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Susan Nott**

**DEVELOPMENT
CONTROL:
Policy into Practice**

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Development control: policy into practice

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Preface

The idea for this work emerged from the continuing attempt of one of the authors to explain to disparate groups of students, studying in various environmental disciplines, what was actually meant by the development control system. Clearly, it is a system that depends on the law for its structure, but equally clearly, it cannot be understood by a study of the law alone. Policy from a wide range of sources has to be taken into account and an appreciation gained of its place within the system. Only then is it possible to begin to comprehend the forces at work in the development control process that, to most people, is represented by the making of an application for planning permission. This work attempts to analyse that process by presenting an examination of the development control system that includes references to planning theory, philosophy, policy and practice as well as planning law. Given the legal content of the work and the fact that one of the authors is a lecturer in law, it is perhaps worth stressing that this work is in no way an attempt to add to the books on planning law. As has already been said, the development control system is inextricably linked to the legal system but this work is very much an attempt to examine the former with reference to the latter.

The authors would like to thank each other for all the contributions, comments and criticisms that each made on the other's work, particularly the criticisms, in which nothing was spared, as may possibly be common between husbands and wives who choose to write together! Thanks must also be given to 'Joyce' without whom the greater part of the manuscript would not have been prepared, and to Sweet & Maxwell, for their permission to quote from the *Journal of Planning and Environment Law*. Finally, thanks are due to our publishers who had the confidence that we could write this book.

May 1988

P.H.M
S.M.N

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Chapter 1

Introduction to development control

Quick they were whirled over long, straight, hopeless streets of regularly-built houses, all small and of brick. Here and there a great oblong many-windowed factory stood up, like a hen among her chickens, puffing out black 'unparliamentary' smoke, and sufficiently accounting for the cloud which Margaret had taken to foretell rain. As they drove through the larger and wider streets, from the station to the hotel, they had to stop constantly; great loaded luries blocked up the not over-wide thoroughfares.¹

Town and country planning has been defined as the:

...art and science of ordering the use of land and the character and siting of buildings and communication routes so as to secure the maximum practicable degree of economy, convenience and beauty.²

Judged on these criteria, the Victorian city, realistically rather than romantically or dramatically described by a contemporary novelist, was clearly unplanned. Free market forces dictated the form and location of all development, creating the bewildering mixture of functions and qualities of environment that typified the Victorian city. The result was an environment, which, at the turn of the century, was unacceptable on several grounds. Firstly, it was disorganised in layout which had the effect of producing inefficiencies in communication. Secondly, its buildings were of variable quality and age. Thirdly, it contained levels of social and economic deprivation that were totally unacceptable, not only for those that had to suffer them, but also for those whose task it was to administer the environment. Finally, it was evident that the free market was possibly unwilling and probably unable to redevelop the environment in either the manner or on the scale that was required. Naturally, this

1 Gaskell E *North and South* (first published 1854–55, republished 1970, Penguin) p 96.

2 Keeble L *Principles and Practice of Town and Country Planning* (4th Edn, 1969) p 1.