

Planning spins out of control

"PDRs have a role to play, and I think that we can continue to look at how they best serve their purpose" said the recently retired chief planning officer but, looking for controversy, *Planning* turned his comments into a criticism of government



Planning magazine published an interview with Steve Quartermain that among several other things included his views on permitted development rights. And two days later, Richard Garlick and John Geoghegan of *Planning* followed this up with an article headlined: "Former chief planner criticises government's 'over-attention' to PD rights".

My problem is that according to the first article, what Steve Quartermain actually said was: "Quite often, the department will see new permitted development rights (PDRs) as the ask – that's one area where I think there's been over-attention. There are reforms to the planning system that could potentially have a bigger impact on delivery of the government's objectives than PDRs. But they remain an obsession for some – it's become like a standard for some people to rally round".

I don't really understand is how these words can be twisted to imply criticism of the government. On the contrary, I believe that in fact Steve was actually criticising those people for whom PDRs have become an obsession which they can use to attack the government's efforts to deregulate the planning system. In my view his reference to "over-attention" highlighted the sometimes extreme and often ill-founded views of those who disagree with the whole principle of permitted development itself.

As Steve went on to point out, PDRs "are not deregulatory measures – they are measures by which the government is almost regulating more. They are seen by people less versed in the planning system as taking certain development types out of the system". In fact, as has been shown not only in the dramatic effect that PDRs have had on the supply of new housing, but also in the way that government acted quickly to free up potential planning restrictions to allow a relaxation of restrictive rules so that immediate steps could be taken to facilitate positive responses to the coronavirus crisis, PDRs have been – and are – essential in allowing the government to grant permission for specific types of development across the country which would

spin: to draw out and twist into threads; a favourable slant on an item of news, policy, etc...
– Chambers Dictionary

otherwise be bogged down in a welter of planning red tape.

So it was no surprise to me when *The Planner*, respected representative of the RTPI, also recently published an interview with Steve Quartermain. In this he noted "PDRs have a role to play, and I think that we can continue to look at how they best serve their purpose", adding "PDRs, in my view, are best looked at not as a deregulatory thing; think about them in terms of the 1947 act, which meant that development needed permission, and some permission is given by local authorities, and some permission is given by government. PDRs is the government granting planning permissions for certain types of development. The government can – just like local authorities can – put on conditions about what that development should look like when it's implemented".

The criticism of PDRs principally relates to way that a small number of operators have abused the system. This will probably always happen, whatever system we have. But controversy is what seems to motivate journalists best

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in this day and age; and sure enough, the second *Planning* article referred to above noted that the growth of PDRs "has become increasingly controversial". Hence the headline that attributed a criticism of government to Steve Quartermain's perfectly sensible words – and a renewed emphasis on liberalisation and reducing control. And the coda from Steve Quartermain in *The Planner* which stated "I think ... that the govern-

ment can do more work in terms of trying to ensure that once permitted, the development that takes place is fit for purpose." Probably a reference to weaknesses shown up in the Building Regulations such as regarding space standards for homes.

Meanwhile, property firm Colliers International has issued a statement proposing the "easing of planning restrictions to give hotel owners the opportunity of repurposing" their properties into residential use in the wake of the pandemic. The statement said "A relaxation of planning restrictions could be just what they need and would boost the economy and provide much needed housing".

The use of PDRs, perhaps with prior approval being required to ensure there are no infrastructure impediments relating to contamination, highways, transport, noise and flooding, is a logical and, in my view inevitable extension of permitted development. But maybe changing hotel uses is not too controversial, so Colliers International provoked little comment.

As Steve Quartermain has pointed out, there's certainly a need for positive news. "Planning can make a huge difference to people's lives and the environment. We need to be pragmatic and positive" he says. More than ever today, the planning system needs positivity – without spin.

PS. What fun! The ever-changing interpretation of the law according to the courts continues to fascinate the lowly planner. In a previous column I noted that the time allowed for issuing a decision on a prior notification (pd) application could not be extended even when both the LPA and the applicants have agreed to do so (High Court – R on the application of *Warren Farm (Wokingham) Ltd v Wokingham Borough Council: 2019*). But now another High Court case (*Gluck v SSCLG: 2020*) has ruled that the earlier decision was wrongly decided, so the time allowed can be extended after all...

More on this theme in my next column, when I will show that an urn is not a building. ■