



# AN INTRODUCTION TO PLANNING

OCTOBER 2019

## A BIT OF PLANNING HISTORY

For our purposes planning in the UK began in 1947 with legislation that gave to the state the power to decide how land in the UK would be developed. For the most part these powers were handed down to our democratically elected local councils, designated as 'Planning Authorities'.

Over the next decades Britain's planning authorities enjoyed broad public support as they used their powers to rebuild the country after the war. From the 1970s however, criticisms grew about the lack of accountability of the 'planning technocrats' and the awful developments they so often delivered. It was clear planning decisions were too important to rest with the planners. They needed to be more predictable for developers and more transparent for everyone else.

A series of changes culminated in a new [Planning Act in 2004](#), laying down the rules by which planning decisions are supposed to be taken today. The 2004 Act says that planning permissions must be determined in accordance with the development plan, unless there are good reasons otherwise. Development Plans include everything from [National Planning Policy Guidance](#) right down to plans for small neighbourhoods, as well as development guidance e.g. for Conservation Areas. (Links to the most important of these documents are provided below, but the list is not definitive) The most regularly used plans in Ealing are the London Plan and the Local Plan.

Separate, but associated legislation - [The Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) concerns Conservation Areas and Listed Buildings. Being Government legislation, this Act should carry equal weight to the Planning Act and it should play a particularly important role in Ealing's 29 Conservation Areas. Unfortunately, Ealing's planners sometimes overlook it, perhaps because it is not a part of the Planning Act which is their primary reference.

## IMPACTS OF OTHER CHANGES

Over the past 10 years National government has grown relentless in its determination to 'reform the planning system' to encourage economic growth. Volumes of new policies and guidance has been spewed out that often conflicts with one another. A new '**presumption in favour of development**' tilts many applications to being granted even when other key policies point strongly to refusal.

Another significant change in the past 10 years has been the eye-watering profits developers now make from cramming huge blocks of flats onto every site that comes available in the Borough. Developers have learned to cultivate Council chiefs, not least by paying for their annual trips to the sleazy MIPIM property fair in the south of France. Here deals are struck away from the gaze of the Ealing public who only learn about them as faits accomplis some months later.

A third big change in Ealing has been a steep decline of experienced staff as budget cuts and rows between staff and unhappy residents' groups have taken their toll. In 2010 three people worked on heritage issues, but now there are none. The Borough has nobody with any expertise in this field able even to make the case for protecting the historic environment.

## EALING'S DEVELOPMENT PLANS

Ealing's Local Plan has three strands - [a development strategy](#), a [development management manual](#) and a document covering [major sites](#). Adopted in 2012 and 2013 these documents form Ealing's Local Plan on which development decisions should be based. These set down in very broad terms the Council's policies on a range of topics including new homes, green spaces, employment, and 'living places and spaces'. Significantly, there's no guidance how to weigh these against one another where, as so often is the case, they are they conflict with one another.

The [London Plan](#) is also part of the development plan. It plays an especially important role as [the legislation](#) says that when plans conflict with one another the most recent plan takes precedence.

The London Plan has been updated three times since Ealing's Plan was prepared and a [fourth update is in the pipeline](#), so until Ealing revises its Plan, London Plan policies will always trump it.

Recent changes to the London Plan focus particularly on increasing the number of homes the Mayor says must be built in the Borough to overcome the housing shortage. Other changes include a relaxation of density standards so that more homes can be built on every site. The London Plan's latest changes will also replace strict measures for assessing the acceptability of a development with vague references to good design. This will be impossible to enforce objectively.

## HOW PLANNING APPLICATIONS REALLY WORK

The public only learns just what's in store for most developments when a planning application is made and the public is consulted. But by then all the most contentious things - eg building heights or the number of new homes - will already have been broadly agreed. With the relationship between developers and key figures in Ealing so strong, all the fundamentals of most developments, are agreed behind the scenes when the developer seeks [preapplication advice](#) from the Council's planners. [Dispensing this advice is a money earner for the Council](#). It charges £3000 for advising on a single new home rising to £15,000 for developments of over 100 homes. Naturally the planning department likes to retain its reputation by making sure their advice is successful and this it is able to do as the preapplication advice is generally dispensed by the self-same planners who eventually recommend the scheme to the planning committee.

The Council has hitherto sought to keep its preapplication advice secret even after a planning application is made claiming it to be confidential, but the Information Commissioner insists it must be put into the public realm. The Council still does not do this routinely, so if confronted with a proposal you dislike, a first task is to request copies of any preapplication provided under the [Freedom of Information legislation](#). This will help you understand exactly what you are up against when organising any campaign.

On receipt of a planning application but before it is published, the Council is required to [validate it by ensuring](#) has the necessary information to reach a decision on it. For large schemes this can be quite hard to do - especially by inexperienced officers. It often emerges that some key details are missing - for instance the correct certificate of ownership has been provided or a Design and Access Statement has been provided when one is required. In which case you should demand it. If you don't no one else will. The Government publishes some quite [comprehensive guidance](#) on what information should form part of a valid planning application.

Once a planning application has been validated the Council has a duty to advertise it. Previously they did this by writing to all affected properties asking for comments. Cuts in Council budgets mean they have stopped doing this now and they simply stick up yellow notices on nearby lampposts. Get into the habit of looking at these notices when you come across them as they may contain important news.

## WHAT DOES ALL THIS MEAN FOR YOU?

The 2004 Act's requirement for development decisions to be based on the adopted plan has grown worthless. Planning in Ealing is more confused, more arbitrary and less transparent than it's ever been. Policies and standards are no longer set by neutral planners, but by the Council's political leadership and the developer friendly, but publicly unaccountable regeneration department in which the planners operate. The only way to challenge all but the largest schemes is by judicial review through the courts, but this is expensive and the chances of success slim.

Many amenity groups complain bitterly that those in charge of planning in Ealing have no feel for how to deliver quality places for people as the Royal Town Planning Institute, which represents the

profession, says planning should. These groups believe they are instead wreaking serious harm to the places they know and love.

Ealing Matters strongly advises campaigning groups who object to a development to start by researching the proposals carefully to identify the Local Plan's policies with which the development would conflict. This is an essential first step and you might employ a planning consultant to help. But it won't be enough - even perhaps to establish a dialogue with the planners handling your case. Planning has moved right away from the technocratic process into the political arena.

Groups are therefore finding that the only way to raise concerns about how their area is changing is by lobbying elected politicians, using social media to amplify their voice. The rotten state of planning in Ealing will only be exposed through public protest and relentless questioning of every unsatisfactory decision.

In all this, there is strength in numbers. Ealing Matters is here to try to bring individual groups together and help them to share experiences. We won't necessarily agree or disagree with what your groups is saying, but learning how to object to schemes more effectively is the only way we can see to force Ealing's planners to take a more balanced view in what they are doing.

# Key Planning Documents

## Contents

1. Statutory Legislation for Planning, Heritage and Neighbourhood Planning
2. Historic England Guidance
3. National Policy
4. Regional Policy - London
5. Local Policy - Ealing's Local Plan
6. Neighbourhood Plans - Central Ealing and West Ealing
7. Other Local Guidance - Conservation Areas and the Local Heritage Register

**1. Statutory Legislation** Planning in Britain is underpinned by various acts of Parliament. Amongst other matters, these set out the powers and responsibilities of Local planning authorities have in managing development in their areas.

- 1.1. [The Planning and Compulsory Purchase Act 2004](#) provides the main statutory basis for our planning system. It aimed to reform and speed up the planning system by strengthening the role of area (or spatial) planning. The Act says planning applications must be determined in accordance with the development plan, unless there are good reasons otherwise.
- 1.2. [The Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) is the primary legislation to do with national heritage. The Act sets out statutory duties and responsibilities in relation to heritage assets, their listing and protection. It also outlines the procedures for the designation and management of conservation areas. Part I deals with listed buildings and Part II with conservation areas.
  - 1.2.1. [Principles of Selection for Listed Buildings](#) This is a government publication which expands on the provisions of the 1990 Act.
  - 1.2.2. [Conserving and Enhancing the Historic Environment](#) is online official government guidance on enhancing and conserving the historic environment.
- 1.3. [The Localism Act 2011](#) introduced the concept of **A NEIGHBOURHOOD PLAN** developed by local communities and businesses that would provide a community-based framework for how its area can develop and grow. Once adopted, a Neighbourhood Plan has full legal basis alongside the Local Planning Authority's Local Plan.

**2. National Policy.** National government's planning policies and how they should be applied are set down in a single document called the [National Planning Policy Framework](#). The NPPF is the primary reference for planning in England. First issued in 2012, the NPPF was revised in 2019. The NPPF replaced a large number of earlier planning policy statements and guidance documents.

**2.1. [National Planning Policy Framework \(NPPF\).](#)**

- 2.1.1. The central theme of the NPPF is a presumption in favour of "sustainable development". The NPPF says that "*the purpose of the planning system is to contribute to the achievement of sustainable development*". Sustainable development is supposed to be achieved through three mutually supporting overarching objectives - the economic, the social and the environmental.
- 2.1.2. Chapter 12 sets out policies for well-designed places.
- 2.1.3. Chapter 13 sets out policies for protecting green belt land.

- 2.1.4. Chapter 16 sets out policies for conserving and enhancing the historic environment. It explains in some detail what planning authorities and developers should do to protect our heritage assets.
    - 2.1.5. The glossary contains some important definitions, especially relating to heritage assets.
  - 2.2. [Planning Practice Guidance](#) is online official government guidance on **THE WAY** the planning system is supposed to work. Categories include [consultation](#), [design](#), [determining a planning application](#), [enforcement](#), [the Historic Environment](#), [Housing supply and delivery](#), [neighbourhood planning](#), [plan-making](#), [town centres](#), and [viability](#). The guidance often goes into considerable detail, although readers may be struck by how far the theory departs from the practice in Ealing.
  - 2.3. [The National Design Guide](#) published on October 1 2019 forms part of the Government's collection of planning practice guidance. This is a detailed document packed with encouraging advice. Directed at planning authorities, councillors, applicants and local communities, ten principles of good building identified to show how well-designed places can be achieved in practice. As they are stated, the aims of the guidance suggest a welcome departure from recent Government approaches to planning and development, however it is much too early to be confident this will be reflected on the ground.
  - 2.4. [The Planning Portal](#) describes itself as "*the national home of planning and building regulations information and the national planning application service.*" It includes:
    - 2.4.1. a link to the government's [Plain English Guide to the Planning System](#)
    - 2.4.2. [The interactive house](#). A user-friendly guide that explains permitted development rights and other regulatory requirements for minor household and small business developments.
  - 2.5. [Environmental Impact Assessment Regulations](#) provide the regulations for undertaking EIA assessments. These operate under the EU's [Environmental Impact Assessment Directive](#), but this is likely to change after Brexit.
3. **Historic England Guidance: Historic England** is the national government agency responsible for planning and heritage protection. It is the guardian of the [Register of Statutorily Listed Buildings](#) (Grade I, II\* and II). HE has published a series of informative advice notes and guidance documents, including the following:
- 3.1. [Conservation Area Appraisal, Designation and Management](#)
  - 3.2. [Local Heritage Listing](#)
  - 3.3. [Statutorily Listed Buildings](#)
  - 3.4. [Tall Buildings](#)
  - 3.5. [Managing Significance in Decision-Taking in the Historic Environment](#)
  - 3.6. [The Setting of Heritage Assets](#)
  - 3.7. [Conservation Principles, Policies and Guidance](#) (Now being updated and so subject to change.) Issued in 2008, it sets out the underlying principles of heritage listing and the management of change, and introduces and explains what was at the time new key heritage terminology.
  - 3.8. [Heritage Protection Guide](#) This link leads to a series of documents which Historic England describes as "the most comprehensive online guide to heritage protection in England"
  - 3.9. More generally, [Historic England's website](#) provides online guidance on a wide variety of heritage topics.

### 3.10. [Heritage Definitions](#)

**4. Londonwide Planning and development policies** are set out in the [Mayor's London Plan](#) and other planning guidance covering the Metropolitan Area.

4.1. [The current version of the London Plan](#) was published in 2016. Key chapters include:

4.1.1. **Chapter 3 - [London's People](#)** - includes policies on housing and increasing housing supply. Policy 3.3 sets out the housing targets for each London Borough for the period from 2015 to 2025. The minimum 10-year target for the London Borough of Ealing is an increase of 12,972 net additional homes, ie an average of 1,297 a year.

4.1.2. **Chapter 7 - [London's Living Places and Spaces](#)** - includes the following policies which are particularly relevant to the determination of planning applications affecting both designated and non-designated heritage assets:

- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and Archaeology
- 7.9 Heritage-led Regeneration
- 7.16 Green Belt
- 7.17 Metropolitan Open Land. Paragraph 7.56 says that *"The policy guidance ... of the NPPF on Green Belts applies equally to Metropolitan Open Land (MOL). MOL has an important role to play as part of London's multifunctional green infrastructure and the Mayor is keen to see improvements in its overall quality and accessibility."*

4.2. [The Draft Revised London Plan](#) A revised London Plan is at an advanced stage of preparation and has already passed through an Examination in Public. This is the [draft text of the revised London Plan](#). The revised Plan differs greatly from that of the current (2016) version. It has been examined by Inspectors and is already a material consideration in planning decisions.

4.2.1. **Chapter 4** sets out policies for housing. The most significant change is that the 10-year housing target for the London Borough of Ealing has increased from 12,972 net additional homes in the current London Plan to 28,070 net additional homes over 10 years in the revised London Plan, of which 10,740 homes will be on "small sites" which are defined as being below 0.25 hectare (about 0.6 acre) in size.

4.2.2. **Chapter 7** sets out policies for heritage and culture, and

4.2.3. **Chapter 8** sets out policies for green infrastructure and the natural environment.

4.3. [Supplementary Planning Guidance](#) Supplementary Planning Guidance (SPGs) and Planning Practice Notes (PPNs) give further detail of specific policies in the London Plan. They include:

- 4.3.1. [Mayoral SPG on Town Centres \(2014\)](#)
- 4.3.2. [Culture and Night-Time Economy \(2017\)](#)
- 4.3.3. [Housing \(2016\)](#)
- 4.3.4. [Affordable Housing & Viability \(2017\)](#)
- 4.3.5. [Social Infrastructure \(2015\)](#)

4.3.6. [The control of dust and emissions during construction and demolition \(2014\)](#)

4.3.7. [Character and Context SPG](#)

4.3.8. [Practice note on the threshold approach to affordable housing on public land](#)

4.4. **Annual Monitoring Reports** are published annually to assess the effectiveness of the London Plan and its policies. [London Plan AMR 14](#) published in September 2018 is the most recent.

5. **Local Policy - Ealing's Local Plan** has three main strands - [a development strategy](#), a [development management manual](#) and a document covering [major sites](#), together with several other documents that add detail or more detailed guidance.

5.1. [Development \(or Core\) Strategy](#) (April 2012) This main policy document of Ealing's Local Plan sets out a vision for the future development of the borough up to 2026. It is supposed to explain how where and when Council planners will plan for new housing, jobs, community infrastructure and transport services and protect the Borough's green spaces and heritage.

5.2. [Development Management Development Plan Document \(DPD\)](#) (issued in December 2013) follows the chapter sequence and layout of the London Plan which it supplements by adding

- local variations of London Plan policies, and
- new local policies where the London Plan does not provide enough detailed guidance.

The DPD contains several policies directly relevant to heritage and design:

5.2.1. Policy 7C Ealing Local Policy - Heritage

5.2.2. Policy 7.4 Ealing Local Variation - Local Character

5.2.3. Policy 7B Ealing Local Policy - Design Amenity

5.3. [Development Sites Development Plan Document \(DPD\)](#) December 2013 sets out the planning requirements for sites in the Borough that are felt to have significant development potential.

5.4. [Adopted Policies Map Booklet - Schedules and Map Sheets](#) issued in December 2013, this booklet illustrates all site-specific policies in all the Local Plan documents in map form, and gives lists of all the sites and areas to which the policies apply.

5.5. [Interactive Maps](#) this link leads to a map of the Borough with useful planning information.

5.5.1. [This map shows Conservation Areas](#) in the Borough. The solid red lines show the boundaries of the Conservation Areas.

5.6. [Supplementary Planning Documents \(SPDs\)](#) provide further guidance and assist in the interpretation and application of planning policies. Ealing Council has produced a number of SPDs to supplement Local Plan policies.

5.6.1. [Planning New Garden Space](#)

5.6.2. [SPD 4 \(Residential Extensions\)](#) (a previous SPD retained as interim guidance.

5.7. **Revision of the Local Plan.** Ealing's Local Plan is due to be revised in line with the revised London Plan. The Council has set up a Local Development Plan Advisory Committee whose purpose is for Council officers to report progress on the revisions and for Councillors to advise and make recommendations on the content of the revised Local Plan. [Agendas and minutes of the Advisory Committee's meetings](#) from 19 July 2018 onwards provide progress updates.



**6. Neighbourhood Plans - Central Ealing and West Ealing.** [The Localism Act 2011](#) introduced the concept of a neighbourhood plan developed by local communities and businesses to provide a framework for how an area develops and grows. Neighbourhood Plans have full legal basis alongside the Local Plan. Two neighbourhood Plans have been adopted in the Borough:

- 6.1. [The Central Ealing Neighbourhood Plan](#) was prepared by the [Central Ealing Neighbourhood Forum](#) and adopted after a local referendum. The referendum version of the plan, dated 12 October 2017, is also the adopted version. CENP's area is outlined in purple on the Council's interactive [Planning Applications](#) map.
- 6.2. [The West Ealing Centre Neighbourhood Plan](#) was adopted after a local referendum on 3 May 2018. Though the Plan on Ealing Council's website is referred to as the submission version, it is understood this is also the adopted version of the plan. WECNP's plan area is shown outlined in blue on the Council's interactive [Planning Applications](#) map.

**7. Other Local Guidance:** The Council has prepared a lot of information on the Borough's Conservation Areas and other heritage assets. There is some disagreement as to whether or not this forms part of the Local Plan, but NPPF and London Plan policies are clear that the contents of these documents are a 'material consideration' in determining planning applications.

- 7.1. [Conservation Area Character Appraisals and Management Plans](#) There are 29 conservation areas in the London Borough of Ealing. Each conservation area has a character appraisal, which describes the history and main characteristics of the conservation area, and a management plan which sets out guidance in relation to planning applications and development proposals.

Character appraisals and management plans for each Conservation Area, can be accessed [here](#).

A strategic review of all the Borough's Conservation Areas is underway. It aims to update the character appraisals and, in particular, the management plans.

- 7.2. **Local Heritage Register.** Ealing's revised Local Heritage Register was issued in July 2014. Entries on the Register are deemed 'non-designated heritage assets' but have a local significance which should be taken into account when planning applications affect them. Their architectural or historic interest is regarded as a material consideration in planning terms.

The Local Heritage Register currently comprises two separate lists:

- the Local Heritage List (previously known as the "Local List") – individual heritage assets of local historic, cultural or architectural significance
- the List of Buildings of Façade or Group Value – local buildings of façade or group interest

These lists were approved by [Ealing's Cabinet on 22 July 2014](#) (see item 19, the accompanying report, and appendices 2 and 3):

The report in item 19 also explains that the Council recognises "Positive Contributors" to Conservation Areas. They are buildings of special note within Conservation Areas which were previously described as "*key unlisted buildings*" that make "*a positive contribution to the special character and appearance of the Conservation Area.*"

“Positive Contributors” derive their status from Para 49 of Historic England’s Advice Note about [Conservation Area Appraisal, Designation and Management](#) (see Section 2.1 above).

At present, there is no up-to-date list of Positive Contributors to Conservation Areas although they are mentioned in individual Conservation Area character appraisals. It is expected that the current strategic review of Conservation Areas (see Section 8.1 above) will include an updated list of Positive Contributors.

- 7.3. [Listed Buildings](#) Ealing has nearly 600 statutorily listed buildings. Statutorily listed buildings are designated heritage assets as set out in the glossary of the [National Planning Policy Framework \(NPPF\)](#). There are three categories of statutorily listed buildings:
- **Grade I:** Buildings of exceptional interest (2.5% of statutorily listed buildings)
  - **Grade II\*:** Particularly important buildings of more than special interest (5.8% of statutorily listed buildings)
  - **Grade II:** Buildings of special interest, which warrant every effort being made to preserve them (91.7% of statutorily listed buildings)

The Council does not publish a list of statutorily listed buildings within the Borough, but the [interactive planning maps](#) show the location of many of them.

[Historic England provides a search facility](#) for the buildings on its list. Clicking on an entry takes you into a description of it and its significance.

(With thanks to the longer guide prepared by members of the Conservation Area Forum)