

# THE EVOLUTION OF BRITISH PLANNING LEGISLATION

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## I. INTRODUCTION

Land use control is not, in the abstract, a subject which causes violent emotions to swell within the breast. In Britain the finer points of the art have been the object of esoteric discussion amongst a select group of cognoscenti for more than fifty years, but since planning control had never been enthusiastically embraced by the local authorities who were charged with its administration, the topic was, until the postwar years, of little public interest.

It may be variously regarded as a stroke of good or ill fortune that the Town and Country Planning Act of 1947 had some of its thunder stolen by the more melodramatic legislation of the postwar period. Considering the novelty and far-reaching effect of its provisions, it received comparatively little attention; indeed, the failure of some of its more complex provisions may be directly attributed to the fact that too few people knew of the act's existence, and, of those who did, few understood the economic theory upon which it was based.

Although much of the Labor Party's postwar legislation was of an extremely controversial nature, it should be borne in mind that the planning provisions of the Town and Country Planning Act, as opposed to its financial provisions, were agreed to by members of both parties. Indeed, they had been recommended by three commissions appointed by the wartime coalition government. The greatest achievement of the act can therefore be said to lie in the fact that, after more than fifty

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years of fruitless experimentation, a system of planning control at the local level under national government supervision has been devised, acceptable to both political parties, and has been found in practice to work well. No less significant are the lessons to be learned from the failures of the act. The compensation scheme, which the 1947 Act envisioned for landowners whose land would decrease in value as the result of restrictive planning decisions, was found to be unsatisfactory; not only did it create undue hardship, it failed to achieve the purposes for which it was enacted. Subsequent amendment of the financial provisions has served only to make the situation more obscure and complex. If planning is to be effective, therefore, some system must be devised which will enable planners to make their plans without involving themselves in huge compensation bills, and which will at the same time not result in undue hardship for landowners whose use of land is restricted.

One of the chief preventatives for future compensation worries is, of course, effective planning at the moment. So much of the compensation bill goes to the removal of nonconforming uses and the restriction of development. Provided that land can be purchased for public purposes, or restricted as to its development before the land has acquired significant development value, the compensation payable can be drastically reduced. The "development plan" contemplated by the 1947 Act goes far in achieving these objectives by "designating" land which is likely to be condemned within the next ten years.

It is clear from British experience that public relations have an important role to play in planning. The public have shown great willingness to cooperate where the purposes of the legislation have been made clear to them. But where most people were quite ignorant of the purposes which the act was attempting to achieve, (i.e., in its financial provisions) and where propaganda directed against the act was not countered, that degree of public cooperation which was essential to the successful operation of the act was not forthcoming. No matter what statutory form is used, it is evident that planning cannot proceed effectively unless persons likely to be affected are adequately informed of the purposes of the legislation; and this is no mere assertion of desirable political action—it is the foundation upon which workable planning laws must rest.

The history of planning in Britain also shows clearly that planning laws, if they are to be at all effective, must pursue a vigorous policy and must be enforced. It has been found inadequate merely to give certain local authorities the power to plan the development of the areas which they administer. Confusion merely becomes worse confounded if one local authority

attempts to plan development within its area while its neighbors ignore the planning powers that they have. Once a policy has been decided upon, it must be implemented; the financial provisions of the 1947 Act point to the fate which attends policies whose enforcement is half-hearted. In fact, the crucial feature of the 1947 legislation lies not in any increase of planning powers, but rather in the fact that all local authorities were compelled to draw up and enforce plans.

Finally, it is of importance to note the methods of planning control which the 1947 Act uses. Planning and zoning have never been regarded in Britain as separate functions. Planning includes both the abstract formulation of plans and the implementation of those plans. Further, plans are not enforced on an area-wise scale, as are American zoning ordinances, but on an individual basis. This system is one which gives planners more complete control over development and at the same time alleviates hardship which area-wide restrictions might impose.

These are just a few examples of the lessons which have been learned in Britain. Not all, of course, will have particular reference to American problems; but it is hoped that at least they will give some insight into problems which confront both Britain and the United States, and which both must seek to solve within the framework of the social ideals which they share.