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Planning file please.

2 MARSHAM STREET  
LONDON SW1P 3EB  
01-212 3434

My ref:

Your ref:

18 June 1985

Dear Secretary A State

## CIRCULAR ON DEVELOPMENT AND EMPLOYMENT

As you know, David Young's group MISC 114 have been considering the planning system in relation to the general theme of deregulation. I had already had it in mind to publish a new circular on planning policy following discussions with a group led by Sir John Sainsbury. MISC 114 have recommended that this circular should be issued when the proposed White Paper on deregulation is published in mid-July. MISC 114's proposal is that the circular should go out the same day and that the text should be included as an Annex to the White Paper. Your officials have already seen copies of the circular in draft and I attach a copy of the latest version.

The main purpose of the circular is to reiterate clearly that the planning system should not place unjustified obstacles in the way of development. Paragraphs 1 and 2 are a succinct restatement of the message of our key circular on development control (our 22/80, your 40/80). The circular points up the links between speedy, positive planning and jobs; set out the general presumption in favour of development; stresses the need to give precise reasons for refusals; and makes it clear that policies in outdated development plans should not be allowed to override other material considerations, particularly the encouragement of employment and economic growth.

Although the message of the circular is not new, I expect that its brevity and clarity will have a considerable impact and may well prove controversial. It is worth noting, however, that the main message is expressed in very similar terms to a circular issued as long ago as 1953, which was cancelled along with a number of obsolete circulars, because parts of it were out of date. I enclose a copy and I hope you will agree that it is well worth restating these basic policies.

Circulars of this kind on planning matters are usually issued jointly by our two Departments and I hope that you will be willing for this one to be a joint publication.

Copies of this letter and of the draft circular go to the Prime Minister and also to Willie Whitelaw, George Younger, Norman Tebbit, Tom King, Michael Jopling and David Young.

Yours sincerely

Atkin

for

PATRICK JENKIN

Approved by the CAs and signed in his absence



## DEVELOPMENT AND EMPLOYMENT

1. New development contributes to economic activity and to the provision of jobs. It is in the national interest to promote and encourage it. The planning system must respond positively and promptly to proposals for development. Delay adds to the costs of development.
2. Development proposals are not always acceptable. There are other important objectives to which the Government is firmly committed: the need to preserve our heritage, to improve the quality of the environment, to protect the green belts and conserve good agricultural land. The planning system, however, fails in its function whenever it prevents, inhibits or delays development which could reasonably have been permitted. There is therefore always a presumption in favour of allowing applications for development, having regard to all material considerations, unless that development would cause demonstrable harm to interests of acknowledged importance.
3. Authorities are obliged, under Articles 7 of the General Development Order 1977, to give reasons whenever they refuse planning permission. Those reasons must be precise, specific and relevant to the application: they must demonstrate clearly why, in the local planning authority's view, the proposed development cannot be permitted. Without such a clear demonstration the developer will not know whether or not his proposal can be made acceptable, or the grounds on which he can base an appeal against refusal. As a result, valuable investment and new jobs, in construction, in commerce and in industry, may be delayed or lost.\*
4. In dealing with applications for planning permission, Section 29(1) of the Town and Country Planning Act 1971 requires that the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Development plans are therefore one,

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\* More detailed advice on the positive operation of development control is given in Circulars 22/80 and 16/84, and in relation to the use of conditions in Circular 1/85; advice on green belts is given in Circular 14/84.



but only one, of the material considerations that must be taken into account in dealing with planning applications. Many structure plans were approved several years ago, often several years after they had been prepared and based on even earlier information. The policies which they contain, and the assumptions on which they were based, may therefore be out of date and not well related to today's conditions. They cannot be adapted rapidly to changing conditions, and they cannot be expected to anticipate every need or opportunity for economic development that may arise. They should not be regarded as overriding other material considerations, especially where the plan does not deal adequately with new types of development or is no longer relevant to today's needs and conditions - particularly the need to encourage employment and to provide the right conditions for economic growth.

5. The Secretary of State and his Inspectors will have regard to the terms of this circular in dealing with planning appeals and with any application that may be made to them for the award of costs.



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Local Planning Authorities  
(England).

SIR,

Cancelled by  
26/10/53

Circular No. 61/53.

MINISTRY OF HOUSING AND  
LOCAL GOVERNMENT,  
WHITEHALL, S.W.1.

26th October, 1953.

### PLANNING APPEALS

1. I am directed by the Minister of Housing and Local Government to say that in recent months the number of appeals has been increasing. This is due to a variety of reasons, which for the most part are outside the control of planning authorities. There has in particular been a gratifying increase in the amount of development undertaken generally, and the Government is anxious to encourage this. But appeals in general mean delay.
2. The Minister has accordingly been reviewing the experience of the past few years and, although there are no major new steps which he can ask authorities to take, there are a number of points on which advice has already been given to which some authorities could with advantage pay more attention. These points were dealt with in Circular 69, issued by the Ministry of Town and Country Planning in March 1949 (when the number of appeals had been rising) and I am to ask that your Council will study that Circular again. Not all of it is appropriate to present circumstances (e.g. paragraph 7, on permissions granted for a limited period) but in substance the advice given still stands. The main points the Minister desires to emphasise are:—
  - (a) Where there is no clear and specific reason for refusing permission or attaching conditions, the applicant should be given "the benefit of the doubt" (paragraph 5 and paragraph 9; paragraph 6, on the degree of significance to be attached to precedents, is also relevant). Development should always be encouraged unless it will cause demonstrable harm to an interest of acknowledged importance.
  - (b) Where permission is refused, or conditions imposed, the reasons should be clearly explained to the applicant: these should be stated in language which anyone can understand (paragraph 4, (a) and (b)). Many authorities make a practice of explaining what they have in mind in discussion with the applicant in advance of issuing the formal decision, and those authorities who have not adopted this practice are invited to do so. This should be particularly valuable where some modification of the proposal, or a shift to an alternative site, would meet the objection.
3. I am also to remind you of the memorandum accompanying Circular 58/51, issued by the Ministry of Local Government and Planning on 10th September, 1951, about the drafting of planning permissions. Attention is drawn in particular to paragraphs 10 to 14 of the memorandum, dealing with the imposition of conditions; appeals frequently arise from the use of conditions which are inappropriate to the case or are badly expressed.

I am, Sir,

Your obedient Servant,

J. H. WADDELL.

The Clerk of the Authority.  
(91642/46)

LONDON: HER MAJESTY'S STATIONERY OFFICE

1953

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MINISTRY OF AGRICULTURE, FISHERIES AND FOOD  
WHITEHALL PLACE, LONDON SW1A 2HH

From the Minister

The Rt Hon Partick Jenkin MP  
Department of the Environment  
2 Marsham Street  
London SW1P 3EB

*MBPM*

4 July 1985

*Partick Jenkin*

CIRCULAR ON DEVELOPMENT AND EMPLOYMENT

*with MEA*

Thank you for copying to me your letter of 18 June to Nicholas Edwards enclosing a draft circular you hope to send out on this topic.

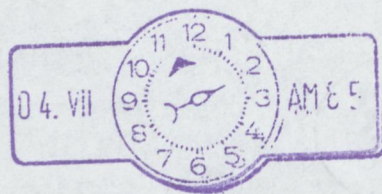
I do, of course, fully understand why you are anxious to issue a circular reiterating that the planning system should not place unjustified obstacles in the way of development. Equally I know you appreciate my concern that the Government's policy for the protection of agricultural land is fully taken into account in the planning process. I was pleased, therefore, to see that, in paragraph 2 of your draft circular, you propose to re-state the Government's commitment to this important policy and am content for the circular, as drafted, to be issued.

I am copying this letter to the Prime Minister, Willie Whitelaw, George Younger, Norman Tebbit, Tom King, Nicholas Edwards and David Young.

*Michael Jopling*  
MICHAEL JOPLING



Planning : LOCAL GOV. Pt 2.







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GWYDYR HOUSE  
WHITEHALL LONDON SW1A 2ER  
Tel. 01-233 3000 (Switsfwrdd)  
01-233 6106 (Llinell Union)

*Oddi wrth Ysgrifennydd Gwladol Cymru*

The Rt Hon Nicholas Edwards MP

NBSM  
0127/11

WELSH OFFICE  
GWYDYR HOUSE  
WHITEHALL LONDON SW1A 2ER  
Tel. 01-233 3000 (Switchboard)  
01-233 6106 (Direct Line)

*From The Secretary of State for Wales*

27<sup>th</sup> June 1985

*Der Pab*

**CIRCULAR ON DEVELOPMENT AND EMPLOYMENT**

Thank you for your letter of 18 June enclosing a draft of a new circular on planning policy.

I entirely agree that the time is ripe for a clear re-statement of the Government's concern that the requirements of the planning system must not be allowed to inhibit development which could reasonably be allowed. I am happy, therefore, that the circular should be a joint publication of our two Departments.

If the proposed White Paper on deregulation is ready in mid-July I would be content for the circular to be published on the same day and for its text to be included as an annex. But if there is any possibility of delay in the White Paper, I think that we ought to consider again whether we are justified in delaying the issue of this important circular.

I am copying this letter to the Prime Minister and also to Willie Whitelaw, George Younger, Norman Tebbit, Tom King, Michael Jopling and David Young.

*For a  
New*

The Rt Hon Patrick Jenkin MP  
Secretary of State for the Environment  
Department of the Environment  
2 Marsham Street  
London  
SW1P 3EB



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MR ADDISON

21 June 1985

CIRCULAR ON DEVELOPMENT AND EMPLOYMENT

The circular now produced by Patrick Jenkin to Nicholas Edwards (letter dated 18 June) is the same as that attached to his minute of 19 March to the Prime Minister. This was considered by the Prime Minister and the Sainsbury Group on 29 April and, as you have seen, your letter stated that the Secretary of State for the Environment would now complete the draft circular, taking account of the points made in the discussion.

I have now spoken to John Delafons, the Deputy Secretary at DoE. He says that all 12 points made in your letter of 29 April have been taken on board and are being studied. In respect of suggestion 7 (that it would be helpful if the Secretary of State had to publish reasons for delays in reaching decisions, and that there might be a presumption that an appeal should be settled in 3 months or less), this is contained in a survey, the results of which are expected at the end of this month. This survey has gone to the Regional Planning Offices, and it is hoped that internal administrative changes will cope with this point. It was not thought necessary to hold up the issue of this circular while this research is going on.

DoE are of the view that planning applications go through too many hands and might be improved by early case

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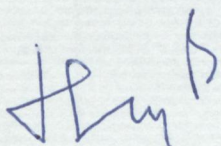


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conferences. They feel it is probably going to be impossible and unwise to insist on a 3 month period in all planning applications. This is because, occasionally in a small number of cases, there are good reasons for delays over the 3 month period. These reasons would include County Council elections, pending court actions, and the finalisation of structure plans. I am doubtful about these reasons, particularly the first and the third, and I have not seen any instance of a court action that could delay new planning applications that had not yet been fully considered. However, it is not possible to refute DoE until their research comes through.

I recommend the circular is permitted to come out as suggested in Patrick Jenkin's letter, namely at the end of July with Lord Young's White Paper. It should not be delayed anymore. We will keep this matter under close review. There is considerable force in not insisting that this circular be enlarged to a point where it loses its unusual characteristic of being a "one pager".



HARTLEY BOOTH

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HJB

19/6/85

MR. BOOTH

**CIRCULAR ON DEVELOPMENT AND EMPLOYMENT**

I should be grateful for your advice on the letter which came in recently from Patrick Jenkin to Nicholas Edwards dated 18 June. It covered a further version of the circular which was discussed at the meeting in April with the Sainsbury Group. This looks to me to be very similar to the earlier draft we saw; in particular it includes no mention of a presumption that appeals should be settled in three months or less. Perhaps your note could cover the reasons why the Department of the Environment apparently decided not to pursue the idea?

META

19 June, 1985.





NEW ST. ANDREWS HOUSE  
EDINBURGH EH1 3SX

cc 1/26

1. Adams - book  
2. J. J.

CONFIDENTIAL

The Rt Hon Patrick Jenkin QC MP  
Secretary of State for the Environment  
2 Marsham Street  
LONDON  
SW1P 3EB

9 July 1985

Dear Patrick,

DOE CIRCULAR ON DEVELOPMENT AND EMPLOYMENT

file with MEA

Thank you for copying to me your letter of 18 June to Nicholas Edwards about your proposal to publish a new circular on planning policy following discussions with the group led by Sir John Sainsbury.

I entirely support the proposition that new guidance should be issued to planning authorities to reiterate clearly that the planning system should not place unjustified obstacles in the way of development. As you may know, we recently commissioned a research study on development control performance in Scotland which identified a number of ways in which the development control system could be made to operate more quickly and efficiently. As part of the follow-up to this study, my Department have been preparing new guidance for issue to Scottish planning authorities, in consultation with the Convention of Scottish Local Authorities. This guidance, which could be issued to coincide with the publication of your proposed circular, contains the same general message as your circular, in that it indicates that the Government continues to attach importance to the need for a positive attitude to planning applications to be adopted by planning authorities, and that authorities should always grant planning permission, having regard to all material considerations, unless there are sound and clear cut reasons for refusal.

The circular is substantially longer than the one which you intend to issue, but I think it is likely to have no less impact, and indeed the fact that we have secured the agreement of the Convention of Scottish Local Authorities to its terms suggests that there may be a general willingness on the part of planning authorities in Scotland to give it due weight and to be influenced by it in setting their development control priorities. Unlike yours, the circular does not refer specifically to the proposition that development plans are only one



of the material considerations to be taken into account in dealing with planning applications, but Michael Ancram has recently stressed the need for development plans to help create demand, rather than merely react to or allocate foreseeable growth or development, in a speech to the Scottish Society of Directors of Planning, and the text of this speech will be published by the Society in the near future.

I note that MISC 114 have proposed that your circular should go out on the same day as the proposed White Paper and that the text should be included as an Annex to it. My officials are in touch with yours and David Young's about the drafting of the White Paper, since there will be a need for appropriate references to be made to the position in Scotland. I doubt very much whether there is a need for the Scottish circular also to be reproduced in the White Paper, but this is something which we can no doubt consider when officials have completed the drafting of the chapter on planning and enterprise.

I am copying this letter to the Prime Minister, Willie Whitelaw, Norman Tebbit, Tom King, Michael Jopling, Nicholas Edwards and David Young.

Yours truly,

George



LOCAL GOVT: Planning: Pt 2

