

We have all been betrayed to the planning muggers

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One of the things you discover when you take your turn on the parish council is how many things get built that don't pay a blind bit of attention to planning rules. Our council is wondering what to do about a house that looks entirely different from the one on the plans and also happens to be in a different location.

Then there was one of our pubs. Somebody stole the tiles from the roof and it fell into disrepair. Then, hey presto, it had been mysteriously delisted and demolished by a property developer, who squeezed two executive homes on the same plot, despite a vigorous campaign by the village to keep the building. "That's my boy," another developer quipped when I moaned about what his ilk get up to.

At such times we amateurs realise that we have been outsmarted by the professionals. This kind of corporate mugging is quite common, particularly in small towns that dare to turn down the supermarket chains. Councillors in Sheringham, Norfolk, voted Tesco down twice, in 2007 and March 2010, and the supermarket giant lost at appeal after a costly public inquiry in 2008. Then, in October last year, councillors lost their nerve and Tesco's renewed application scraped through by one vote.

The reality of the present system was summed up by Alan Bennett in his diary in the *London Review of Books* when he wrote: "The planning process is and always has been weighted against objectors, who, even if they succeed in postponing a development, have to muster their forces afresh when the developer and architect come up with a slightly modified scheme. And so on and so on until the developer wins by a process of attrition."

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Now I know there are lots of important folk who believe that most of the opposition to housing developments, wind farms, motorways

and so on is misguided and bad for the economy and that it would be a mistake to give any more power to Nimbys. Yet I suspect even they like to think that the rules are fair and that there is some sanction when officials ignore them. At present, the only way to prove a planning application has been mishandled is to take out a judicial review, which is so expensive that it is an option for only the super-rich.

Anyone frustrated by the status quo would have been excited by what the Tories and Liberal Democrats were saying before the last election. "We will create a third-party right of appeal [for local people] in cases where planning applications go against locally agreed plans," said the Lib Dem manifesto. The Tories promised: "We will make the system symmetrical by allowing appeals against local planning decisions from local residents, as well as from developers."

So what has happened to making the system fairer now they are in power? We have the Localism Bill, which had its second reading last week. It contains some good things, such as returning control over large projects, such as power stations, to elected ministers instead of unelected experts at the Infrastructure Planning Commission. But a spectacular omission is any mention of a third-party right of appeal, or any restriction on the number of times a developer may appeal with essentially the same scheme, which was also a pre-election Tory proposal. Some coalition MPs are waking up to the fact that this looks very much like a betrayal of those who voted for them.

The excuses have been pretty shabby so far. Bob Neill, a junior minister in the Department for Communities and Local Government, told the Commons that the coalition had considered a third-party right of appeal but decided the better route was to give communities greater control over what was appropriate development "at the very beginning". What he means is that people would have a right to object to things such as large housing developments at the time of the formation of a local plan — a very general statement that most people are unlikely to read. This is essentially the system we have already.

If you are a local resident who didn't happen to be around when those discussions took place but were aghast when you saw what was actually going to be built — tough. You had your say earlier on. And developers would be able to appeal if your councillors didn't just wave the beastly thing through.

The Tories appeared to have been alarmed by a scare campaign by developers claiming that if local people had even a limited form of appeal against developments it would curb economic growth. It didn't stop runaway growth in Ireland, where residents have had this right for years — or in New Zealand.

Having invented the whole concept of localism, the coalition has now undermined it. Does localism mean power to the people, which is what we thought when the coalition parties were in opposition, or does it mean power to local businessmen?

Residents don't just need the right to say yes; they need the right to say no. If people don't get the chance to turn down a supermarket and for it to stay turned down because it was a departure from the local plan, then localism is just another "ism" that has betrayed people and it would appear the government has been corrupted by power even faster than its predecessor.