

ANALYZING THE EFFECT OF BUILDING PERMIT ISSUANCE ON THE HOUSING DELIVERY SYSTEM IN GHANA

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ABSTRACT

A Building Permit serves as a green light in housing development schemes. Hence, without the requisite consent from the relevant local authorities, no housing development can legally take place. In Ghana, it is widely known that the waiting period for permit approval is too long as it routinely takes years to get a building permit. As a result, the housing delivery system is badly affected and thus it causes an ongoing increase in housing deficits on an annual basis. Ghana requires an additional 140,000 housing units annually and current supply is only about 45,000 units per annum. This paper posits that prolonged delays in the permit process are one of the main factors leading to housing deficits in Ghana. While planning workflow could be streamlined, the paper theorizes on how organizational structure could influence the performance of the property development's workflow. The objective of this paper is to identify potential areas for improvements in the current Ghanaian building approval process. It concludes with recommendations towards improving organizational and permit process as it relates to the various building authorities in Ghana.

Keywords: Ghana TCPD, housing deficit, housing, planning approval, building permits, organizational structure, municipality

1 INTRODUCTION

In developed nations, the planning agencies and regulatory bodies endeavor to take into consideration the needs of the people by producing better housing for a better and a healthier life (Ginsberg & Churchman, 1984, 1987). This was indeed the priority of the government of Ghana after its independence from the British (Ofori, 1989). Contrary to that intention, Ghana is currently facing a shortage of housing. This is leading to unauthorized construction, lack of infrastructure, sanitation problems, health and fire vulnerability, and crime and squatter occupancy (Antwi & Deakin, 1996). Moreover, only about 44 per cent of the built-up areas in Ghana qualify technically as 'houses' (Ghana Statistical Service 2000). This is because it is estimated that nearly 45 per cent of the structures in urban areas do not conform to current building and planning standards (Habitat, 2009).

The paper notes that in many cities in developing countries, the rapidly growing population has outweighed the capability of local authorities to react to the growing demand for environmental and other essential needs of the people (Bartone, 1991; Byrne, 1996). To date, little or no work has been done to test whether planning approval procedures form a major part of the housing deficit problem in Ghana. Yet, in Ghana individual housing accounts for about 90 percent of the Ghanaian housing stock. Therefore, this paper aims to address that gap. This paper argues that restructuring of the current planning

organizations would improve the building permit approval process. The paper also considers whether Ghanaian building regulations plays some role in contributing to the problem. It considers regulatory regulations similar to commodities or services, whilst the demand of regulatory protection comes from the industries (applicants/developers) and governments (local authorities) as well as the suppliers (Stigler, 1971). Through review of literature on urban housing and planning in developing countries, this work explores the organizational issues of agencies involved in the issuance of building permits in Ghana.

The paper begins with a theoretical discussion on housing and planning. Next, the organisational workflow involved in the Ghanaian planning system is examined and the study's methodology outlined. It then continues with an analysis of building permit processing. In concluding the paper, several recommendations are discussed for improving the building permit approval process in Ghana.

Table 1. Ghana Housing Deficit Projections From 2000-2010

Year	Population	Households	Estimated Housing Requirement	Yearly Requirement
2000	19,422,705	3,808,374	2,240,220	58,896
2002	19,947,118	3,911,200	2,300,706	60,486
2003	20,485,690	4,016,802	2,362,825	62,119
2004	21,038,804	4,125,256	2,426,621	63,796
2005	21,606,852	4,236,638	2,492,140	65,519
2006	22,190,237	4,351,027	2,559,428	67,288
2007	22,789,373	4,468,505	2,628,532	69,105
2008	23,404,686	4,589,154	2,699,502	70,970
2009	24,036,613	4,713,061	2,772,389	72,887
2010	24,685,601	4,840,314	2,847,244	74,855

Source: Bank of Ghana November 2007 Housing Market Report

2.2 Problems of Ghanaian Housing System

The housing deficit problem and other related challenges have attracted many scholarly works conducted both in Ghana and abroad. Early research by Triple and Korboe (1998) reviewed history and the current housing policies with emphasis on the 1993 National Shelter Strategy, where housing supply for the

2 LITERATURE REVIEW

2.1 Current Housing Issues in Ghana

Housing is the root of a healthy lifestyle and it is a major evidential resource of comfort for the human race (Dunn, 2002; Evans, Wells, & Moch, 2003; Smith & Corrow, 2005). This is because “residential satisfaction has been noted as one of the central components of individuals’ general quality of life” (Baiden, Arku, Luginaah, & Asiedu, 2011). Ghana Real Estate Development (2009) estimated that the deficits in housing provision in Ghana are between 750,000 to 1.3 million (see Table 1). Moreover, these startling figures pale in comparison to future scenarios since experts are predicting the likelihood of the figure multiplying by two within the next decade (March 30/2011, GNA). With such alarming figures of housing deficit, a major initiative costing USD1.5 billion was undertaken by the Ghanaian government to construct 200,000 housing units for the country’s security services. The project is scheduled to be completed by 2015 by South Korea’s STX Group.

low income majority was examined. Though this paper focuses on planning issues, it notes that current individual living conditions are deplorable where many individuals do not have facilities such as indoor plumbing, adequate sewage systems, cooking gadgets and lighting systems (Arimah, 1996; Whittington, 2001). Osumanu (2007) also pointed out (in his

contemporaneous research on environmental issues) that problems such as sanitation and garbage disposal services among the poor in low-income areas are very common. He observed that the poor were affected by “overcrowding, indoor air pollution and pest infestation”. Owusu and Adjei-Mensah (2011) showed spatial grouping among ethnicity within parts of Ghanaian residential areas (such as Kumasi and Accra) as well as other African cities in what they describe as ‘a phenomenon of ethnic segregation’. Another housing and socio-demographic study was conducted by Baiden, et al. (2011) which evaluated the differences in the quality of housing across and among various locations. In their research, they examined housing satisfaction and residents’ ability to handle day to-day difficulties.

There is another factor leading to housing deficit in Ghana- being construction delays. According to Fugar and Agyakwah-Baah (2010) who examined the effect of construction delay in housing industries in Ghana, the factors effecting housing development included financing and planning. Although demographic and spatial change have effects and impacts on planning (Huxley & Yiftachel, 2000) it is clear that Ghanaian planning authorities have fallen short in many aspects of planning implementation (Obeng-Odoom, 2010). The GNA (2010) reported a housing deficit amounting to 1 million in year 2010; yet the authorities are continuing to demolish thousands of unauthorised housing developments.

2.3 The Ghanaian Planning System

Physical planning in Ghana comprises of the national, regional and district level. Each of these operates complementarily to each other to achieve a common planning goal at the local implementation level. It should be noted that it is mandatory that the Ministry of Local Government and Rural Development ensures an effective and transformational system of life that enhances lifestyle and the living conditions of the people. Ghanaian planners are lacking basic understanding of planning theories. Whilst that statement is arguable, it is in this vein of thought that Friedmann (1973) posited that planning is not simply concerned with the proficient application of objectives; it is also a progression to determine the future of a society. This view also conforms to that of Wildavsky (1973) when he

asserted that sometimes planners become the ‘victim of planning’ where their own creations overwhelm them. In the same context, Yeboah and Obeng-Odoom (2010) empirically identified in their recent study (conducted to scrutinize the failure of district assembly in Ghana) that Planning has failed to exert effective influence on the growth of human settlements in Ghana.

Yeboah and Oben-Odoom (2010) identified some major problems in the planning sector in Ghana. Several researchers, such as Hammond (2001), Konadu-Agyemang (1991) and Yankson and Gough (1999), have also stated weaknesses in the current Ghanaian planning institutional arrangements. This paper posits that the ‘unresponsive legislative framework’ may contribute towards the lack of proper planning. It is here that the paper wishes to review in depth the relationships between a legislative framework and the delay in providing the necessary planning approval.

2.4 Problems with Planning Approval Regulations in Ghana

Current research shows that the Ghanaian planning legal framework is unclear and complicated. Obeng-Odoom (2010) noted that Ghanaian planning regulatory is unresponsive and, as a result, is affecting socio-cultural and economic progress. This unresponsiveness has highlighted the unfavorable situation for many developers seeking to acquire planning permission. Several scholars such as Arku, Luginaah, Mkandawire, Baiden, & Asiedu (2011) and Obeng-Odoom (2010) found these problems had derived from archaic ideas leading to unprofessional practices. They conform to the ideas of Njoh (2009) who noticed that native practices, colonization, modernization and internalization have big influences in terms of planning. Some regard should also be given to early work by Healey (1992) who assessed local planning in the 1970s and demonstrated that the evolutionary role of planning has been altered. While this is evident in Ghanaian planning, there are positive improvements where some commitment has been demonstrated by the present government towards addressing this state of affairs (Obeng-Odoom, 2010).

3 METHODOLOGY

The majority of the literature reviewed had conducted survey research methodology to examine the effect of planning on the Ghanaian housing delivery system. The studies further analyze issues that include planning, economic, demographic, and socio-cultural perspectives. They had mainly analyzed works by previous scholars between 1993 and 2011. The results will be discussed later in this paper on whether they support the premise that delays contribute to housing deficits in Ghana.

In order to use the data collected from the literature review to verify whether restructuring of the planning organizations would improve the building permit approval process, it was first necessary to generate a flow chart of Ghana's building approval procedures. Secondly, it was necessary to support the argument that delay parody is also contributing to the housing deficit. It was therefore essential for a logical representation of the scenario therefore other assumptions were presented in the present discussion.

3.1 Planning Approval Authorities in Ghana

According to Ghanaian planning regulation, the Town and Country Planning Departments (T&CPD) for each designated spatial area falling under the Ministry of Local Government, Rural Development and Environment (MLGRDET) are individually responsible and in charge of plans (including the local plan) as well as controlling and managing all planning principles. This mandate is based on five main legal instruments, namely detailed in the Local Government Act, 1993 (Act 462). This Act is partitioned into three parts. Part I ascertains the service provision, Part II presents administrative instruments while Part III includes financial provisions. The attachés of the service in Clause 2 may include personnel occupying a non-elected office in Regional Co-coordinating Councils, District Assemblies, and Sub-Metropolitan Districts.

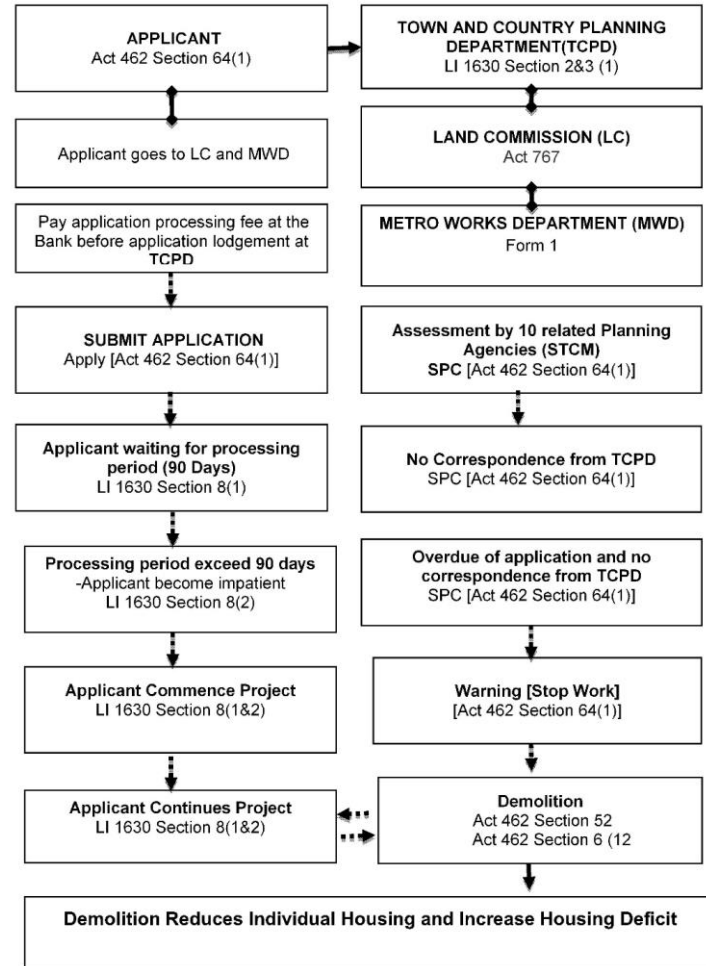


Figure 1: The statutory planning approval process and its relations to housing deficit in Ghana

However, there are three main departments involved in the processing of building permit approvals; these are the Land Commission, the Survey Department and the Town and Country Planning Department (which issue building permits). Figure 1 details the statutory process an applicant will follow in gaining approval (or otherwise) for a new housing development and how demolition and housing deficit can occur as a result of statutory requirements.

3.2 The Planning Permission Approval Process in Ghana

Planning permission, sometimes called planning consent is an authorization required from a Local Planning Authority to build on land, or change/alter the use of land or buildings. Therefore, it acts as a green light in any land development (Hammah, 2010). Moreover, it is required by law that a prospective developer must satisfy all legal requirements before commencement of a developmental project (Cadman & Topping, 1995). In the Ghanaian context, the National Building Regulation states that;

“Any person who intends to erect any building; or make any structural alteration to any building; or Execute any work or install any fittings in connection with any building shall apply to the District Planning Authority” LI 1630 Sec. 2.

However, to apply for a building permit, an applicant must prove ownership of the land by authenticating the original copies of the title through the Lands Commission (in fulfillment of clause 3(1)) as follows;

“An applicant shall satisfy the District Planning Authority that he has good title to the land relevant to the plans” LI 1630 Sec. 3(1).

An applicant must also fulfill all the requirements declared in Section 5(3) which requires details such as; the required drawing, materials to be used, dimensions, purpose of room(s), method to be used and so forth. Notwithstanding that the requirements are clearly stated, it is common in Ghana that the public sector can permanently delay or even change the rules partway through the planning process (Mike et al., 2000).

3.3 Factors Affecting the Planning Approvals Process

Through the review a number of structural components affecting the planning approval process were identified. These components were quantified as formalization; centralization and complexity (see Figure 2). As shown, the structural components categorized included; processing uncertainty, the planning approval processing agencies themselves, processing structures and the processing environment. These three factors will be explained in more depth later. The current planning approval process is impacted greatly by these environmental factors.

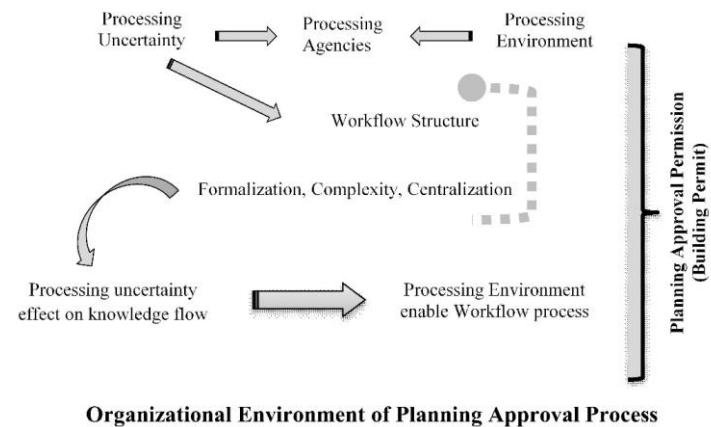


Figure 2: Organizational environment factors affecting planning approval process

Figure 2 depicts a range of organizational problems which happen during the exercise of the approval process. The three major environmental factors impacting on the approval process are explained in brief below in an effort to ensure a greater understanding of those key variables impacting on outcomes. **Processing Uncertainty:** There are many ways in which you can define uncertainty (Kahneman & Tversky, 1982). In this study planning approval processing uncertainty is related to situations in which a number of planning

organizations are unsure as to which external and internal factors are hindering the approval processing. For example TCPD are not in position to predict the number of planning applications they will receive in a day. Notwithstanding that they cannot predict the number of incoming applications; they could however estimate and manage the number of applications which can be handled in one day based on statistical evidence. Uncertainty requires that action be taken pre-emptively to ensure that an organization is prepared for unforeseen but somewhat predictable events that are most likely to occur – therefore whilst you cannot predict the extent of the issue you can predict that the issue is likely to arise and given that you can employ appropriate response strategies.

Workflow Processing Environment: The planning approval processing environment conceptualizes the planning approval process in a broad manner. Given that, there are significant differences in the way in which professional members can and do fulfil their roles/ task within the broader planning framework.

Planning Approval Processing Structures: Several imbalances arise from the fragmentations found by the study in the planning agencies organizational structure. The review found that, in keeping with Chandler (1995), ‘structure follows strategy’. This was clear in that the Ghanaian planning structure is a complete top-down structure and is therefore very challenging in planning terms as this has led to a laxity of complexity in the coordination among professional members (Patsy Healey, 2007).

Planning Agencies and Stakeholders: The involvement of numerous stakeholders in planning and in the decision-making processes, is problematic in a coordination and delivery sense (Dietz, Ostrom, & Stern, 2003; Renn, 2006), however effective coordination and communication yields great benefits. In the case of the Ghanaian planning agencies, the review reveals a lack of coordination among the various agencies and the stakeholders so bridging that gap remains a big challenge.

The review of also posits that the approval processing environment have been proven to cause delays that escalate to housing delivery and deficit.

3.4 The Delay Paradigm of Planning Approvals Process

A delay in planning permission approval causes impediment, stoppage and hindrance which leads to uncertainty, risk and unsafe development (Hammah, 2010). For instance, in Ghana there are over fifty bureaucratic procedures that applicants have to follow (GNA, 2009). It is critical for real estate developers to hasten the planning approval process because in real estate development ‘time is money’ (Cadman & Topping, 1995). Hence, applicants/developers become impatient most of the time at the slow process and arguably avoidable delays. In this situation the regulations offer an applicant options which suggests that;

"Where a person submits an application for a building permit, the District Planning Authority shall notify him within seven (7) days of the receipt of the application and shall within a period of 3 months thereafter notify the applicant whether the application is granted or refused". An applicant not informed of the grant or refusal of the application may after the expiry of the 3 months commence development on the basis that application is acceptable to the District Planning Authority - LI 1630 Sec. 8 (1,2)

Legitimately an applicant has the right to commence the developmental project after 3 months under the umbrella of the Act as stated above. However in practice, when applicants commence a project in accordance with statutory standards the local authority will serve a notice. The Stop Work Order Notice in Ghana consists of nothing but a red painted sign “X”. Abusua (2003) aptly describes it as “an inscription that building inspectors use to warn land developers of the unlawfulness of their project”. The key question however is how a developer will be convinced that the red ‘X’ appearing on the wall overnight was from municipal building inspector since it has no authentication seal? Consequently developers barely value the message that the ‘X’ notice (sign) symbolizes. As a result, many developers will have their structures demolished long after the hated ‘X’ notice sign. Technically, a stop work

notice needs to specify particular infringements and at least remind and echo the law violated, the offense committed and the penalty and fines associated with non-compliance. In contrast with the Ghanaian model, a good example of a stop work order is the Chicago Stop Work Order. The Chicago 'Stop Work Order Notice' dispatches the following legal layout and warning;

"Pursuance to section (13-12-080) of the Municipal Code of Chicago, it is hereby ordered that all construction work cease immediately at (Premises Address) for violations of the following section(s) of the Chicago Building Code: Municipal Code Section (13-13-035). (Descriptions) Demo/ plans or permits. Any person continuing such work in violation of this order shall be prosecuted to the fullest extent of the law. Penalties can include incarceration up and fines up to \$5,000 for each offense" (Chicago Building Code)

4 DISCUSSION AND CONCLUSIONS

Despite being a rational response to illegal and in some cases substandard development, demolition of unauthorized structures is anticipated to lead to more housing deficit. Therefore, it is also vital that any further studies must address the correlation between demolition and housing deficit. Antwi & Deankin (1996) revealed problems resulting from unauthorized development in Ghana. These two researchers observed that lack of infrastructure, poor sanitation and other health issues, crimes and unauthorized settlements have prevailed as a result of urbanization in Ghana.

4.1 Building Permit, Demolishing and Housing Deficit in Ghana

The Ghana News Agency in 2003 reported that only 7.2 percent of the buildings in Kumasi metropolis had permits where constructed between 1990 and 2000. Then, in 2009, UN-Habitat reported that 45 percent of the buildings in urban centers in Ghana do not meet standards. Moreover, in early 2009, the Accra Metropolitan Assembly (AMA) and Kumasi Metropolitan Assembly (KMA) vowed to pull down all unauthorized structures in urban areas (GNA, 2009). That is to say, over 50 percent of the buildings under AMA and KMA which accommodate well over 10 million persons out of the 24 million total

population do not meet standards and if demolished would increase the homeless to 10 million homeless. It should be noted that the principle of demolition is yet to be extended to the rural areas (towns and villages) where over 90 percent of the buildings have no permit. In this scenario, over 15 million Ghanaians would be rendered homeless if such a policy was to be implemented vigorously. As a consequence of such an approach, the current housing deficit might double due to slow pace of government intervention. In contrast to the poor governmental approach, smaller scale private sector initiatives have been successful in housing great majorities of the people in urban Ghana (Triple & Korboe, 1998).

Consideration should be given to the ten year period housing report between 2000 and 2010 (Table 1). The Ghanaian population was 19,422,705 in 2000 and at that time the building of 58,896 housing units was required. In a 10-year period the requirement now stands at 74,855 housing units with a population of 24,685,601. Considering population growth rate is currently at 2.7 percent, it means the Government has effectively done nothing to combat the housing deficit within a period of 10 years. On this issue, the study queries the wisdom of the proposed approach to demolition. Nevertheless, it should not be said that support for illegal and unplanned construction should be given from professional point of view. Thus, in researching the issues, the study endeavoured to provide some modalities to overcome the housing deficit in Ghana by suggesting an approach to streamline the organizational structure of the planning approval agencies.

4.2 Modalities to Overcome Housing Problems in the Stature of Unplanned Settlements

Since unplanned and unauthorised construction warrants demolition and demolition contributes to housing deficits, the study would like to suggest that the municipalities undertake a review of the respective planning regulations and give serious thought to implementing the findings of the review. Findings from prior studies have disclosed that there are numerous challenges which constrain Ghanaian planning efficiency and by default its housing provision. The majority of issues predominantly spring from four factors, namely: complicated legal framework, lack of coordination among the stakeholders,

lack of financial incentives and insufficient government funding. Government initiatives that contribute to alleviating the problems by extending emancipation to poorer and needy communities, slum settlers and unplanned settlements will encourage the people to abide by planning and zoning regulations. Such initiatives will play a significant role by improving the lives of the people. They include:

- Amending the legal framework to give a clear direction to developers to invest in housing and related industries.
- Formulating participatory urban processes that allow developer (the people) in decision-making during plan preparation stages.
- Encouraging government-private partnerships to strengthen and boost housing schemes.
- Providing more access to land (freehold and leasehold regulation), infrastructure, amenities and effective and efficient urban services.
- Providing access to land (including regulation), infrastructure, and urban services.
- Initiating incorporated programs for the improvement of peri-urban housing.
- Supporting and appreciating the private housing developers need to enhance customer service and rapport with key stakeholders.
- Fostering private to private partnership among citizens and foreigners to entice more real estate investment.
- Alleviating the penalties and fines (such as demolition of houses) endured by violators of the planning regulations to address the deficit problem.
- Alleviating the hardships endured by poor and marginalized populations.

The synchronization of activities between the housing developers and municipalities that enforce and administer building regulation should be a focal part of the planning framework. This will enhance knowledge flow and thus increase the workflow as highlighted by Ibrahim & Nissen (2007).

4.3 Suggestions to Streamline Organizational Structure of Building Permit Procedure in Ghana

Considering the numerous studies reviewed, it was empirically concluded that the organizational structure of the various municipalities contribute to the delays characterized by the building permit process. From the flow chart presented in Figure 1 it can be seen how the arrangement is complicated and the procedure unclear. The paper agrees that the complexity makes it very difficult for free flow of knowledge among the working group and thus affects the workflow (Ibrahim, Levitt, & Ramsey, 2005). To streamline the procedure the following are suggested:

- Create a one stop kiosk where the applicant will tender all necessary and required documents
- Clearance from Land Commission must not be the applicants responsibility
- Pre-examination and scrutiny of application documents before processing
- Transparency and accountability must coexist among stakeholders
- Employ more building inspectors
- Design a clear mission and vision
- Revisit and rewrite pertinent and unclear regulations.

This paper has shown that improving the building permits' approval process could contribute to more housing delivery by removing blockages to development (Hui & Ho, 2003). Practically delaying a building permit has also been shown to increase housing deficits. Due to several external and internal constraints, it is not surprising that planning officers and the agencies perform poorly. They are lacking in many capacities such as lack of logistics, lack of modern technologies, lack of professional knowledge, lack of coordination among and within agencies, and more importantly lack of funds. Therefore, the paper recommends further studies on improving the organizational structure of Planning Departments. The results of further such studies are expected to lead into ways in overcoming abandonment of building regulations by property developers who have given up on following them for the sake of business survival.

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