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Town and Country Planning in England and Wales

By

J. B. CULLINGWORTH

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Pp. 301, \$6.00

Within the limits of his 300 pages Professor Cullingworth has produced a remarkably complete account of the English (and Welsh) town and country planning function. The limitation of length is significant when it is remembered that the statute governing planning itself takes 243 pages in the 1962 consolidation and reenactment, including the fifteen schedules (10 & 11 Eliz. 2, C. 38). Although Professor Cullingworth is a sociologist, he is Reader in Urban Studies in the Department of Social and Economic Research in the University of Glasgow, and his study of the planning function shows a real appreciation of the administrative and legal as well as the planning problems. His account will be welcomed by North American scholars who want a broader picture than that given by Professor Mandelker in his excellent study of development control, *Green Belts and Urban Growth*.

Two topics that are discussed at some length will be of particular interest to readers on this side of the Atlantic, and perhaps especially in the United States. The first is the debate, constitutional in the United States but "political" only in Britain, concerning compensation for losses incurred as a result of planning measures. The possible injustices of refusing compensation seems to me to be an "inarticulate major premise" in many a North American planning dispute, but it has been openly confronted (unsuccessfully) in Britain; the account in Chapter 6 of "The Problems of Land Values" sets it in some perspective. There is reference to the Uthwatt Report on Compensation and Betterment and some earlier attempts to grapple with this problem, to the rise and fall of the development charge introduced in the Town and Country Planning Act, 1947; and to the current proposals, soon, one supposes, to be realized in some fashion by the Wilson government.

The second topic is treated in Chapter 3, which deals with "The Role of the Central Government." England, together with Wales, comprises an area roughly equal to that of the state of Georgia with a population about three times that of New York. "Local" govern-

ment has always had a close relationship with the central government, and local planning measures are subject to a degree of central control unheard of in the United States, though it would be taken for granted in many provinces of Canada. Planning is mandatory and a development plan must be approved by the Minister of Housing and Local Government. Permission to develop land (about the equivalent of a building permit in accordance with the zoning ordinance) must be obtained from a local council but on refusal an appeal lies to the Minister. The Minister exercises a number of other controls and expresses his views in the form of orders, circulars, and by indirect pressures administratively through his departmental staff. Yet despite this high degree of centralization, planning over a wider area than a county is no more apparent in England than in the United States. Chapter 13 on "Regional Planning" begins with the confession that "at present there is no machinery of regional planning in this country."¹ The confession is followed by a declaration of faith: "Nevertheless, there is a clear trend towards regional thinking."² In the discussion that follows, economic analysis and unemployment problems predominate over "planning," and the two "regional" programs described are "first essays in comprehensive regional planning by central government."³ Nevertheless, it is quite clear that regional planning is slowly coming into its own in the United Kingdom and may perhaps move ahead of North American efforts since the incentives in Britain appear to be very powerful and the potential administrative areas so comparatively small and densely populated.

Chapter 9 on "Planning for Leisure" also invites some comparison with North America, where some of the problems incurred in a small country with a gross density of over 700 persons per square mile are not dissimilar to problems in densely built up areas in the United States. There is, of course, *no* escape on the island from urban expansion and those responsible for the development of the limited amounts of open space have to cater to the needs of large populations. The Planning Director of the Peak Park Planning Board once remarked that he had to consider the needs of sixteen million people within a radius of fifty miles. Professor Cullingworth turns to the report of the Outdoor Recreation Resources Review Commission for relevant American experience likely to provide

1. P. 258.

2. *Ibid.*

3. P. 266. (Emphasis added.)

some help in England and Wales. On the other end of the scale, the densely populated London area is struggling to find four acres of open space for each 1000 of population in the old London County Council area and an additional three acres beyond the county limits. For the time being a two and a half acre standard had to do, and progress is being made. Between 1951 and 1960 London added 521 acres to its 8255 acres of open space.

Chapter 12 on "Urban Renewal" concentrates on housing, comprehensive redevelopment and traffic, undoubtedly three problems of the highest importance in England and Wales, as well as in North America. Of the six and a half million houses (about 45%) built before 1914, two million are over 100 years old. Needless to say, the standards of even 1914 fall far short of 1965 demands, even in England and Wales, where there seems to be considerably less demand for detached houses—which, indeed, might be literally impossible to build, given the real limits of land available. Professor Cullingworth is something of a specialist in housing, having previously published *Housing Needs and Planning Policy* (1960), and *Housing in Transition* (1963). He finds that the progress in housing to date "has not been encouraging."⁴

The part on traffic provides Professor Cullingworth with an opportunity to comment on the widely applauded *Traffic in Towns*, the so-called Buchanan Report, which he describes as "a masterly survey which surmounts the administrative separatism which has until recently prevented the comprehensive co-ordination of the planning and location of buildings on the one hand and the planning and management of traffic on the other."⁵ This, despite the strong influence of central government. Professor Cullingworth, as a sociologist-planner, is mildly critical of Buchanan. He makes "due acknowledgment of the necessarily crude nature of the methods and assumptions used,"⁶ but he seems to find the report a useful one in many ways.

The short treatment of "comprehensive redevelopment" contrasts strikingly with North America writings where the contributions from the federal governments seem to be a primary concern. The central government's financial contribution is apparently negligible; the real concern is over procedural delays, which were less significant in the immediate post-war period when the redevelopment was most

4. P. 246.

5. P. 255.

6. *Ibid.*

likely to be undertaken by the municipality itself rather than by private enterprise, which presently takes a much larger part.

The final Chapter on "The Planners and the Public" illustrates another interesting difference from North America in the role of the public as participants in the planning process. As a sociologist, Professor Cullingworth deplores the lack of participation in England and Wales. As he says, "In Britain there is a remarkable acceptance of and reliance on Government: the Americans are less trusting and the curious result is a greater degree of 'grass-roots' democracy."⁷ It would take more than 300 pages to examine the assumptions in those two propositions, but there is one specific area of administration to which Professor Cullingworth refers that will surprise most North Americans. In the area of what he calls "third party" interests, the English and Welsh administration seems rather severe, even to a Canadian, much less an American. Where a public hearing is held in connection with an appeal to the Minister from a refusal of planning (development) permission, an adjoining landowner has only a "very sensible administrative privilege" to appear at the hearing conducted by the Minister's inspector, and no privilege at all to appeal to the courts to challenge the Minister's decision.⁸ By contrast, one sometimes wonders whether land use decisions that are capable of rational analysis are not, in North America, settled by counting heads in a rather ill-designed and unofficial constituency of sometimes highly emotional neighbors.

No attempt has been made to comment exhaustively on every chapter in this excellent short account, but I have tried to indicate areas of British experience that will make interesting and perhaps instructive reading for North American studies of planning law and administration. Cullingworth on *Town and County Planning in England and Wales* should find a worthy place beside Haar, Heap, and Mandelker on our shelves.

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7. P. 274.

8. See *Buxton v. Minister of Housing & Local Gov't*, [1960] 3 Weekly L.R. 866.

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