social housing, forcing working class people onto the open market, at the mercy of private landlords and the overinflated land and property market.

There are many ways that the Act will undermine the planning system, and the rights of local communities to shape development in their own interests. Among the most pernicious are Starter Homes, Permission in Principle (PiP) with the brownfield register, and the privatisation of development control functions.

Starter Homes

A starter home in London could be sold for up to £450,000, or £250,000 elsewhere. This will be deemed "affordable" housing. Councils currently can have planning policies that require developers to provide affordable housing – typically 35% of all new homes built, although the average actually delivered is nearer to 21%. The Act means Councils will have to accept starter homes for sale in all new developments. The government wants councils to require 20% of all new homes to be starter homes, this effectively squeezes out all new social rented housing or even so called "affordable rented" housing. Instead the new homes will cost so much they are only affordable to people who can already afford to buy on the open market. Local communities are left with no rights to challenge this in the new planning system.

Brownfield Register and Permission in Principle (PiP)

Brownfield land is sketchily defined in the National Planning Policy Framework and other places. At the moment the government defines it as previously developed land, not in operational use. Does this include council and social housing estates? We don't know – it might. Regulations to accompany the Housing and Planning Act will clarify whether >>>

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>>> estates will be included or excluded. Many people fear government will pressure councils to define their estates as brownfield sites, or that councils will do so without being asked. Government will punish councils if they do not put all their brownfield sites on their Brownfield Register.

The Brownfield Register is a working document, updated every year with some, currently unspecified, public consultation. There may be hundreds of sites on this register in each local council area. All sites on the register will have automatic PiP.

PiP differs from the current system of planning consents in that less information is required and therefore less public scrutiny is possible. PiP only deals with numbers of homes, site area and other proposed uses such as office or retail. The range of matters not covered by PiP includes: built form, tenure, amount and type of affordable housing (one two or three bed), social and transport infrastructure, environmental factors including flooding, noise and site contamination.

All these matters are dealt with by the subsequent technical details consent, which, at the moment, requires no statutory public consultation at all!

If council estates are placed on the Brownfield Register, these provisions make demolition of estates easier by removing rights to public scrutiny and democratic oversight. For estate leaseholders and freeholders, once an estate is designated as a brownfield site you would expect the value of the homes to plummet. There will be few buyers willing to take on the risk of a home on a site which already has Permission in Principle for redevelopment. This could also dramatically reduce the amount of any Compulsory Purchase Order (CPO) payment buying out existing leaseholders and freeholders.

Privatisation of Development Control

The Act introduces a pilot scheme for private provision of development control functions (the consideration and assessment of planning applications). Instead of the straight privatisation of local council planning departments there will be competition with private providers. The only aspect of development control exempt from privatisation is the final decision – either by delegated authority or at planning committee.

In a similar way that Approved Inspectors now compete for business with local council Building Control, there will be "choice" for the developer when applying for planning permission. An "alternative provider" would be responsible for checking and validating applications, posting site and neighbourhood notices, undertaking site visits, undertaking statutory consultation, carrying out informal engagement with the community and writing a report recommending approval or refusal.

Competition would be on price, speed and "quality" of decisions. This will lead to the overwhelming dominance of market driven development which will be neither democratically accountable nor in the public interest. If a developer can choose which Approved Provider to use, the pressure will be on for all providers to recommend approval as quickly as possible without proper scrutiny or compliance with the local council's development plan. Like Building Control, the provider most likely to give permission will be more attractive than the rest. This undermines the local council planners and encourages them to behave more like their private sector competitors.

Developers and planning consultants will most likely be the "Alternative Providers" of these planning functions. So firms may be responsible for providing reports recommending approval on each other's schemes. The opportunities for corruption and the covert buying and selling of planning permission are clear.

The government isn't afraid to explain its philosophy in the technical consultation on these planning changes:

"Improved choice in the services on offer would mean that applicants would be able to shop around for the *services which best met their needs*."

So the planning system will become a mechanism for satisfying the needs of developers, not satisfying the needs of society for appropriate, sustainable development which provides the kind of housing, facilities and public spaces people need. There could not be a better reason to fight, using every possible means, to bring about the demise of the housing and planning act.

AXE THE HOUSING ACT is supported by Defend Council Housing, Radical Housing Network, Generation Rent, tenant groups, Unison, GMB, CWU, Bakers, NUT trade unions, Unite Housing Workers, London Gypsy Traveller Unit, National Bargee Travellers Association, the Green Party, John McDonnell MP, Peoples Assembly, Momentum and more

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