



GRaBS Briefing understanding the environmental and social impact of garden development

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1 Background

This briefing aims to give GRaBS UK partners an overview of the background policy context and issues surrounding garden developments in order to help develop understanding of *a)* the extent of their impact on the environment, and *b)* the urban built environment's resilience to the effects of climate change. It follows the publication of the results of a Government investigation and should be read in the light of the wider understanding of the role of green infrastructure in sustainable development.

There is considerable current evidence, through research and guidance, on the strategic benefits of harnessing both green infrastructure and biodiversity as part of the wider sustainable communities agenda. However, following sustained lobbying by organisations such as the Town and Country Planning Association (TCPA), it is only recently that the Government has taken note of the cumulative impacts of incremental urban development – particularly unregulated 'permitted' householder developments – on the environment. Sir Michael Pitt's Review of the floods of summer 2007¹ highlighted the cumulative impacts of permitted

developments on surface water drainage, particularly as a result of developments on front gardens, the increased area given over to driveways, and the erection of garden sheds.

During the passage of the Planning Bill (now the Planning Act 2008), there were calls for a statutory duty on local planning authorities to protect gardens from unsustainable urban development. The Government rejected this call on the basis that local authorities already have the powers to take appropriate action, and that, in accordance with Planning Policy Statement 3: *Housing*,² a sufficient policy basis exists for the preparation of Local Development Frameworks. Although the problem of ‘garden grabbing’ was recognised, the extent was unknown, and after the Planning Act 2008 entered the statute book the Government, for the first time, committed to undertake a review to identify the extent of development on back gardens. The terms of the review stated that if the evidence disclosed a clear and genuine problem, the Government would look at how best to remedy the situation, provided that any changes would not undermine PPS3.

2 Policy context

There are legislation and national policies in place which provide statutory guidance to determine the acceptability of development on gardens.

PPS3 sets out strategic housing guidance for planning authorities in preparing development plan documents and in determining planning applications. Paras. 40 and 41 require local planning authorities to make the most effective use of their land to achieve the national target of 60% of new housing on previously-developed land. Annex B defines previously-developed (or brownfield) land as ‘*that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure*’. **Garden sites are normally regarded as ‘brownfield’ land.** However, PPS3 promotes consideration of good design, climate change and the creation of sustainable communities.

Permitted development rights allow developers and householders to undertake developments without the need to apply for planning permission from local planning authorities. In response to the need to increase the resilience of the urban built environment to climate change, the Government introduced the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.³ From 1 October 2008, this removed permitted development rights for impermeable paving over front gardens, and the Government published further guidance⁴ on how to achieve sustainable permeable surfacing, identified as a key action under the Government’s Water Strategy.⁵

There is, of course, policy guidance which governs the wider decision-making process to ensure that developments meet a number of social, economic and environmental objectives – including sustainable development (PPS1),⁶ taking account of climate change impacts (*Planning and Climate Change. Supplement to Planning Policy Statement 1*),⁷ promoting and protecting biodiversity (PPS 9),⁸ and taking account of flood risk (PPS25).⁹

Regional-level government is also beginning to take note of the role of gardens. In the Mayor of London’s draft replacement London Plan, policy 3.5 proposes a presumption against development on back gardens to secure the highest quality of development and the protection and enhancement of residential neighbourhoods.¹⁰

3 Government review of garden developments

The Government published the findings of its investigation into garden developments on 19 January 2010.¹¹ Key findings are:

- **The definition of garden sites for development:** There was found to be no universally agreed definition of garden land. While some authorities identified them as brownfield sites, others did not.
- **Scale of garden developments:** There has not been a significant increase nationally over the period 2003-08 in the amount of garden land developments.
- **Justifiable need for the role of garden developments in meeting housing supply:** Gardens, particularly in some areas of very constrained supply, are an essential part of the supply of housing land and may be the only way some authorities can meet housing targets.
- **Effectiveness of policy guidance:** There was little evidence that PPS3 has made a positive difference to the ability of local planning authorities to resist garden developments – and some evidence that it has made it harder. But some successful local policies were revealed.
- **Lack of monitoring information:** There are very few authorities which monitor and hold information on types of housing development, despite the information being readily available from planning applications. This makes both providing data and accurately tracking the characteristics of garden developments in a local area problematic.
- **The cumulative impact of garden developments on open space:** The sporadic nature of garden developments means that local planning authorities have no clear understanding of the cumulative effect that this process has on the social or physical environment, nor of the resultant future sustainability implications.

As a result of this review, the Housing and Planning Minister, John Healey, announced a minor amendment to PPS3 to clarify the status of garden developments, and the Department for Communities and Local Government (CLG) Chief Planner, Steve Quartermain, wrote to all Chief Planning Officers advising them on how specific garden policies may be considered.¹² CLG is also consulting on introducing an additional category of ‘residential gardens’ to distinguish between development on the ‘footprint’ of dwellings and the surrounding gardens as part of its publication of Land Use Change Statistics.¹³

However, it remains unclear how conclusions highlighting current policy and implementation gaps will be addressed by the Government, particularly around the lack of skills and resources of officers in policy and development management; the inconsistencies in and lack of process for data collection; and, most importantly from the GRaBS perspective, the need for further research to understand the cumulative impacts of garden developments on communities and the environment.

4 Relevance to GRaBS

Protecting urban back gardens from development is an issue that expands beyond the development management function of the town and country planning system. Changing patterns of use of urban vacant and derelict land indicate a growing trend

towards intensification in urban areas, in particular the increase in development on existing residential land. While the redevelopment of previously-developed open space and agricultural land has been steadily decreasing or stabilising, the primary concern is the proportion of minor redevelopment on sites of less than five hectares (i.e. on urban back gardens and small plots of land). The impact of the loss of viable and properly planned networks of urban green infrastructure (made up of strategic and small-scale plots of open space) on the resilience of the built environment to climate change will be profound.

A key objective of the GRaBS project is to increase the knowledge and expertise of those responsible for spatial planning and development on how green and blue infrastructure (green roofs, green walls, green corridors, sustainable urban drainage systems etc.) can help new and existing settlements adapt to projected climate scenarios, particularly exposure to higher temperatures and flooding.

As part of the TCPA's work to champion sustainable development and the creation of sustainable communities through planning, it has published guides (*Biodiversity by Design*,¹⁴ in 2004; and *Climate Change Adaptation by Design*,¹⁵ in 2007) to help planners, urban designers, developers, other built environment professionals and community groups to embed green infrastructure in design and development. In densely populated urban areas gardens can contribute to collective and effective action to adapt to climate change. Their wider social and environmental benefits should not be underestimated.

5 Notes and further information

- 1 Sir Michael Pitt: *The Pitt Review: Learning Lessons from the 2007 Floods*. Cabinet Office, Jun. 2008. <http://archive.cabinetoffice.gov.uk/pittreview/thepittreview.html>
- 2 Planning Policy Statement 3 (PPS3): *Housing*. Department for Communities and Local Government, Nov. 2006. <http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement3.pdf>
- 3 The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. SI 2008/2362. http://www.opsi.gov.uk/si/si2008/pdf/uksi_20082362_en.pdf
- 4 *Guidance on the Permeable Surfacing of Front Gardens*. Department for Communities and Local Government, Sept. 2008 and revised May 2009. <http://www.communities.gov.uk/documents/planningandbuilding/pdf/pavingfrontgardens.pdf>
- 5 *Future Water. The Government's Water Strategy for England*. Cm 7319. Department for Environment, Food and Rural Affairs. TSO, Feb. 2008. <http://www.official-documents.gov.uk/document/cm73/7319/7319.pdf>
- 6 Planning Policy Statement 1: *Delivering Sustainable Development*. Office of the Deputy Prime Minister, Jan. 2005, par. 13. <http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>
- 7 Planning Policy Statement: *Planning and Climate Change. Supplement to Planning Policy Statement 1*. Department for Communities and Local Government, Dec. 2007. <http://www.communities.gov.uk/documents/planningandbuilding/pdf/ppsclimatechange.pdf>
- 8 Planning Policy Statement 9: *Biodiversity and Geological Conservation*. Office of the Deputy Prime Minister, Aug. 2005, para. 1. <http://www.communities.gov.uk/documents/planningandbuilding/pdf/147408.pdf>
- 9 Planning Policy Statement 25: *Development and Flood Risk*. Department for Communities and Local Government, Dec. 2006, para. 6. <http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement25.pdf>
- 10 *The London Plan. Spatial Development Strategy for Greater London*. Consultation draft replacement plan. Mayor of London, Greater London Authority, Oct. 2009, policy 3.5. <http://www.london.gov.uk/shaping-london/london-plan/docs/london-plan.pdf>

- 11 *Garden Developments: Understanding the Issues. An Investigation into Residential Development on Gardens in England.* Department for Communities and Local Government, Jan. 2010.
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/gardendevelopments.pdf>
- 12 *Development on Garden Land.* Letter to Chief Planning Officers, Department for Communities and Local Government, Jan. 2010.
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/letterreviewgarden.pdf>
- 13 *Proposed Changes to Publication of Statistics on Land Use Change, Commercial and Industrial Floorspace and Town Centre/Retail Development: Consultation.* Department for Communities and Local Government, Feb. 2010.
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1471255.pdf>
- 14 *Biodiversity by Design. A Guide for Sustainable Communities.* TCPA, Sept. 2004.
http://www.tcpa.org.uk/data/files/bd_biodiversity.pdf
- 15 *Climate Change Adaptation by Design. A Guide for Sustainable Communities.* TCPA, 2007. http://www.tcpa.org.uk/data/files/bd_cca.pdf



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- **we have achieved:** greener cities, new towns, and better homes
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