

# *Diagnosing delay in planning: Dobry at 50*

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## Diagnosing Delay in Planning: Dobry at 50

***Prof Gavin Parker and Dr Mark Dobson discuss the perennial issue of time taken in decision making in planning, placing the current debate within its historical context. Is some delay beneficial and necessary? Just how effective are league tables in driving improvement and what effect is 'gaming the system' having upon how the system works?***

Government administrations in the UK have expressed a recurrent concern to target 'delay' in planning. Few would disagree that timely decisions and plan-making, which underpin sustainable outcomes and produce relevant and up-to-date policy, are desirable. Yet the narrative of delay most often presented in planning seems oddly simplistic and depicts variances in time taken as in some way intolerable. The former is part of the political theatre of which planning has become a part, while the latter exhibits a curious lack of basic deconstruction of *why* time is taken<sup>1</sup>. Both seem rather unhelpful and, in our view, they need to be challenged if a serious conversation about the necessary characteristics and needs of a 'fit for purpose' planning system is to result.

The Secretary of State for Levelling Up, Housing and Communities, Michael Gove, has most recently affirmed governmental concern over delay in England, announcing that publication of *'league tables revealing the real performance of local planning authorities, the speed with which they respond, the level of approvals and delivery against targets'*<sup>2</sup> are to be pursued. We provide a reminder that problematising planning in the UK as producing 'delay' is not new, while also calling for a more helpful assessment of why time is taken; both in terms of where hold-ups occur, as well as reasserting tolerance for the necessary time for good planning to flourish. In doing so, it is an opportune moment to reflect on and contrast the views of the 1975 Dobry report<sup>3</sup> with its targeting of delay, and given that the concerns expressed have continued, with recurring themes and somewhat familiar efforts to address them.

Governmental rhetoric has repeatedly returned to questions of time 'delay' and planning as a 'burden'. This forms an element of a consistent narrative used to justify reform since the 1960s and, if anything, recent years have witnessed an

intensification of such comments. The rhetoric accompanying the 2020 planning reform proposals for England prompted the then Secretary of State, Robert Jenrick, to emphasise how local plans and decisions:

*‘...take on average 7 years to agree in the form of lengthy and absurdly complex documents and accompanying policies - understandable only to the lawyers who feast upon every word. Under the current system, it takes an average of 5 years for a standard housing development to go through the planning system - before a spade is even in the ground. Seven years to make a plan, 5 years to get permission to build the houses and slow delivery of vital infrastructure.’<sup>4</sup>*

This narrative, and similar pronouncements that have accompanied reform agendas, has enabled a suite of actions oriented to reform the English planning system. Through these it is observable that delay has been taken to task, but efforts also exist where delay is accommodated and otherwise manipulated or masked. For example, the 30-month timeframe for local plan production, unveiled as part of the Levelling Up and Regeneration Act 2023 (LURA) in England, and continued pressure on local planning authority decision times is indicative here; but equally so have been options to negotiate ‘extensions of time’ set against any attempts to ‘game’ the system.<sup>5</sup>

Interestingly the LURA and its accompanying text, issued in Michael Gove’s name, mixes questions of both local authority and developers needing to operate at speed, and claims that the Act will enable:

*‘A faster and less bureaucratic planning system with developers held to account... Encourage developers to get building – giving communities updates on the progress of development and giving councils the chance to consider slow build-out rates when approving planning.’<sup>6</sup>*

Looking back, we can see that the trope of delay in planning has a long antecedence that continues in the latest attempts at diagnosing delay and presenting solutions.

Fifty years ago, George Dobry QC was commissioned by the government of the day to report on the system of development control. Early expression of the 'delay' question had already appeared in debate of the 1968 Town and Country Planning Bill, with increasing planning delay claimed in reaching decisions and administrative burdens at that time.<sup>7</sup> Deemed to be high these concerns prompted a government review. Dobry's interim report was completed on New Year's Eve 1973,<sup>8</sup> with the final report published in February 1975, entitled *Review of the Development Control System*. The Heath government, elected in 1970, had just produced Circular 142/73 *Streamlining the Planning Machine*<sup>9</sup> and it was envisaged that '*a targeted reduction of planning delay*' was to be pursued.<sup>10</sup> Commissioned at a time when planning applications and appeals had risen markedly during a property boom, this also coincided with the 1972 Local Government Act, which reorganised local government and had caused a degree of 'dislocation' as administrative change was then absorbed in the following years.<sup>11</sup> This mix of factors had added to the difficulties in determining decisions speedily and making up-to-date plans.

The first paragraph of Dobry's final report position 'delays' as the main reason for the review to be undertaken. Despite this the interim report had argued that '*not all delay is unacceptable: it is the price we must pay for the democratic planning of the environment*'.<sup>12</sup> The final report also pointed out that the early 1970s resourcing levels for planning had meant that many LPAs had a staff shortage and this hampered efficient operation of the system. Dobry argued that '*there are not enough qualified planners to fill the vacancies*'.<sup>13</sup>

While the Dobry review was ostensibly to assess development control, it did also discuss the policy framework, appeals, enforcement and public involvement in planning. The period which led to Dobry had precipitated a concern over timeliness, beyond any temporary governmental delays or questions of inefficiency. The property boom had prompted a large increase in planning applications and consequent 'delay' i.e. lengthening of time periods to process planning applications and determine appeals.<sup>14</sup> Wilkinson<sup>15</sup> comments that Dobry recognised how 'the quality of decisions is more important than speed', while a reflection on the final Dobry report provides a sardonic insight, which seems still resonant now:

*'Diagnosis of the condition depends in large part upon one's perspective and interests. A developer would say that delay is the prime problem... Others concern themselves with the way decisions about development are made... A third group is concerned not with delay or decision-making procedures but with the substance of decisions... The three main criticisms of development control are mutually contradictory; more participation inevitably causes more delay, more predictability means less flexibility and less tailoring of decisions to suit a particular local situation.'*<sup>16</sup>

Despite such comprehensions delay has remained firmly in the sights of government and as a political and policy focal point to this day. Clearly there has also been a long run recognition that delay is produced or caused by many factors, and moreover, there may be *legitimate* reasons for time taken. In certain instances, some 'delay' may even be beneficial. Therefore, what has happened is an unhelpful selectivity which equates or conflates time with delay, with little critical inquiry into the reasons why planning and development takes (and requires) time.

The fretfulness about delay appears to derive and maintain its energy from two main sources; mistrust of local government by central government and pressure from the development industry. Temptation to be seen to be doing something in planning has created a sense of perma-reform, or constant change and churn. The situation, even in the time of Dobry, was accompanied by resource contraction for planning, as well as a more gradual increase in scope and complexity of issues for the planning system in England to contend with. This provides a milieu in which 'delay' can be levelled without a great deal of pushback. Decisions and local plans are clearly taking time – in some places there may even be deliberate spoiling tactics adopted for political reasons, which speaks to a greater malaise in considering the whole system and the conflicts that bedevil it. Surely the discussion needs to be fixed on firstly, the causes and secondly how to alleviate or respond best to factors of delay. In short, we need to remember Dobry.

### **Where does delay come from?**

Systems of bureaucracy require some time. It is quite typical that multiple parties need to look at proposals or be consulted. Assumptions need to be checked,

alternatives considered, and the acceptability of a decision confirmed. Systems of planning are no different – perhaps more complex given the mutability of operating conditions. Efforts to manage workload and expectations in a discretionary system has seen, since the inception of modern planning in the UK, deadlines for determination of planning applications being put in place. Simply put, these are intended to provide a degree of certainty for the applicant and help planners organise resources to meet deadlines. When we step into plan-making, as a somewhat separate concern, then a much greater degree of complexity becomes apparent and adherence to imposed clock time even more challenging.

While Dobry focused on development control, he identified or made links to numerous factors which together created perceived delay. The core concern over process included possible wasted officer time spent on ‘predictable’ outcomes – a point which effectively promoted more use of permitted development and delegated decision powers. Dobry also highlighted the infrequency of committee meetings as a blocker, although he reported that most applications which were not determined in the required period were actually due to non-response from consultees or incomplete applications. Furthermore, he also noted that only 15-20% of planning applications were refused in the early 1970s. Viewed in 2024 there is a familiar feel to such findings.

It is noticeable that the more recent attitude from the Department for Levelling Up, Housing and Communities, as indicated in the rhetoric quoted above coming from Michael Gove since 2022, has tempered previous accusations which were levelled mainly at local authorities, and now includes a recognition that delay can lie across the development process and the constellation of planning actors, from local politicians, statutory bodies, the Local Planning Authority (LPA), the Planning Inspectorate and developers – let alone central government itself.

### **Why should we worry about delay?**

So, if delay has been a long run feature in British planning, and its causes can be attributed to many actors with numerous reasons that explain it, should we still be concerned? Maybe it is just a cost of doing business or a function of a complex system? We argue yes; we should be concerned, but the way forward surely is to

properly understand the dynamics of delay, rather than uncritically pointing to, labelling and condemning time taken without understanding the specific situation and contexts in which it is manifest. One start point is to break down the factors that impact on time taken to arrive at decisions. Beyond the impact of the behaviour of national government in creating instability, we draw attention to four main factors: resources, imposed deadlines, LPA dynamics, and the performance of other actors. In the 'other actors' category we should include not only statutory bodies but developers or applicants themselves. The question of resources was picked up by Dobry, including the lack of qualified staff and a chronic lack of funding resources. This is highly resonant given recent work by the Royal Town Planning Institute, which indicates that around 25% of local authority planners had left the profession in the period 2013-2020, while budget cuts meant that between 2009-2022 expenditure on planning services fell by a third.<sup>17</sup>

In terms of deadlines, it is widely understood that there are standard and long-established determination periods – in England eight weeks for minor applications, 13 weeks for major applications and 16 weeks in the case of applications requiring Environmental Impact Assessment. Some claim that these are routinely missed, but when it comes to recent performance by LPAs in determining planning applications the average for all district level 'on time' decisions for 2022 sat at 85%.<sup>18</sup> Overall time averages officially sit at 10 weeks for minor applications, with a number of mechanisms such as extensions of time acting to obscure the actual average times taken.<sup>2</sup> Delays in validation also provide a source of frustration for all. In work undertaken around 15 years ago<sup>19</sup> it was argued that a major problem in the debate over planning delay has been the paucity of empirical information currently available that measures it or which identifies causes. The same study claims that for the sample of larger residential development sites reviewed, the total planning time for those sites generated an average of around 11 months. Such developments typically involve multiple planning applications (and the complexity and attenuation issue prompted the use of Planning Performance Agreements established in 2008), yet little was said about why the time was taken.

Overall demand on the planning system was recognised as a factor by Dobry, and the early 1970s spikes in planning applications was seen to create blockages back

then. This has been a factor that has impacted on the system following the Covid-19 era in England too, and also prior to the Global Financial Crisis (GFC) of 2007-2008. A notable figure is that over the past 50 years the 'decision on time' statistic has stayed remarkably stable around the 85% mark. Notably this dipped to 82% in 2006/7 when planning application levels for England had risen to almost 600,000 during that immense property boom period preceding the GFC. Although difficult to sift 'England versus UK' and 'applications versus decisions', the number of determinations made in England in 2022 was 412,000, while in 1972 there was a peak figure of 615,000 across the UK as a whole – which dropped back to 470,000 in 1974. The level seems high for the early 1970s. Perhaps many applications made then would have been absorbed through permitted development and also many others have been dealt with using delegated powers since then.<sup>20</sup>

Despite the practical challenges involved in comparing data for the UK against the now devolved nations, and the opacity of previously recorded statistics that do not explicitly state whether such figures refer to overall applications or decisions made, it appears that the overall level of determination has remained remarkably similar over the past half century. More work is needed to enable better comparison, including drawing in other variables such as staffing levels over time.

There has also been significant attention paid to local plan coverage and delay in plan completion in recent years. Lichfields claim that, in England, plan production has been held up due to confusion over national policy, where: *'One of the key reasons for plan delay has been the impending changes to plan-making'*.<sup>21</sup> It was acknowledged that by summer 2023 only 40% of LPAs had up-to-date local plans in place. This paints a picture which suggests that delay is symptomatic of change rather than deliberate tardiness, although suspicions abound about how some may game the system against local political considerations. When coupled with resource limitations and an expansion in planning system scope, a challenging mixture of factors is evident which, taken together, appear to provide multiple explanations for 'delay'.

## **Conclusion**



Pressure to ensure timeliness is not a problem of itself; it is what is provoked that begins to manifest issues. Dissatisfaction and calls for more process change seems to have been the default response. What has not been forthcoming is adequate resources or a proper debate over time to plan well. When we take a moment to reflect on Dobry, it seems axiomatic that delay is a cost, but how much and why? Who needs to change practice? These are all still matters that need to be understood and communicated much better between all parties. This approach is part of the solution, but it is also about wider communication as well as private sector accountability to the public, as much as pressure for system speed measured by clock time.

Thus, we take the view that a whole system perspective is needed on this question, and that, despite recent apparent recognition of gaming in the system, lessons need still to be learned after 50 years. Re-reading Dobry isn't a bad place to start given his report claimed that the difficulties of the British planning system was of itself '*not so much the system that was wrong but the way in which it is used*'.<sup>22</sup> The next step is to address what can be remedied: the ways and means – which of course includes adequate resourcing and a more stable system – this can surely assist the way that time in and for planning is used and understood.

**Professor Gavin Parker and Dr Mark Dobson** are both based at the University of Reading. All views expressed are personal.

## Notes

<sup>1</sup> G Parker, M Dobson: 'Planning in time, time for planning, and time to plan – 'timescaping' and its implications for practice'. *Town & Country Planning*, 2023, Vol. 92, Jul.-Aug., 243–247

<sup>2</sup> M Gove: 'Falling back in love with the future'. Speech to Royal Institute of British Architects, London, 19 Dec. 2023. Transcript at: <https://www.gov.uk/government/speeches/falling-back-in-love-with-the-future>

<sup>3</sup> G Dobry: *Review of the Development Control System: Final Report*. Department of the Environment, Feb. 1975.

<sup>4</sup> R Jenrick: 'Planning for the future'. Speech to Creating Communities Conference, London, 21 Sep. 2020. Transcript at:

<https://www.gov.uk/government/speeches/robert-jenricks-speech-on-planning-for-the-future>

<sup>5</sup> 'Extension of time agreements – Good practice in the use of extension of time agreements'. Webpage. Planning Advisory Service. Local Government Association. 2024.

<https://www.local.gov.uk/pas/development-mgmt/managing-performance/extension-time-agreements>

<sup>6</sup> M Gove: 'New laws to speed up planning, build homes and level up'. Press release. 26 Oct. 2023. Transcript at

<https://www.gov.uk/government/news/new-laws-to-speed-up-planning-build-homes-and-level-up>

<sup>7</sup> Town and Country Planning Bill. HL Deb 15 Oct. 1968, vol. 296, col. 1335.

[https://api.parliament.uk/historic-hansard/lords/1968/oct/15/town-and-country-planning-bill#S5LV0296P0\\_19681015\\_HOL\\_690](https://api.parliament.uk/historic-hansard/lords/1968/oct/15/town-and-country-planning-bill#S5LV0296P0_19681015_HOL_690)

<sup>8</sup> G Dobry: *Review of the Development Control System: interim report*. Department of the Environment, 31 Dec. 1973. Held by: The National Archives, Kew, Ref: BL

2/1447 <https://discovery.nationalarchives.gov.uk/details/r/C3081294>

<sup>9</sup> *Streamlining the Planning Machine*. Department of the Environment Circular 142/73, 1973.

<sup>10</sup> *Planning Applications*. HC Deb 10 Dec. 1973, vol. 866, col. 43.

<https://hansard.parliament.uk/commons/1973-12-10/debates/76280a75-3bd4-4247-adee-106e9e64daa8/PlanningApplications>

<sup>11</sup> G Dobry: *Review of the Development Control System: Final Report*. Department of the Environment, Feb. 1975, para. 1.20

<sup>12</sup> G Dobry: *Review of the Development Control System: interim report*. Department of the Environment, 31 Dec. 1973. Held by: The National Archives, Kew, Ref: BL 2/1447, p.3. <https://discovery.nationalarchives.gov.uk/details/r/C3081294>

<sup>13</sup> G Dobry: *Review of the Development Control System: Final Report*. Department of the Environment, Feb. 1975, para 1.18

<sup>14</sup> P Booth: *Controlling Development. Certainty, Discretion and Accountability*. Routledge, 1996, p.27; and BH Flowers: *Town and Country Planning*. Nuffield Foundation. Nuffield, 1986, p.43

<sup>15</sup> HW Wilkinson: 'The 'Sharp End' of Planning. Review of the Development Control System'. *The Modern Law Review*, Vol. 37(5), Sep. 1974, 561

<sup>16</sup> J Jowell: 'A Two-Class System: Dobry on Development Control'. *The Modern Law Review*, Vol. 38(5), Sep. 1975, 543-544

<sup>17</sup> G Csontas: *State of the Profession 2023 – The UK planning profession in numbers*. Royal Town Planning Institute, Nov. 2023. <https://www.rtpi.org.uk/media/16015/state-of-the-profession-2023-final.pdf>

<sup>18</sup> *Live tables on planning application statistics, tables P151, P153 and P154*. Webpage. Department of Levelling Up Housing and Communities. 2024. <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

<sup>19</sup> M Ball, P Allmendinger, and C Hughes. 'Housing supply and planning delay in the South of England'. *Journal of European Real Estate Research*, Vol. 2(2), 17 Jul. 2009, 151-169. <https://doi.org/10.1108/17539260910978463>

<sup>20</sup> See Government live tables: for more stats and performance levels across UK systems, see <https://www.gov.scot/collections/planning-statistics/> where it is worth noting that the Scotland application figures have been fairly stable at just under 30,000 per annum in the past decade, for Wales, see: <https://gov.wales/planning->

[services-performance](#), and Northern Ireland: <https://www.infrastructure-ni.gov.uk/articles/planning-activity-statistics>

<sup>21</sup> I Tidswell: 'Start me up – but then you stopped: the continuing cost of local plan delays'. Blog. 30 Jan. 2023. <https://lichfields.uk/blog/2023/january/30/start-me-up-but-then-you-stopped-the-continuing-cost-of-local-plan-delays/>

<sup>22</sup> G Dobry: *Review of the Development Control System: Final Report*. Department of the Environment, Feb. 1975, para 1.33

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