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Responding to the Conservative Common Sense of Opposition to Planning and Development in England

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Sometime in 2016 a curious episode in English planning finally came to a close when Robert Fidler, a farmer from Surrey in the affluent south-east of the country, reluctantly set about demolishing the large family home he had built on his land. The case dated back to 2007 when the local planning authority for the area, Reigate and Banstead Borough Council, began enforcement action against Fidler for building without permission in the green belt. He appealed, arguing that his home had been substantially complete for more than four years when the action was initiated so the statutory time limit for prosecuting him had passed. But here's the twist, and the reason this story gathered considerable national press coverage: Fidler had deliberately set out to hide what the media dubbed his 'castle', building it behind 40-foot high walls of straw bales that were only removed when he deemed the building was legally safe.

The case subsequently made its way through an administrative appeal and then successive legal hearings as Fidler exhausted the routes of challenge available to him. In these hearings the arguments revolved around technical interpretations of legislation, including whether a planning inspector was right to have rather artfully held that the building work was not complete until the last of the straw bales was removed. In the meantime, partly inspired by the public profile of this case, national government introduced new legislative provisions against attempts to deliberately deceive planning authorities.

For present purposes, what is most interesting about this story is not the arcane detail of legal interpretation or legislative reform but the way Fidler and some media commentators sought to frame his actions. Speaking in court after an initial legal challenge was overturned, he was reported as saying: "They say an Englishman is entitled to have his castle. I thought that maybe I could claim this to be my castle, and see if there was any mileage in that..." (Topping, 2010). Writing in the liberal-left leaning Guardian, meanwhile, the commentator Alexander Chancellor (2010) expressed sympathy with Fidler's cause:

Of all the restrictions on our liberties few are more oppressive than those imposed by local planning authorities. We may grudgingly accept the need for planning controls to save what's left of our shrinking countryside, but the idea that an Englishman isn't free to do what he

wants with his own property is still widely resented. It offends against something in his DNA....

In these quotations, both Fidler and Chancellor appeal to deeply-held cultural attachments to private property rights. Associating the institution of property with freedom and liberty, they go so far as to position it at the heart of national identity. The oft-repeated proverb “an Englishman’s home is his castle” dates back to the 16th century and illustrates the extent to which understandings of private property have become sedimented into a peculiarly English common-sense¹; ensuring that this deeply ideological construction seems so natural that its historical and political character are obscured (along with its complicity in perpetuating various forms of injustice).

There are family resemblances between Fidler’s libertarian attempt to be freed from state interference and those of the U.S. based property rights or wise use movements that have gained considerable support over recent years. However, what is perhaps most striking is how much of an outlier a case like this remains in relation to the broader politics of planning in England. Attempts by citizens’ to assert private property rights against the legitimacy of planning law attract attention because they remain relatively rare. In this regard, whilst the United Kingdom’s decision to Brexit the European Union might be understood as part of a wider conservative-nationalist “uprising” with parallels to right-wing populist developments in other parts of the world, the prevailing politics of planning in England have been more powerfully shaped by a different configuration of conservative political forces.

Conflicting conservative ideas of planning: Preservationism vs. Neoliberalism

In keeping with the politics of the ‘home counties’ that surround London, Reigate and Banstead Borough Council who pursued the case against Fidler are led by a Conservative administration. Throughout, they maintained a strong defence of planning law and the protections it provides against unregulated development:

This was a blatant attempt at deception to circumvent the planning process, which particularly in the green belt is an important part of trying to protect the environment we live in... (Topping, 2010)

This quotation illustrates how the nationalization of development rights effected by England’s 1947 Town and Country Planning Act has come to be accepted as a legitimate, even necessary, form of state intervention in land and property. At first sight this may appear somewhat paradoxical from the perspective of a Conservative party that has traditionally stood as a defender of private property, individual freedom and a limited state². However, control

¹ I follow Antonio Gramsci (2005, 323-5) here in using the term ‘common sense’ to denote the complex and frequently contradictory terrain of popular beliefs and superstitions that constitute a culture and which ideological projects both appeal to and seek to reshape.

² See Tait and Inch (2016) or Shepherd (2017) for a longer argument about conservative ideology and planning in England.

against development and the powers it affords to *preserve* the villages, towns and (often mythical) open countryside of England's green and pleasant landscape has generated grassroots Conservative support for state intervention through the planning system. This support for planning is frequently characterised as a form of NIMBYism and perhaps mirrors commitment to exclusionary zoning controls in other parts of the world. However, it cannot be reduced entirely to the rational calculus of self-interested owners. The large membership of organisations like the Campaign to Protect Rural England and the National Trust are evidence that ideas of environmental and historical protectionism also find strong bases of support in the common-sense of English culture and a tradition of "one-nation" Conservatism that stresses a paternalistic stewardship of the environment and society. Rallying cries to keep developers' "hands off our land" or fight the "concreting over of the countryside" play on these attachments and the emotional investments they produce, generating sometimes fierce opposition to new development which can become a defining local political issue.

Over the past thirty years, the ascendancy of neoliberal ideas has been in tension with this *protectionist conservatism*. Neoliberal critiques of planning have generated ideological and political pressure to deregulate state land-use controls and "free" the forces of private enterprise to produce socially necessary development through the market. Ironically, by encouraging people to view homeownership as an important aspiration and homes as (often increasingly valuable) financial assets, neoliberal ideology has also played a part in fomenting conservative political opposition to the market-led development it advocates. National governments convinced that planning distorts the ability of the market to balance supply and demand, have therefore come into conflict with homeowners in places like Surrey who oppose deregulation in the name of strong, local planning control.

Rather than the anti-state libertarianism expressed by Fidler or some US based anti-planning movements, the politics of planning in England has effectively been framed by the struggle between these two different forms of conservative political thinking: a market liberalism that is broadly anti-state and anti-planning and an often localist, protectionism that is anti-development but therefore supportive of planning control in so far as it provides tools to block the developers. Whilst perhaps not as dramatically polarising as forms of conservative opposition found elsewhere, the interaction between these conservative tendencies has been powerful in shaping and delimiting prevailing approaches to planning. As illustrated in table 1 below, these different forms of conservatism are at times in tension, political projects may therefore seek to rearticulate them in various ways, trying to hold them together, however uneasily. In doing so, they illustrate the capacity for conservative attitudes towards planning and development to take on diverse configurations in different times and places.

*****INSERT TABLE ABOUT HERE*****

In England, as in many other parts of the Global North, this has recently been intensified by concerns about a ‘housing crisis’³. The housing crisis has often been narrowly constructed as a failure to allow the market to build sufficient new housing to keep pace with need, generating powerful calls to further limit land-use regulation and weaken the power of localized opposition to prevent or delay development. Despite flirting with rhetorics of localism, successive governments have used national policy to oblige local government to allocate increased amounts of land for private housing development, whether through the imposition of binding targets for numbers of new housing units, the specification of methodologies to calculate housing need or the imposition of deregulatory policies that have weakened control at lower levels. As a result, the planning system in England has increasingly been defined by the overriding priority of pushing through sites for new housing irrespective of local political sentiment. Exacerbated by severe cuts to local authority budgets, this has arguably reduced the capacity of planners to win local political consent for, or positively shape, necessary development (Town and Country Planning Association [TCPA], 2018) whilst exacerbating the conditions that produce conservative opposition and undermine public trust in planning.

In certain respects, this dominant frame has been a very convenient shell for landowner and developer interests, allowing them to present their private interests as synonymous with the broader public interest in housebuilding whilst deflecting political flak away from their own role in producing (and benefitting from) scarcity in land and housing (e.g. Edwards, 2015). Rather like the idea that the planning system presents a formidable barrier, conservative opposition to development may at times operate as a convenient scapegoat. This makes it important to carefully distinguish between its actual efficacy in blocking or delaying development and the political claims made about it by various actors. With planning permissions now running well ahead of rates of building, it seems increasingly clear that the narrow focus on planning and anti-development politics as a key source of constraint has been at least partly missing the point. There are also emerging signs that the severity of the housing crisis, and particularly the threat that high housing costs will alienate younger generations from the core ideological promise of homeownership, may be beginning to change things. In the ferment created by Brexit and the rise in support for Jeremy Corbyn’s socialist alternative, opportunities may emerge to challenge the dominant configuration of conservative forces and the narrow ways in which they have come to define the politics of planning in England.

Building support for alternative ideas of planning

In this context, a key question for those interested in promoting alternatives to these conservative ideas of planning is how to respond to the current political moment?

³ It is important to stress that the idea of a “housing crisis” is always a simplified representation of a complex set of inter-related problems that can be constructed in multiple ways from different political positions.

In the sections above, I have sought to relate conservative understandings of planning in England to wider ideological positions and the ‘common sense’ of cultural attachments they have mobilized to secure support. I have therefore highlighted that a significant part of the necessary response to changing political realities rests at an ideological level. This is not to argue that conservative responses to planning and development can only be tackled once neoliberalism **has buckled under the weight of its own contradictions** or been toppled by counter-hegemonic insurgency. Rather, in drawing attention to tensions between different conservative orientations towards both planning and development, I have sought to highlight a terrain of potential struggle where political ideas, including prevailing definitions of planning, are produced and alternatives might be articulated and fought over. This rests on an understanding of political positions not as fixed beliefs but as fluid attachments that can potentially be reworked to produce quite different ways of thinking, relating and acting. I believe that political and ideological analysis can therefore be a valuable tool for planners at various levels.

In facing the challenges of practice, for example, it is important to understand how various forms of support and opposition for planning and development can be rooted in different worldviews. Being attuned to what matters and motivates people and to possible points of tension in their common-sense understandings can open up possibilities to secure limited forms of agreement. For example, staunch opponents of new housing might be persuaded to support development by arguments that appeal to the future health of their family or community. This is where communicative planning theory has productively fixed much of its attention and remains an important and often politically unappreciated achievement of local planning practice.

However, drawing attention to the ideological is also important because it directs us towards the wider forces that both produce different variants of conservative opposition and frame the spaces of planning practice. I am concerned that this is a terrain that planners and their representative organisations have too often tended to avoid. This may be because they have viewed it as too political a space for a profession to contest, whether because they continue to cleave to a technical understanding of planning or are focused on pragmatically getting on with things at the coalface, even in circumstances that aren’t of their choosing. The English example clearly illustrates the dangers of such assumptions as what Tina Grange (2013) labels planners’ “acting space” has been gradually narrowed by conservative forces. Reasserting the planning project as a means of tackling major challenges like the housing crisis in ways that promote socially and environmentally just outcomes requires building political momentum for change; working on the terrain of people’s common-sense attachments to show how things could be different and how planning can be a positive part of that change.

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Form of conservatism	Attitude to planning	Attitude to development	Ideal subject	Tensions
Libertarian (L)	Opposed to state restricting property rights	Belief in freedom to enjoy property	Property/ 'home-owner'	Tension with P on role of state but potentially with N where market may threaten existing property rights
Neoliberal (N)	Viewed as a distortion of free-markets	In favour of market-led development	Entrepreneur (developer) and 'homeowner'	Strong tensions with P on role of planning and market.
Preservationist (P)	Supportive of strong, local planning controls	Opposed to development that threatens existing order	Homeowner but also steward of tradition/ environment	Strong tensions with L and N re. restrictions on property and development

Table 1: Conservative orientations towards planning and development in England