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**The Local Housing Crisis**

*How the 'Grey Spaces' of Planning Law, Policy, and Local Practice Shape Housing  
Production in Bristol*

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The Local Housing Crisis: How the 'Grey Spaces' of Planning  
Law, Policy, and Local Practice Shape Housing Production  
in Bristol

Edward Burtonshaw-Gunn

A dissertation submitted to the University of Bristol  
in accordance with the requirements for award of the  
degree of Doctor of Philosophy in the Faculty of  
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## Abstract

This research examines how planning law, policy, and local practice shape housing production in Bristol. By employing a Grounded Theory methodology, this research contributes an original and empirically driven perspective of how the local authority is delivering new housing by operating in the 'grey spaces' of these factors, explaining how the relationship between central and local government is operating in practice.

The thesis explains how the broader context of an undersupply of housing has influenced and impacted Bristol City Council's approaches and operations. It draws upon data gathered between 2017 and 2019 through three empirical data collection methods: i) an ethnographic placement at Bristol City Council, ii) subsequent semi-structured interviews with key local authority participants, and iii) documentary analysis of local authority papers. Through this data, three core concepts have emerged relating to local authority capacity, direct local authority interventions in the housing market, and local authority resistance to national planning and policy governance through self-identified objectives.

By drawing these three concepts together, the thesis contributes an empirically generated theory, grounded in the data, which rationalises that the motivations of Bristol City Council to deliver their own housing objectives are operationalised by functioning in the grey spaces of planning law, policy and practice. This theory provides a basis from which to reflect upon the nature and characteristics of central-local government relations, in light of existing localism literature. In doing so, this research provides an original and innovative insight into, firstly, current understandings of local authority housebuilding and central-local government relations, as well as, secondly, understandings about how to generate knowledge relating to the practices of local authorities.

## Author's Declaration

I declare that the work in this dissertation was carried out in accordance with the requirements of the University's Regulations and Code of Practice for Research Degree Programmes and that it has not been submitted for any other academic award. Except where indicated by specific reference in the text, the work is the candidate's own work. Work done in collaboration with, or with the assistance of, others, is indicated as such. Any views expressed in the dissertation are those of the author.

SIGNED: ..... DATE:.....

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## Abbreviations

|              |  |
|--------------|--|
| <b>CIL</b>   | Community Infrastructure Levy  |
| <b>DCLG</b>  | Department for Communities and Local Government ( <i>now MHCLG</i> ) |
| <b>DHP</b>   | Discretionary Housing Payment  |
| <b>GDV</b>   | Gross Development Value  |
| <b>HCA</b>   | Homes and Communities Agency ( <i>now Homes England</i> )            |
| <b>HRA</b>   | Housing Revenue Account  |
| <b>JSP</b>   | Joint Spatial Plan   |
| <b>LHA</b>   | Local Housing Allowance  |
| <b>LHNA</b>  | Local Housing Needs Assessment                                       |
| <b>LGA</b>   | Local Government Association   |
| <b>MHCLG</b> | Ministry of Housing, Communities and Local Government                |
| <b>NPPF</b>  | National Planning Policy Framework                                   |
| <b>ONS</b>   | Office for National Statistics                                       |
| <b>PPG</b>   | Planning Practice Guidance   |
| <b>PPS</b>   | Planning Policy Statement  |
| <b>RTPI</b>  | Royal Town Planning Institute  |
| <b>RSS</b>   | Regional Spatial Strategy  |
| <b>SHMA</b>  | Strategic Housing Market Assessment                                  |
| <b>SOAHP</b> | Shared Ownership and Affordable Homes Programme                      |
| <b>SPD</b>   | Supplementary Planning Document                                      |
| <b>VOA</b>   | Valuation Office Agency  |

## Chapter One: Introduction

### 1.1 Thesis Overview

Housing in the UK is characterised by four key characteristics: severe unaffordability in accessing homeownership and private-rented accommodation, decades of undersupply in new housing provision, overcrowding or 'hidden households' living in multi-generation homes, and increasingly wide-ranging homelessness. The accumulation of these experiences is often labelled as the 'housing crisis', a phrase which has gained increasing recognition within the national vocabulary as encapsulating these prominent issues. While sometimes framed as a new social problem, in reality, these issues have been bubbling beneath the surface for decades. These characteristics can be perceived as the direct consequences of housing policies since the 1970s endorsing privatisation of the housebuilding market, socio-economic changes shifting the perception of housing as a basic necessity to housing as a financial commodity and profitable source of income, and static political structures unable or unwilling to innovate the country's housing system.

The housing system is often perceived as a national decision-making process with seemingly every political decision, policy announcement, and economic forecast receiving widespread media attention, academic scrutiny, and personal analysis concerning how any proposed or implemented changes impact one's own housing agenda. Local authorities attract far less attention for their role in the country's housing system even while they have played, and continue to play, a vital role at the forefront of housing delivery. Historically, they have been crucial in operating as a direct provider of housing; at their peak in the 1950s, three in every four new homes were built by local authorities across the country. Further, since the end of

the Second World War they have been the solely responsible for shaping the development of towns and cities through their local plan-making and decision-making powers provided to them as principal local planning authorities.

Placed within this wider national context, this research investigates this often-overlooked operations of the local planning authority, examining the interrelationship of planning law, policy, and local practice as individual and collective drivers in local authority housebuilding. Through an in-depth examination of Bristol City Council, the administration responsible for plan-making through local planning policy and decision-taking in determining planning application, this research investigates how the council is operating to achieve its ambitious housing delivery targets, most notably the substantial increase in the supply of genuinely affordable housing, through operating in the grey spaces of planning law and policy. The thesis finds that Bristol City Council is prioritising the supply of genuine forms of affordable housing within the local property market, intervening within the market to directly deliver these forms of affordable housing, while also operating with limited capacity following a decade of austerity politics.

This terminology of 'grey spaces' is used to mean a space of flexibility or uncertainty under planning regulations that is exposed and utilised by the council. It is not used to mean the council is infringing planning law or policy, but rather is operating within the ambiguity of the planning frameworks in order to benefit from these spaces in order to pursue and advance its own housing policy objectives. This grey spaces discourse is developed and evidenced in each of the three thematic findings chapters presented in this thesis; local authority capacity in Chapter Five; local intervention in the housing market in Chapter Six; and local approach to affordable housing policy in Chapter Seven.

It is important to note here that housing and planning law and policy is considered within an English context, as both planning and housing are devolved to the Scottish Parliament, the Welsh Government, and the Northern Irish Government; as such, the wider national context and legal framework in this thesis considers that in England only.

This examination of Bristol City Council within the wider national context of the housing crisis provides an understanding of planning law, policy, and local practice in action within the geographic boundaries of a core UK city. In the period of undertaking this research between 2017 and 2019, the local governance of the city had undergone prominent political changes. For the first time since 2003, the Labour party regained a majority control of the city council in addition to the Labour candidate, Marvin Rees, succeeding in the local election for city Mayor. This success of the local Labour Party contrasted with the national political environment which saw David Cameron achieve a Conservative majority in the 2015 general election. As a result, these local and national political results placed the city of Bristol within a fairly distinct position in that there were, from the outset, core political and conceptual differences between local and national housing objectives.

Furthermore, the housing agenda was a cornerstone of the local Labour party and Rees' campaign for Bristol Mayor with new affordable housing delivery specifically identified as a core objective. The Bristol Labour party's manifesto placed seven commitments to the people of Bristol, of which first and foremost was the pledge to deliver 2,000 new homes – 800 affordable – a year by 2020.<sup>1</sup> In launching this campaign, Rees' identified Bristol's prior affordable housing delivery as lagging behind comparative cities of Liverpool, Manchester,

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<sup>1</sup> Labour Bristol (2016) *Our Bristol Plan: Ensuring Everyone Benefits from Bristol's Success – Labour's 2020 Vision*

Leeds or Plymouth, with the uncompromising statistic that just four council homes were built in 2015 as a major criticism put forward by Rees.<sup>2</sup>

Given this environment and the priority placed on new housing by the local authority, the overarching aim of this research is to examine how planning law, policy, and local practice shape housing production in Bristol. To achieve this aim, this project is premised on empirical research gained through a six-month ethnographic placement with Bristol City Council, followed by a sample of semi-structured interviews with key local authority participants, in addition to continued analysis of internal authority documents. This investigates how the local planning authority perceives its own position in relation to housing production within the city. Given the breadth of this explorative research question, a series of objectives were also established: i) to explore the contextual foundations of the national undersupply of housing, in addition to specific local housing demand and supply in Bristol; ii) undertake empirical data collection through the triangulation of research methods outlined above; iii) owing to undertaking this research using a Grounded Theory methodology, to generate an overarching theory of explanation of the approaches, policies, and local practices of the local authority regarding their housing priorities, objectives, and solutions.

In addition to this research aim and series of objectives, a specific question was posed expressly for the ethnographic research with Bristol City Council in order to direct the Grounded Theory research during the fieldwork period. This question asked, 'How does Bristol City Council identify its position in the production of housing within the city?'

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<sup>2</sup> Bristol 24/7 (2016) *Marvin Rees in 800 New Homes Election Pledge*

Responding to this empirical research question focuses the ethnographic fieldwork to formulate responses specifically within the environment of the housing market in Bristol.

The outcome of this empirical research illuminates a number of significant findings. Fundamental to this is Bristol City Council's unequivocal prioritisation of affordable housing delivery. Given the characteristics of the local property market as one of the most expensive markets across the country, affordable housing provision represents the greatest challenge for local authority housebuilding and planning governance. Affordable housing is often proactively reduced or entirely avoided by private-sector developers who dominate much of the housebuilding market locally. Private-registered providers make up a minority of the housing market and are often operating at maximum capacity. While the local authority is politically motivated and willing to deliver affordable housing, its resources to do so have been eviscerated by a decade of austerity politics while the authority itself is hampered by structural restrictions, unable to meet rising demand. The challenges associated with delivering affordable housing are only further intensified given national housing policies concerning right to buy currently eroding Bristol's social housing stocks three-times faster than the local authority is replacing them.

Given the significance of these challenges, this research exposes and analyses a range of innovative practices and local planning policies employed by Bristol City Council to increase the supply of affordable housing, while simultaneously ensuring that the affordable homes delivered offer genuine affordability within the local market context. These range from interventions in the housing market where Bristol City Council is operating as a direct provider of affordable and market housing, to local planning policies and practices which prioritise distinct forms of affordable housing – predominantly housing for Social Rent – while directing

local calculations for Affordable Rent through local practice and planning guidelines, and resisting national policy pressures for affordable homeownership products which are perceived to be failing to provide genuine affordability. The practices and local planning policies employed by Bristol City Council continually demonstrate the local political determination to intercede in the local housing market, either directly or indirectly, in order to increase the supply of affordable housing to levels than have not been seen in the city over recent decades.

As these methods of local authority intervention will demonstrate, there is no single approach or 'silver bullet' to providing a solution to the identified critical local housing issue of affordable housing supply. However, implementing measures to increase the supply of affordable housing through these means is the most obvious course of action available to the local authority. Although widespread national policy or legislative changes may provide superior results in resolving national and thereby local housing issues, these changes are beyond the authority's capability as the responsibility for national policy and legislative reform lies with central government. This attempts to demonstrate that despite the impaired landscape of local authority planning governance and housing provision within wider national constraints, the local planning authority is implementing innovative local policies and practices for increasing affordable housing supply despite the capability to enact sweeping legislative reform.

While the statutory role of all local authorities is to promote or improve the economic, social and environmental well-being of their area,<sup>3</sup> this research will illustrate how the approach of Bristol City Council to achieve this in relation to affordable housing delivery is accomplished

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<sup>3</sup> Local Government Act 2000, s. 2



through local practices and policies that operate in the grey spaces of the national planning framework. It will detail how the authority uses legal and policy interpretation creatively to deliver specifically identified housing need that benefits the aims and objectives of the current administration.

This approach of Bristol City Council in localising their economic, social, and political role in the provision of new homes is synonymous with Davoudi and Madanipour's understanding of localism as formulated in the early years of the twenty-first century, they write;

“Localism is seen as: A re-ordering and liberalisation of political spaces, a site of empowerment, a locus for knowledge generation, a framework for social integration and community building, a localisation of economic activities and a site of resistance and environmental activism.”<sup>4</sup>

Yet, while localism suggests a re-prioritisation in Davoudi and Mandanipour's term, this is only a prioritisation if national government permits and enables it. Under section 1 of the Localism Act, local authorities are provided a general power of competence so that they possess the powers to do anything that individuals generally may do subject to the boundaries set out in sections 2-4.<sup>5</sup> As such, local authorities have the power to do anything an individual can do, provided those actions are not prohibited by other legislation. This purposive language was intended to encourage local authorities to become more proactive and, with specific relation to enabling housing provision, liberate them to undertake direct housing delivery rather than action merely permitted to them through the planning framework.<sup>6</sup> As the Local Government

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<sup>4</sup> Davoudi, S. and Mandanipour, A. (2015) *Reconsidering Localism*

<sup>5</sup> Localism Act 2011, s.1 & s.2

<sup>6</sup> John, P. (2014) *The Great Survivor: The Persistence and Resilience of English Local Government*

Association (LGA) – the national membership body for local authorities operating to improve, promote and support local authorities – states, the general power of competence was introduced to “empower councils to make a difference”.<sup>7</sup>

Houghton writes that localism is neither a good nor a bad thing.<sup>8</sup> This theme is continued by Brownlie and Bradley in their call for progressive localism.<sup>9</sup> This is apparent particularly in relation to the provision of new housing, where localism can inhibit new development, for example through ‘NIMBY’ policies restricting development, or alternatively localism can promote new development through motivation and collaborative working towards a common goal, as will be evidenced by Bristol City Council in this research.

The correlation between greater autonomy and powers for local authorities coincided with an era of some of the most extensive spending cuts to local authority services at the turn of the decade. The 2010 Spending Review cut 27% from local government budgets, alongside other reductions to major funding streams impacting local communities.<sup>10</sup> In light of these cuts, authorities demonstrated resilience and pragmatism to manage their impact and the extent of detriment to local service provision through adaptive policy-making combined with shrewd financial management.<sup>11</sup> This research examines these three intertwined elements; the effects of greater operational autonomy, the impacts of austerity politics on local authority housebuilding, and the pragmatic and resilient approaches of Bristol City Council

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<sup>7</sup> LGA (2013) *The General Power of Competence: Empowering Councils to Make a Difference*

<sup>8</sup> Houghton et al. (2013) *Spaces of Neoliberal Experimentation: Soft Spaces, Postpolitics, and Neoliberal Governmentality*

<sup>9</sup> Brownill, S. and Bradley, Q. (2017) *Localism and Neighbourhood Planning: Power to the People?*

<sup>10</sup> Lowndes, V. and McCaughie, K. (2013) *Weathering the Perfect Storm? Austerity and Institutional Resilience in Local Government*

<sup>11</sup> John, P. (2014) *The Great Survivor: The Persistence and Resilience of English Local Government*

operating in the grey spaces, echoing this previous literature, in the face of these substantive difficulties.

Consequently, localism empowers local authorities to act at the edges of discretion. National control in relation to housing delivery remains tight through the governance of planning law and national planning policy, financial restrictions to local authority budgets, and promoting and financially supporting defined housing products, such as affordable homeownership. In the interplay within these regulations, authorities can exploit grey spaces to benefit their own local agenda in achieving their determined goals, often in conflict to the motivation of those national controls. Further, localism can direct the provision of housing of a particular type where that type is favoured locally; the provision of high-density, tall buildings targeted at young professionals substantially differs to the provision of sub-urban, family-orientated, affordable homes. This research reinforces Houghton's point that localism is neither a good nor a bad thing.

Critically, however, this research considers the practices of Bristol City Council in both the role as regulator of the local planning framework in establishing and managing local planning policies, but importantly also as a direct provider of new housing intervening in the private housing market to deliver new affordable homes. Fundamental to this latter role is the distinctive position of Bristol City Council as a substantial landowner in the city, in ownership of circa. 50% of land identified for housing development in the next 20 years. As a result, the local authority is operating more than just regulator of housing development, but also as a key provider. The LGA report cited previously continues stating that localism empowers councils to make a difference, the capability of that is clearly dependent on the resources

available and while the council is asset rich in terms of land ownership, it faces difficulties in other areas, particularly in their limited capacity and financial resources.<sup>12</sup>

This first chapter introduces this research project. The following subsections provide the foundations to the current climate in which the research has been conducted. First, providing a brief review of the current housing market and situation in Bristol in order to ground the research within the local contexts. Next, it considers the unique period of British politics in which this research has been conducted, and the impact of this unusual time in national housebuilding. Thirdly, providing a succinct lexicon of planning policy and housebuilding terminology to assist in the clarification of the various definitions and policy phrases used throughout this research. Finally, this chapter will conclude by outlining the structure of the thesis.

## 1.2. Bristol's Housing Position

This section provides a review of the local housing market, and current and projected housebuilding targets in Bristol. As this thesis will argue, the consideration of the local housing context and issues are paramount to understanding the approaches and interventions of the local authority in overcoming these issues. Therefore, this section considers Bristol City Council's local political housebuilding target alongside the convoluted local planning targets as expressed in the current adopted local plan, and through calculations by national planning frameworks measuring for objectively assessed need. To ground these planning targets within reality, they are compared to recent housing completion levels in Bristol to illustrate the context in which the authority is operating. First, however, this section uses a variety of data

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<sup>12</sup> LGA (2013) *The General Power of Competence: Empowering Councils to Make a Difference*

published by the Office for National Statistics (ONS) and the Ministry for Housing, Communities and Local Government (MHCLG) to illustrate the position of Bristol's housing market, while drawing upon comparisons across with similar urban conurbations across England to demonstrate the difficulties of the heightened local housing market.

This research is foremost an examination of the local approaches of planning policy and practices implemented by Bristol City Council in shaping affordable housing production within the city. Nevertheless, grounding this research within the wider context through comparisons with other urban conurbations seeks to illustrate the individuality of Bristol in these approaches. Namely, as this research shall present, comparable practices and policies have been employed by other urban councils facing acute difficulties in affordable housing delivery across the UK; yet, what makes Bristol unique within this sphere is the substantial challenges facing the city in tandem with the breadth and depth of the local policies and practices to circumventing them.

First, comparisons are drawn to the Core Cities Group, a self-selected advocacy group of ten regional cities across the UK formed in 1995, including eight English cities: Birmingham, Bristol, Leeds, Liverpool, Manchester, Newcastle, Nottingham, and Sheffield. Drawing comparison across this group of cities provides interesting parallels and contrasts across the UK, while demonstrating Bristol's unusual housing market for a large regional city.

While the core cities group provides a comparative basis to similar cities across England, no other city within the Core Cities Group is located in the South of England. Thus, to provide further comparisons to major cities which are influenced and impacted by the dominate London housing market and to take into consideration the north-south divide, two additional district council areas have been selected for comparison: Oxford and Cambridge. This

selection enables comparisons to similar urban areas which is particularly important given the impacts of affordability on Bristol's approaches, which are substantially higher in the South of England, as shortly demonstrated. Notably, London has been intentionally disregarded from comparisons due to its entirely unique housing market due to its prominence as a global city, composed of vastly different localities, which bear far greater sensitivity to international economic influences.

### *1.2.1. Housing Market*

In addition to the political and strategic planning housebuilding targets in the subsequent section, there is benefit in first outlining Bristol's housing market, and drawing comparisons to the cities selected above, to provide better context to understand the environment in which the local authority operates. This includes an overview of the size and composition of Bristol's housing stock, and average prices across homeownership, private rented market, affordability ratios measuring prices to local incomes. These elements of the private market are juxtaposed against affordable housing rental levels within Bristol, while drawing comparison to other key cities in England across the Core Cities Group throughout. Finally, this overview incorporates Ministerial and local authority data on the number of households currently on the housing register, and the number of households currently residing in temporary accommodation.

From a demographic point of view, Bristol is the 8<sup>th</sup> largest city in England with a population of over 450,000 residents, with 70% of the population residing within the Bristol City Council

local authority area.<sup>13</sup> There are just over 190,000 households within the local authority boundary, split by tenure rates of 56.1% of households in owner occupation, 23.9% in the private-rented market, and 20.0% in social housing.<sup>14</sup> This percentage of households residing in social housing has been reduced by over 40% since the 1981 census where social housing accommodated over a third of all households in Bristol.<sup>15</sup> Further, in comparison to other English cities, Bristol has the lowest proportion of households in social housing.

In terms of new development, the private sector dominates housebuilding in Bristol, in parallel with national levels. Taking the average net housing completions over the last five (2013-14 to 2017-18), the private sector has delivered over 93% of all new homes in Bristol (averaging 1,495 homes each year), with the combined delivery of private registered providers and the local authority has delivered the remaining 7% (averaging just over 107 homes each year).<sup>16</sup>

For homeownership, Bristol is one of the most expensive cities across the country for buyers. ONS data illustrates that the median house price within the local authority area is £270,000, the highest among the Core Cities Group and 50% higher than Manchester, Leeds, or Birmingham (all with an average price paid of c. £180,000).<sup>17</sup> It is therefore unsurprising that the latest affordability ratios – which measure the median house price to median local annual earnings – reveal an affordability ratio for Bristol of 8.77; that is, the average house price is 8.77 times higher than the average earnings. Across the Core City Group, this is more than 40% higher than the next city, Leeds (6.15), and more than double that of the lowest city,

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<sup>13</sup> Bristol City Council (2018) *Bristol Development Monitoring Report 2018*

<sup>14</sup> ONS (2018) *Research Outputs: Subnational Dwelling Stock by Tenure Estimates, England, 2018*

<sup>15</sup> Historical Census Data is available for query through ONS powered by Nomis

<sup>16</sup> Bristol City Council (2018) *Bristol Residential Development Survey Report 2018*

<sup>17</sup> ONS (2020) *House Price Statistics for Small Areas (HPSSAs)*

Liverpool (4.22).<sup>18</sup> This reveals that in comparison to the Core Cities Group, Bristol is both the most expensive city for homeownership based on house price value, and also the least affordable in relation to house prices set against local annual earnings.

In contrast, parallels to Oxford and Cambridge return a different picture with the median house prices of £395,000 and £435,000, respectively, both far exceeding the Bristol average. Further, the affordability ratios reflect the same trend at 11.45 for Oxford, and 12.76 for Cambridge. Consequently, the costs of homeownership in Bristol, in both relative and absolute terms, are the highest among the Core Cities Group but lower than those seen in Oxford and Cambridge.

The story of high unaffordability in Bristol continues when examining housing in the private rented sector. Bristol's average private rent is substantially greater than its counterparts across the Core Cities Group. For properties of all sizes within the local authority area, the mean rent in Bristol is £1,070pcm, almost 30% higher than Manchester (£839pcm), 50% higher than Newcastle (£717pcm), and over double that of Liverpool (£499pcm).<sup>19</sup> Reflecting on this housing market data for house prices, affordability ratios, and private market rents begins to demonstrate the importance of affordable housing within the city.

Yet, further demonstrating this point, the levels of private market rent can be juxtaposed against the rental levels of housing for Social Rent. This is the most affordable tenure of housing available, calculated through a government formula which considers the value and size of the property, and local income levels. The formula determines Social Rent levels in

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<sup>18</sup> ONS (2020) *Ratio of House Price to Workplace-Based Earnings (Lower Quartile and Median), 1997 to 2019*

<sup>19</sup> VOA (2019) *Private Rental Market Statistics – Table 2.7*



Bristol at £80.30 per week, or £347.49 pcm.<sup>20</sup> Comparing once more to the Core Cities Group, Bristol has the second highest Social Rent level, with Birmingham only marginally higher (0.3%, at £349.06 pcm), and the other core cities all within 10% of the Bristol Social Rent level.<sup>21</sup> Moreover, the Bristol Social Rent calculation is equivalent to under a third of local private market rents (32%). Given the heightened local housing market, this is the lowest ratio of Social Rent to private market rent, broadly similar are those of Manchester (where Social Rent is 40% of private market rents) and Leeds (41%). The remaining English cities in the Core Cities Group are Newcastle (50%), Birmingham (50%), Sheffield (52%), and Nottingham (53%). In addition to demonstrating a stark disproportionality between the rental level of Social Rent and those in the private rented market, this also serves to highlight the extraordinarily similarities in Social Rent levels across these major cities despite where the previous comparisons of the private market, whether for homeownership or private rent, have been exceptionally divergent.

Relating the levels of private rent and social rent of Bristol to Oxford and Cambridge provide a similar story to that of homeownership. The levels of private rent in Bristol are higher than any other urban conurbation in the Core Cities group, but lower than both Oxford and Cambridge, at £1,366 pcm and £1,225 pcm, respectively. Similar to Bristol, these cities social rents are 34% and 36% of the private-rented market, akin to Bristol's 32%, where all three are lower than any other city in the Core Cities Group. Where this familiar trend ends, however,

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<sup>20</sup> MHCLG (2020) *Table 702: Local Authority Average Weekly (Social and Affordable) Rents, by District, England 1998-99 to 2018-19*

<sup>21</sup> There are no Social Rent values for Liverpool as it was one of 100 local authorities which closed their Housing Revenue Account and transferred their housing stock to housing associations in the 1990s under a policy called Large Scale Voluntary Transfer. However, in May 2019, Liverpool City Council announced it would be reopening its HRA allowing the local authority to build homes again.

is in the demand for social housing as measured by both the total number of households on the housing waiting list and in temporary accommodation.

While not providing a complete picture of homelessness, the current number of households on the local authority housing register and the number of households currently residing in temporary accommodation provide an indication of the demand for affordable housing at its most basic level through applications for social housing under the local authority. For Bristol, the number of households on the local authority housing register is 12,181 households.<sup>22</sup> A further 561 households are currently occupying a range of alternative residences in temporary accommodation.<sup>23</sup> Most of these households are in privately managed, self-contained, nightly paid accommodation, or in local authority or registered provider housing stock without a secure lease, along with a handful of households in bed and breakfast hotels, hostels, or other type of private landlord arrangement.

In contrast the trends seen between Bristol, Oxford, Cambridge, and the Core Cities Group so far in terms of house prices, affordability ratios and rental levels, Bristol is an anomaly in its indicative need for social housing. For Cambridge and Oxford, the total level of social housing need (social housing waiting list and the number of households in temporary accommodation) are 1,508 and 2,730 households. Bristol's combined need (12,742) is a staggering increase of over 8 times higher than Cambridge's, and almost 5 times higher than Oxford's need. By contrast, Bristol's combined need is far more similar to the needs of Birmingham (12,927 households), and Manchester (14,608 households). It is this substantial, evidenced, need for

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<sup>22</sup> MHCLG (2020) *Table 600: Numbers of households on local authorities' housing waiting lists, by district - England, 31 March 1997-2019*

<sup>23</sup> MHCLG (2019) *Households in Temporary Accommodation: April 2018 to March 2019, England*

social housing which separates Bristol from comparisons with the affluent southern cities of Oxford and Cambridge.

Thus, it is useful to continue to reference these range of cities to demonstrate how Bristol is distinct in the challenges it faces, that it has the highest prices for homeownership and in the private rented market in the Core Cities Group, yet below Oxford and Cambridge in both of these categories. However, where it differs from Oxford and Cambridge is the dominant challenges presented by a substantial need for social housing.

Table 1: Comparative City Housing Market Data

|            | House Prices <sup>24</sup> | Private Market Rents, pcm <sup>25</sup> | Social Rent levels, pcm <sup>26</sup> | Affordability Ratios <sup>27</sup> | Housing Stock <sup>28</sup> |                       |                | Social Housing waiting list <sup>29</sup> | Temporary Accommodation <sup>30</sup> |
|------------|----------------------------|---|---------------------------------------|------------------------------------|-----------------------------|-----------------------|----------------|---|---------------------------------------|
|            |                            |   |                                       |                                    | Owner Occupation            | Private-Rented Market | Social Housing |   |                                       |
| Bristol    | £270,000                   | £1,070                                  | £347.97                               | 8.77                               | 56.1%                       | 23.9%                 | 20.0%          | 12,181                                    | 561                                   |
| Oxford     | £395,000                   | £1,366                                  | £459.77                               | 11.45                              | 48.1%                       | 30.3%                 | 21.6%          | 1,421                                     | 87                                    |
| Cambridge  | £435,000                   | £1,225                                  | £438.84                               | 12.76                              | 40.1%                       | 37.3%                 | 22.6%          | 2,624                                     | 106                                   |
| Birmingham | £180,000                   | £715                                    | £349.05                               | 5.87                               | 52.4%                       | 22.2%                 | 25.4%          | 12,927                                    | 2,998                                 |
| Leeds      | £184,950                   | £760                                    | £314.73                               | 6.15                               | 58.0%                       | 21.0%                 | 21.0%          | 18,942                                    | 26                                    |
| Liverpool  | £128,000                   | £499                                    | -                                     | 4.22                               | 54.5%                       | 19.5%                 | 26.0%          | 20,212                                    | 395                                   |
| Manchester | £180,910                   | £839                                    | £321.58                               | 5.87                               | 42.4%                       | 27.6%                 | 30.0%          | 14,608                                    | 2,207                                 |
| Newcastle  | £165,000                   | £717                                    | £329.98                               | 5.71                               | 51.8%                       | 19.8%                 | 28.4%          | 8,774                                     | 49                                    |
| Nottingham | £140,000                   | £647                                    | £318.54                               | 4.93                               | 47.6%                       | 26.2%                 | 26.2%          | 7,593                                     | 325                                   |
| Sheffield  | £162,000                   | £618                                    | £312.61                               | 5.65                               | 58.8%                       | 17.9%                 | 23.3%          | 23,881                                    | 130                                   |

<sup>24</sup> ONS (2020) *House Price Statistics for Small Areas (HPSSAs)*

<sup>25</sup> VOA (2019) *Private Rental Market Statistics – Table 2.7*

<sup>26</sup> MHCLG (2020) *Table 702: Local Authority Average Weekly (Social and Affordable) Rents, by District, England 1998-99 to 2018-19*

<sup>27</sup> ONS (2020) *Ratio of House Price to Workplace-Based Earnings (Lower Quartile and Median), 1997 to 2019*

<sup>28</sup> ONS (2018) *Research Outputs: Subnational Dwelling Stock by Tenure Estimates, England, 2018*

<sup>29</sup> MHCLG (2020) *Table 600: Numbers of households on local authorities' housing waiting lists, by district - England, 31 March 1997-2019*

<sup>30</sup> MHCLG (2019) *Households in Temporary Accommodation: April 2018 to March 2019, England*

### 1.2.2. Housebuilding Targets

At the forefront of the local authority housebuilding targets is the local political housebuilding target introduced by the local Labour administration and locally elected Mayor following the most recent local elections in May 2016. The local Labour manifesto pledged the housebuilding target to build 2,000 new homes – 800 affordable – a year by 2020.<sup>31</sup> This key political housebuilding target was adopted by the council's Corporate Strategy (2018-2023) document under the pledge to improve economic and social equality supported with the commitment of £220m in council funding over five years.<sup>32</sup> The financial commitment accounts for over 10% of the authority's annual budget, and serves to demonstrate the importance of housebuilding within the local authority. It is crucial to recognise the significance of this political target given its central principal in underpinning the practices and local planning policies in which Bristol City Council operate.

In contrast to this clear political target, the current strategic planning targets are more complex and contradictory. The current local plan, adopted in 2011, specifies a minimum target of 26,400 homes between 2006 and 2026, equivalent to 1,320 net homes annually.<sup>33</sup> This includes the assessed need of 1,500 new affordable homes over the following 12-year period, or 125 net affordable homes annually. These housing need figures are considerably dated, raising apprehensions over the accuracy and reliability of these strategic targets. While a more recent review of housing need was completed in 2018, it was conducted as part of a wider housing strategy covering the four West of England authorities (Bristol City Council,

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<sup>31</sup> Labour Bristol (2016) *Our Bristol Plan: Ensuring Everyone Benefits from Bristol's Success – Labour's 2020 Vision*

<sup>32</sup> Bristol City Council (2018) *Corporate Strategy, 2018-2023*

<sup>33</sup> Bristol City Council (2011) *Bristol Development Framework: Core Strategy*

Bath and North East Somerset, North Somerset, and South Gloucestershire) and as such, this provides an housing target for the wider Bristol area, not each individual authority, and as such Bristol's housing need cannot be distinguished from the wider regional housing need.<sup>34</sup> Furthermore, Bristol City Council is currently undergoing a local plan review, anticipating to adopt a new local plan in 2022, which will publish a new strategic housing target.

Nevertheless, since 2019, national planning policy and guidance has replaced authority's individual assessments of housing need with a standardised methodology called a Local Housing Needs Assessment (LHNA).<sup>35</sup> This complex methodology, peppered with technicalities and caveats as evaluated later in this thesis in section 3.3.1, assesses an authority's local housing need over a current ten year period by using household growth projections published by the ONS, to determine the quantity of homes needed to meet future need, then adjusted for local affordability. Applying this methodology provides an up-to-date assessed need for housing within the Bristol City Council area of 2,127 net homes annually between 2020-2029. Yet, this national standardised methodology fails to calculate the number of affordable homes that are required over the 10-year period, with planning guidance unhelpfully stating, "strategic policy-making authorities will need to estimate the current number of households and projected number of households who lack their own housing or who cannot afford to meet their housing needs in the market."<sup>36</sup>

This brief consideration of strategic planning targets highlights the complexity of calculating an up-to-date and therefore reliable strategic planning target for the number of new homes

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<sup>34</sup> ORS (2019) *Wider Bristol HMA: Strategic Housing Market Assessment – Volume 2 January 2019*

<sup>35</sup> MHCLG (2019) *National Planning Policy Framework*

<sup>36</sup> MHCLG (2019) *Planning Practice Guidance: Housing and Economic Needs Assessment*

needed. The formal figure in the adopted local plan (1,320 net homes annually) is outdated and almost certainly miscalculates the total housing need, while the standardised methodology directed by national planning policy and guidance produces a significantly higher target (2,127 net homes annually) through current data and a standardised calculation but fails to give adequate consideration to the affordable housing need as part of its methodology. This difficulty to establish a reliable, updated, strategic planning target gives greater consideration to the authority’s own political target of 2,000 homes, of which 800 affordable, each year by 2020.

Further, upon examining recent completions data, the rationale underpinning the authority’s political target becomes clearer. Figure 1, below, illustrates the past market and affordable housing delivery in Bristol between financial years 2010-11 and 2017-18.

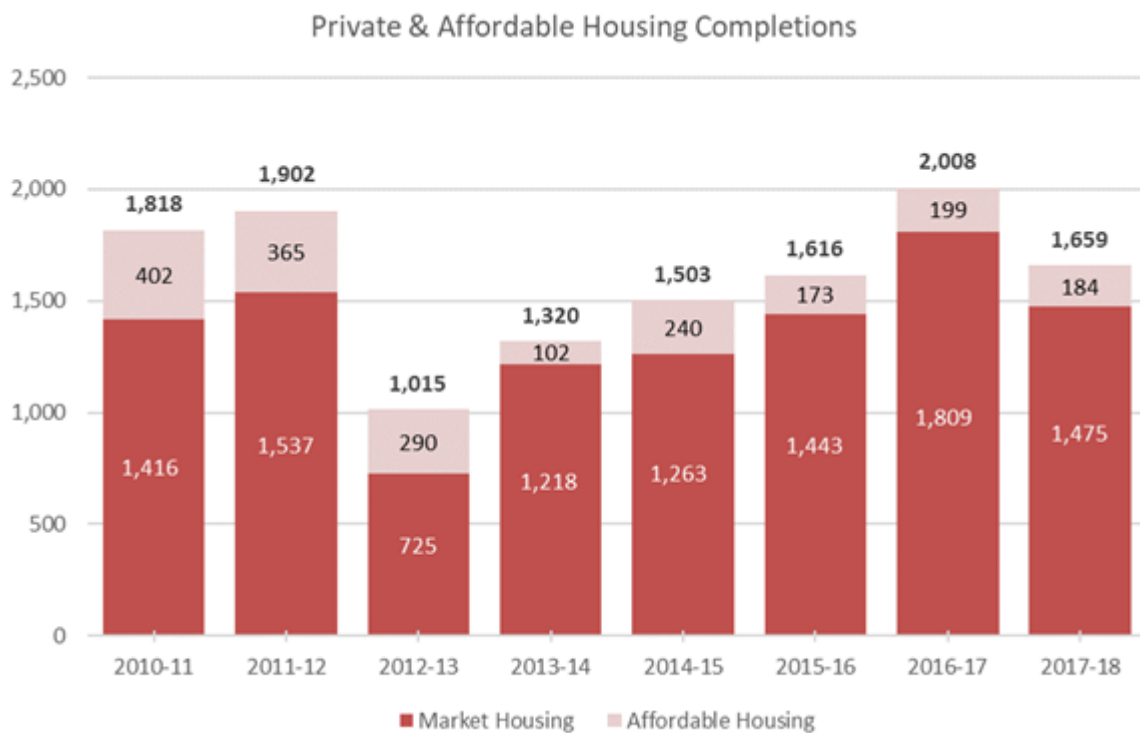


Figure 1: Private & Affordable Housing Completions, Bristol, 2010-11 to 2017-18  
 Source: Bristol City Council (2018) Bristol Residential Development Survey Report 2018

On initial examination, it is plain to see that the total levels of market and affordable housing is continually below the authority's political target of 2,000 homes each year, with the only exception of 2016-17 whereby 2,008 new homes were delivered. Furthermore, disregarding the outlier of 2012-13 – a considerably lower annual figure most likely due to a delayed consequence of planning applications and start-on-sites for residential development following the financial crisis in 2007-08 – the average number of new homes completed over the seven remaining years is slightly over 1,600 homes each year; or approximately 80% of the authority's new net 2,000 annual homes target.

Further examination of this figure with specific regard to the affordable housing completions is needed to appreciate the authority's dedicated housing target concerning affordable housing. The authority's political target for 2,000 new homes each year is made up of delivering a minimum combination of 1,200 market and 800 affordable homes each year. Considering this completion data for market homes only with the same disregard of the outlier in 2012-13, the targeted levels of market homes have been delivered, averaging over 1,400 new market homes each year. Where the local authority has failed, in retrospect of the new political target, is the delivery of affordable housing. Calculating the same annual average results in less than 250 affordable homes completed each year. Consequently, it can be assessed that while the requisite level of new market homes has been delivered each year in respect of the political target, the level of affordable housing delivered has consistently and significantly been undersupplied; subsequently resulting in the overall target achieved only once in this eight-year period.



Finally, the complexities of calculating an up-to-date and reliable strategic planning target and the unequivocal failure in delivering substantial levels of affordable housing over recent years begin to highlight the importance of cohesive workings between the council's role as direct developer, and as development manager. Research by RTPI<sup>37</sup> has recently begun to explore the governing policy framework and difficulties of these internal relationships, identifying that in practice there should be no major conflicts due to national planning policies encouraging proactive support for local authority led development, and substantive alignment between local strategic planning policies and the proposed local authority development. In the case of Bristol City Council, the political target set by the Mayor to build 2,000 new homes – 800 affordable – a year by 2020 provides a clear and united set of objectives, encouraging the relevant council departments, particularly the planning department responsible for setting planning policy and determining planning applications and the department for housing delivery with responsibilities for local-authority-led housing delivery, to work cooperatively to achieve them.

### 1.3. National Political Framework

This research is situated within a unique period of British political history encapsulated by the consequences of the UK's referendum on the membership of the European Union. While the membership of the EU has little direct impact on England's national planning and policy framework for local authority housebuilding, there has been substantial indirect impact

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<sup>37</sup> RTPI (2019) *Local Authority Direct Delivery of Housing: Advice for Planners on How to Support Local Authority Led Housing Delivery*.

generated through the outcome of the European membership referendum and the political instability and uncertainty that has characterised British politics over recent years. At the forefront of this is the unprecedented shifting political composition of the governing party, including leader of the party and Prime Minister, as well as the leadership of the Ministry for Housing, Communities and Local Government.

While undertaking this research, there have been three national governments under three different prime ministers. First, a Conservative majority under David Cameron governed between 2015 and 2016 until Cameron's resignation following the unexpected European Union Referendum result in June of that year. Theresa May was subsequently elected Conservative Party leader and Prime Minister, inheriting Cameron's majority in the House of Commons. This composition lasted for less than a year as, in June 2017, May called a snap general election in hopes of strengthening her parliamentary position in negotiations with the European Union. The snap election proved catastrophic, resulting in the loss of 13 parliamentary seats and the Conservative majority. May subsequently governed with a Conservative minority through a confidence and supply arrangement with the Northern Irish Democratic Unionist Party, until her resignation in July 2019 following increasing pressures to pass her unsuccessful EU withdrawal bill.

Following a Conservative leadership election, May was succeeded by the incumbent Boris Johnson as Conservative party leader and Prime Minister. Within six months of assuming office, Johnson called another snap election – the third general election in four years – for December 2019. His Conservative party won an increased share of the vote, gaining 66 seats

above May's election result in 2017, and formed a majority government which passed the European Union (Withdrawal Agreement) Act 2020 within 6 weeks of taking office.

In addition to the unprecedented fluctuating government administration and leadership, the government's Minister of State for Housing and Planning – henceforth the Minister of Housing – position has experienced even greater instability. In the 10 years since the Conservative-Liberal Democrat coalition in 2010, there have been as many appointments to this Ministerial position; with Christopher Pincher the incumbent Minister, most recently succeeding Ester McVey in February 2020. The Minister of Housing is responsible for a range of duties, overseeing housing supply and delivery, finance programmes, homeownership policies, and the performance of Homes England – the government's housing accelerator – to name a few. Appreciating this range of succession within the political leadership is important given the intrinsic link between housing and political leadership in driving the objectives of national government, and local authorities and the housing sector more widely.

During this time of national political uncertainty, only four pieces of housing legislation have passed through parliament and received royal assent over the last five years: The Homes (Fitness for Human Habitation) Act 2018; the Homelessness Reduction Act 2017; the Housing and Planning Act 2016, and the fairly innocuous Self-build and Custom Housebuilding Act 2015. Of these, only the Housing and Planning Act 2016 has measurable influence in housebuilding, introducing measures such as the Starter Homes programme,<sup>38</sup> the permission in principle which attempts to accelerate the local planning framework by providing guaranteed consent to specifically identified sites in local plans subject to determining an

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<sup>38</sup> Housing and Planning Act 2016, s. 1-8.

application for technical details by the local planning authority,<sup>39</sup> and the promotion of self-build and custom build housebuilding.<sup>40</sup> Further, over the same timeframe, the Housing White Paper *Fixing our Broken Housing Market*, published in February 2017, has been the only policy proposal document published by central government related to housing policy.

Nevertheless, the most prominent housebuilding policy emerging during this time was the publication of the revised National Planning Policy Framework (NPPF) in February 2019. The NPPF, appraised in detail in Chapter 3, functions as the core planning policy document set forth by central government. It provides the framework within which local planning authorities must adhere when undertaking their two substantive governance roles, plan-making and decision-taking, in addition to a number of detailed paragraphs on a range of residential development issues, including sustainable development, the supply of homes, and the definition of affordable housing; to name but a few. While the NPPF is not legislation, it is recognised as a material consideration where local planning authorities are determining an application for planning permission and must be taken into account where these authorities prepare local planning documents. The status of ‘material consideration’ is an obligation of planning law enabled through s.70 of the Town and Country Planning Act (TCPA) 1990<sup>41</sup> which, in essence, raises non-statutory documents to equal consideration when determining planning applications. Through this elevation as material consideration, the NPPF can be appreciated as retaining quasi-legal status within the planning framework.

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<sup>39</sup> Housing and Planning Act 2016, s. 150.

<sup>40</sup> *Ibid.* s. 9-12.

<sup>41</sup> Town and Country Planning Act 1990, s. 70.

#### 1.4. Terminology

This subsection seeks to address the complexities and confusion arising from interrelated, yet distinctively unique, terminology that is employed throughout this thesis. Foremost are the common misunderstandings and technical meanings of the language related to affordable housing.

'Affordable housing' used interchangeable with 'social housing' or 'council housing', are generic terms which are umbrella phrases incorporating numerous specifically identified types of below-market housing options. These phrases are defined by national planning law and policy as providing low-cost rental accommodation or low-cost homeownership accommodation to peoples whose needs are not met by the wider housing market.<sup>42</sup> The term is most often used to collectively encapsulate the sub-market accommodation that is traditionally delivered by public sector providers. There are three important distinctions under the affordable housing umbrella:

'Housing for Social Rent' is a specific form of affordable housing that is set by national planning policy as secured low-cost rental accommodation, by which rates are determined by the national rent regime. Social Rented housing is the traditional form of council housing tenure providing the lowest monthly rates to tenants and usually providing a more secure, long-term tenancy; though some recent trends indicate shifts in council housing tenures from Social Rent to Affordable Rent, explained below.

'Housing for Affordable Rent' is also a specific form of affordable housing but is instead determined by a proportion of local private-market rents instead of the national rent regime.

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<sup>42</sup> Housing and Regeneration Act 2008, s. 68-71

This specific form of affordable housing was introduced most recently in 2011 by the Conservative-Liberal Democrat Coalition Government and shortly after was established in national planning policy in 2012. It calculates maximum rents in proportion to local private market rents, at a maximum of 80% of local market values, including service charge. Affordable rented housing is the most common tenure delivered by private registered providers.

‘Affordable homeownership’ is the third and final category of affordable housing. Rather than providing rental accommodation, affordable homeownership provides low-cost homeownership options through several distinct forms. Detail of these forms is not required here, but there is benefit in noting the range and name of products providing affordable homeownership discussed in this research: Starter Homes, Shared Ownership, and Equity loan schemes.

In addition to the three formally defined definitions of affordable housing, this research presents and discusses a definitively local affordable rented tenure that, for greater clarity and understanding, is labelled ‘Affordable Bristol Rent’ throughout the findings of this research. The Affordable Bristol Rent utilises the framework of housing for Affordable Rent, except rather than the rates characterised at the typically employed maximum of 80% of local private-rented market, the Affordable Bristol Rent is capped in line with Local Housing Allowance – typically offering somewhere in the region of 60% of local market rates. This definitively local approach is presented and discussed in detail in Chapter Seven.

### 1.5. Thesis Structure

The opening four chapters of this thesis provide the underpinning context of this research project. Chapter Two concerns the existing academic and policy literature, Chapter Three outlines the legal and policy framework for land use planning in England, while Chapter Four structures the methodological and analytical frameworks. Chapter Two begins by reviewing the prominent landscape regarding the national housing crisis, investigating the historic and contemporary undersupply of housing which characterises much of the policy and academic literature in this area. It considers this foundation in order to illustrate the relevance and importance of this research within the wider social context. Subsequently building upon this through a consideration of the ways in which local authorities are able to respond to the demands of increasing housing supply, through both traditional and innovative methods. Finally, this formative chapter draws these elements together to appreciate how local authority housebuilding processes are inseparable from national policy and political direction through an underlining central-local government relationship. Through this, the chapter illustrates how this relationship has transformed over the 20<sup>th</sup> century in light of modern political structures, and the subsequent implications of this for local authorities to respond to the specific challenges posed by the housing crisis.

Chapter Three provides an outline of legal and policy framework for planning and local authority housebuilding, introducing the key areas of law and policy which perform crucial functions in constructing the roles and responsibilities of local authorities. This includes the provisions enabling local authorities to operate as direct providers of housing, and in their governance role as the local planning authority in plan-making and decision-taking. The former responsibility concerns producing local planning documents to outline the long-term

strategy of development through creating strategic planning policies, identifying suitable locations for development, and setting out infrastructure requirements for transport, utilities, and residential, commercial, and industrial development. The latter responsibility of decision-taking principally relates to the determination of applications for planning permission where applications align with the policies set out in the local plan, national planning policy, and other material considerations where relevant. The latter half of Chapter Three reflects upon the role of national planning policy, administered by the NPPF, in systematically modifying the legislation framework by implementing matters such as influential policies surrounding viability assessments. Finally, Bristol's current local planning framework is outlined and considered in relation to the authority's emerging priorities regarding affordable housing delivery.

The final contextual chapter of this thesis is the methodological and analytical framework. Chapter Four is concerned with the research design, methodology, and data collection methods that has underpinned the empirical research undertaken in this study. First, it presents the overarching research aim – to examine how planning law, policy, and local practice shape housing production in Bristol – and a series of research objectives which have directed the completion of this research project. Through conducting empirical research using social science methods, methodology, and theory positions a socio-legal research approach as a natural companion to investigate how law and policy operate in practice.

The empirical research, outlined in Chapter 4, is conducted through employing Strauss and Corbin's Grounded Theory methodology to provide an inductive development of theory from empirical data, in contrast to the alternative deductive examination of social phenomena



through an existing theoretical lens, to allow for the generation of an integrated and comprehensive theory grounded in empirical research. The empirical data collection in question was conducted through a six-month ethnographic placement with Bristol City Council, a sample of semi-structured interviews with key local authority participants, in addition to continual document analysis. Finally, given the social research with human participants, this chapter presents the ethical considerations and processes implemented to mitigate ethical risks.

A Grounded Theory methodology provides an important platform to fulfil the aim of the research in examining *how* the interaction of planning law, policy, and local practice shape housing production through providing the foundations to develop theory of explanation inductively from the empirical data collected.<sup>43</sup> Glaser and Strauss, the two originators of Grounded Theory, argue the development of theory from data through an inductive framework generates theories of greater robust, with greater application to external layman, and provides the grounds for illustration of theory through specific examples of data.<sup>44</sup> It is these significant advantages that the processes of “systematic empirical investigation”, which Grounded Theory represents, possess when compared to “armchair theorizing”.<sup>45</sup>

As a consequence of this chosen methodological process in not predetermining theoretical control, the literature review and legal and policy framework chapters provide a detailed contextual foundation to the research area without applying prior theoretical assumptions.

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<sup>43</sup> Hammersley, M. and Atkinson, P. (2007) *Ethnography: Principles in Practice (3<sup>rd</sup> ed.)*: p.21.

<sup>44</sup> Glaser, B. and Strauss, A. (1967) *The Discovery of Grounded Theory: Strategies for Qualitative Research*: p. 4-5.

<sup>45</sup> Hammersley, M. and Atkinson, P. (2007) *Ethnography: Principles in Practice (3<sup>rd</sup> ed.)*: p.21.

The engagement with academic literature is instead detailed throughout the presentation of the research findings and theory generation, presented in chapters Five to Eight.

Chapters Five, Six, and Seven present the three findings chapters arising from the empirical research at Bristol City Council. Chapter Five is focused on the limited capacity within the local authority which has a number of wide-ranging and entrenched impacts. Firstly, it concerns the authority's lack of capacity, constrained by the availability of resources, to manage large residential development which requires substantial investment of human and financial resources to undertake strategic master-planning. This limited capacity in bringing forward complex residential development is further illustrated by disregarding complex development sites in favour of more resource-efficient developments which are able to promptly and effectively contribute to meeting local housing targets. Furthermore, the restricted authority capacity also extends to local authority powers in resolving stalled sites within the city. These represent a substantial challenge to local authority housing delivery in Bristol with over 6,000 homes approved through the planning system but where development is not unable, or unwilling, to come forward. Finally, Chapter Five analyses local planning policies in practice through the consideration of two aspects: i) how inherited local planning policies from previous administrations create difficulties in achieving housing targets established by the current administration; and ii) how planning policies at national and local level affect innovative models of housing delivery through a lack of recognition in their approaches and methods of delivery, exemplified through the national planning policy regarding the emerging build-to-rent sector.

Chapters Six and Seven convey Bristol City Council's approaches to affordable housing delivery in recognition of their political motivation and targets to increase the levels of supply. Chapter Six considers the role of the local authority as a direct provider of affordable housing, while Chapter Seven focuses on the authority's governance role as the local planning authority. As a direct provider of affordable housing, the authority is operating within the housing market through implement three methods of intervention: i) the direct provision of affordable housing through the traditional council-housing route by delivering through the Housing Revenue Account (HRA); ii) establishing a local housing company to develop land owned by the council with greater operational and financial flexibility to work with private-sector partners to deliver affordable housing and housing for market sale; and iii) operating a Partnership Grant Funding Programme to utilise grant funding to private registered providers to increase affordable housing delivery in private-sector residential developments. In addition to detailing and analysing these methods of intervention, three case studies are presented to provide examples of these approaches in practice.

In addition to operating as a direct provider of housing, the authority can influence and promote affordable housing provision through its governance role as the local planning authority in setting local planning policy. Chapter Seven first considers how Bristol City Council is employing distinctively local approaches to prioritising specific types of affordable housing within the city, while also establishing how these products are defined in local planning policy in order to ensure genuinely affordability is provided within the local market contexts. This evaluation of local planning policies concerns each of the different types of affordable housing under the affordable housing framework; from housing for Social and Affordable Rent, to the numerous affordable homeownership products. These policies demonstrate local resistance

towards national planning policies, definitions, and expectations put forward by central government in favour of local sensitivities such as the heightened housing market within Bristol. Finally, it includes a range of local planning policies which consider not just the definitions and approaches to types of affordable housing, but also the impact of affordable housing in supporting the creation of mixed, balanced, and sustainable communities; while also illustrating local resistance to detrimental viability assessments that seek to provide an avenue for negotiation and quantitative evidence to avoid or reduce affordable housing levels below local policy compliant levels.

Chapter Eight is the final conclusion chapter, drawing together the findings from this research. First, this chapter presents how the empirical findings and generated Grounded Theory presented and discussed in Chapters Five to Seven answer the aims and objectives of the research, set out in Chapter Four. Following this, it outlines the original contributions of this research, included the generated theory of grey spaces, to the current body of knowledge that exists in relation to local authority housebuilding and central-local government relations. Finally, it concludes with reflections on the research through the recognised impact of the local authority approaches, the limitations of the research, and the potential for alternative approaches and areas of focus.

## Chapter Two: Political and Contextual Underpinnings

The purpose of this second chapter is to provide the underpinning context of this research project. Firstly, it discusses the nature of the housing crisis which characterises much of the literature in this area. Here, it emphasises that the housing crisis is characterised by the historic undersupply of new homes. Secondly, this chapter builds upon this by considering the ways in which local authorities are able to respond to this crisis of supply. Specifically, it discusses the possibilities available to local authorities in providing new homes, as well as the practices of local authorities in attempting to meet housing need targets. Lastly, the chapter brings these two aspects of the literature together, in order to reflect upon how these available options are inextricably linked with the relationship between local and central government. Here, the chapter will discuss how this relationship has changed in light of modern politics, and the implications of this for the ability of local authorities to respond to the specific challenges posed by the housing crisis.

### 2.1. The Housing Crisis

There is little disagreement between governments of all colours, housing associations, and major financial institutions that Britain is faced with a housing crisis. It is experienced in very different ways depending on a range of socio-economic factors: where one lives, how old they are, their employment position and income situation, and whether or not they have inherited property, or have a council tenancy.<sup>46</sup> For many, the housing crisis is experienced as a range of interconnected experiences: i) a lack of genuinely affordable housing to buy; ii) 'Generation

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<sup>46</sup> Edwards, M. (2016) *The Housing Crisis: Too Difficult or a Great Opportunity?*

Rent' and the volatile costs of renting in the private market; iii) inaccessibility to affordable housing; iv) poor housing standards in the private-rented housing sector; v) deregulation of the expanding private-rented market creating an environment of insecure tenancies; vi) a decade of continued increase in street homelessness. These examples are not intended to be exhaustive but rather seek to exemplify how the housing crisis is not a singular common understanding but a wide range of lived experiences. They require deeper consideration by briefly examining each in turn.

Firstly, the decreasing affordability for aspiring homeownership dominates the housing crisis discourses through threatening a core British socio-political principle of homeownership as the social norm which has existed since the 1980s.<sup>47</sup> House prices in England are amongst the most expensive in the world and continue to significantly outpace earnings.<sup>48</sup> Between 2000 and 2014 house prices increased by 132%, while earnings over the same period increased only by 51%.<sup>49</sup> The consequence of out-performing house prices versus earnings has had predominant impact on younger buyers; where 67% of 25-34 year olds were homeowners in 1991, by 2014 this had fallen to just 36%.<sup>50</sup> The difficulties faced by younger adults in accessing homeownership raises issues of inequity between generations, where increased house prices simultaneously benefits older generations and disadvantages younger generations, and inequity within younger generations through access to family wealth providing access to homeownership.<sup>51</sup>

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<sup>47</sup> Wood, J. (2018) *The Integrating Role of Private Homeownership and Mortgage Credit in British Neoliberalism*

<sup>48</sup> Hilber, C. and Vermeulen, W. (2014) *The Impact of Supply Constraints on House Prices in England*

<sup>49</sup> Saunders, P. (2016) *Restoring a Nation of Home Owners*

<sup>50</sup> ONS (2016) *UK Perspectives 2016: Housing and Home Ownership in the UK*

<sup>51</sup> Cribb, J. and Simpson, P. (2018) *Barriers to Homeownership for young adults*

Secondly, 'Generation Rent' reflects the growing trend of young adults living in the private-rented market for longer because of affordability barriers to private homeownership, and an inability to access social housing.<sup>52</sup> The number of households renting in the private market increased by 1.7m (63%) between 2007 and 2017, disproportionately impacting on younger age groups with 1 in 3 households in the private rented sector now between the ages of 25-34.<sup>53</sup> Furthermore, the average length of time in the private rented market is greater than 5 years (50.7% recorded as 5 years or greater).<sup>54</sup> Those in the private-rented sector spend significantly more of their household income on rent payments than those in homeownership on mortgage payments, 34% and 18%, respectfully.<sup>55</sup> Recent research by the housing charity Shelter identifies that private rents continue to increase faster than inflation and earnings creating a 'rent trap' where aspiring homeowners are unable to save for a deposit.<sup>56</sup>

Thirdly, the levels of housing for Social Rent – whether leased by local authorities or housing associations – has declined year on year since 1980.<sup>57</sup> From 6.9m dwellings to 4.9m in 2017; the rate of decline in this social housing stock has been on average 50,000 dwellings per year. The principal cause behind the reduction in the levels of social housing was the introduction of the Right to Buy provision in the Housing Act 1980.<sup>58</sup> While not an entirely new political discourse – powers for local authority sale of social housing were first introduced in the Housing Act 1925 – the right to buy under the 1980 Act functioned as an explosive catalyst for the sale of council housing. Consequently, the market driven demand for affordable

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<sup>52</sup> McKee *et al.* (2017) *'Generation Rent' and the Fallacy of Choice*

<sup>53</sup> ONS (2018) *UK Private Rented Sector: 2018*

<sup>54</sup> English Housing Survey (2018) *Annex Table 3.3: Time in Current Tenure, Private Rented Sector, 2017-18*

<sup>55</sup> ONS (2018) *UK Private Rented Sector: 2018*

<sup>56</sup> Shelter (2013) *The Rent Trap and the Fading Dream of Owning a Home*

<sup>57</sup> MHCLG (2019) *Table 102: Dwelling Stock: By Tenure, Great Britain (historical series)*

<sup>58</sup> Cherry, G. (1996) *Town Planning in Britain since 1900*

homeownership resulted in the uncontrollable sale of social housing to existing tenants, reducing social housing stock by almost a third.<sup>59</sup>

Fourthly, poor housing standards in the private-rented market are amongst the most common experiences of the housing crisis with worse conditions than any other housing sector.<sup>60</sup> While only enforceable against housing in the social housing sector, the standard of private-rented housing can be measured by the Decent Homes standard which identifies that over a quarter (27%) of private-rented homes are classified as non-decent in 2016, more than twice that of social housing.<sup>61</sup> Analysis of the English Housing Survey findings shows that while the proportion of non-decent homes has fallen over 10 years, the number of dwellings failing the standard has remained constant at 1.3m.<sup>62</sup>

Fifthly, the Housing Act 1988 deregulated the private-rented market creating short-term insecure Assured Shorthold Tenancies which quickly became the most common type of tenancy agreement.<sup>63</sup> The majority of AST within the private-sector are determined for a term of less than 12 months; this, combined with section 21 of the 1988 Act – which provides landlords the legal capacity to undertake ‘no fault’ evictions where the landlord to repossess the property without having to establish fault on the part of the tenant – has had dire consequences for the security of tenure in the private-rented market. Research by the Joseph Rowntree Foundation in 2017 identified that tenants in the private-rented market were most likely to have been evicted by a section 21 notice.<sup>64</sup>

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<sup>59</sup> MHCLG (2018) *Table 671: Social Housing Sales: Annual Right to Buy sales for England*

<sup>60</sup> Shelter (2015) *Safe and Decent Homes: Solutions for a Better Private Rented Sector*

<sup>61</sup> MHCLG (2017) *English Housing Survey: Private Rented Sector, 2016-17*

<sup>62</sup> *Ibid.*

<sup>63</sup> Shelter (2005) *Safe and Secure? The Private Rented Sector and Security of Tenure*

<sup>64</sup> Clarke *et al.* (2017) *Poverty, Evictions and Forced Moves*



Finally, possibly the most visible dimension of the long-term housing crisis is the increase in street homelessness.<sup>65</sup> The precise numbers of individuals experiencing homelessness is extremely difficult to predict, but evidence-based estimates published by MHCLG for the number of individuals rough sleeping has increased year-on-year for the best part of a decade.<sup>66</sup> No single reason is the cause of homelessness. Causes vary from personal factors such as relationship breakdown, or mental illness or addiction to structural factors like a lack of suitable social housing, or national economic performance.<sup>67</sup> Yet, the housing crisis is continually recognised as a structural factor and pathway for increasing homelessness caused by the loss of financial capacity to cover essential housing costs.<sup>68</sup> Combining this with the widely recognised circumstance that an undersupply of crucial social housing increases the levels of individuals and households living in temporary accommodation and rough sleeping.<sup>69</sup>

This final dimension of homelessness epitomises how these dimensions of the housing crisis interact and overlap. The most frequent trigger for statutory homeless applications to local authorities is the termination of an insecure Assured Shorthold Tenancy,<sup>70</sup> where insecure AST are the consequence of deregulation of the expanding private-rented sector following the Housing Act 1988, the expansion of the private rented market for greater periods of time is a result of a lack of available social housing, in combination with decreasing affordability to step onto the property ladder as homeowners.

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<sup>65</sup> Wilson, W. and Barton, C. (2019) *House of Commons Library: Statutory Homelessness in England*

<sup>66</sup> MHCLG (2019) *Rough Sleeping in England: Annual Statistical Release Evaluating the Extent of Rough Sleeping Autumn 2010-2018*

<sup>67</sup> Wilson, W. and Barton, C. (2019) *House of Commons Library: Statutory Homelessness in England*

<sup>68</sup> Chamberlain, C. and Johnson, G. (2011) *Pathways into Adult Homelessness*

<sup>69</sup> Shelter (2019) *Shelter Briefing: Long-Term Commitment to Increased Provision of Social Housing to Help to Reduce Housing Costs, Homelessness and Housing Benefit Expenditure*

<sup>70</sup> Fitzpatrick et al. (2019) *The Homelessness Monitor: England 2019*

Underpinning each of these experiences, this research argues, is a fundamental commonality relating to the supply of housing. This chapter continues by arguing that a fundamental causation for these dimensions of the housing crisis is a current and historic undersupply of new housing over the last four decades. This argument lies at the foundation of this research and is the recurring commonality throughout the empirical findings of Bristol City Council's local policies and practices.

### *2.1.1. The Housing Crisis: A Crisis of Supply?*

Few housing professionals – including government and opposition members – argue with the discourse that a significant cause of the housing crisis is the current and historic undersupply of new homes.<sup>71</sup> The delivery of new homes continues to be well below estimates of annual housing requirements. Estimates place housing need anywhere between 300,000<sup>72</sup> and 350,000<sup>73</sup> new homes each year, while only 195,390 new homes were completed in 2018. Only once since 1981 has the total supply of new homes delivered over 200,000 dwellings in a financial year.<sup>74</sup>

The Government's own Housing White paper published in 2017, entitled *Fixing the Broken Housing Market*, recognises that the cause of the housing crisis is directly related to the undersupply of new homes.<sup>75</sup> The Shadow Secretary of State for Housing, John Healey, identified the failure of the housing market is responsible to the undersupply of new homes, stating that, "for decades we have not been building the homes we need in Britain. The

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<sup>71</sup> Holman *et al.* (2015) *Housing in London: Addressing the Supply Crisis*

<sup>72</sup> House of Lords Select Committee on Economic Affairs (2016) *Building More Homes*

<sup>73</sup> National Housing Federation (2018) *Press Release: England Short of Four Million Homes*

<sup>74</sup> MHCLG (2019) *Table 241: Permanent Dwellings Completed by Tenure, United Kingdom Historical Series*

<sup>75</sup> DCLG (2017) *Fixing Our Broken Housing Market*

housing market has failed, is failing, and will continue to fail”<sup>76</sup>. Failing to meet the demand for new homes impacts the youngest and the poorest disproportionately, failing to provide stable homes for the most vulnerable and those most in need.<sup>77</sup> Across England, a quarter of adults under the age of 35 live with their parents.<sup>78</sup>

The consequences of years of undersupply have had compounding effects on the number of new homes needed to resolve the backlog of housing in order to have a positive impact on affordability, availability, standards, and reducing homelessness. Estimates of the housing backlog vary, depending on the methodology and the type of housing tenure employed. While somewhat dated, the Barker review conducted in 2004 remains an authoritative view on the underlying causes and implications of the limited supply of new housing. It estimates that almost one million households are in need of ‘sub-market’ housing (primarily, housing for Social Rent).<sup>79</sup> Less than five years later, MHCLG estimates placed the backlog of housing need at 1.99 million households<sup>80</sup> in order to contend with households in unsuitable accommodation due to overcrowding, concealed families, and unaffordability in either the rental market or in mortgage arrears.<sup>81</sup>

The consensus of a current undersupply of new homes can be seen by the national housebuilding targets set by the different Conservative Governments since 2015. The Conservative majority government under Prime Minister Cameron set the target for one million homes by 2020,<sup>82</sup> equating to 200,000 homes per year. This was perceived as an

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<sup>76</sup> Healey, J. (2015) *High Aspirations, Sound Foundations*: p. 6.

<sup>77</sup> The Lyons Housing Review (2014) *Mobilising Across the Nation to Build the Homes Our Children Need*

<sup>78</sup> Jefferys et al. (2014) *Building the Homes We Need: A Programme For the 2015 Government*

<sup>79</sup> Barker, K. (2004) *Review of Housing Supply*

<sup>80</sup> Bramley et al. (2010) *Estimating Housing Need*

<sup>81</sup> *Ibid.*

<sup>82</sup> Wilson, W. and Barton, C. (2018) *House of Commons Library: Tackling the Under-Supply of Housing in England*

ambitious challenge given the annual completions for the previous five years had averaged under 118,000 new homes built per year. The 2017 Conservative minority government under May continued this pledge in their election manifesto, while promising to deliver another 500,000 new homes by 2022.<sup>83</sup> By the Autumn budget in 2017, the then Chancellor, Phillip Hammond, announced a commitment to raise housing supply to the highest levels since 1970, planning to deliver 300,000 homes per year.<sup>84</sup> The Conservative 2019 election manifesto committed to continuing the progress towards the 300,000 homes per year target, with an added caveat to achieve this target “by the mid-2020s”.<sup>85</sup>

The continued increase in national housebuilding targets can be viewed in response to critics arguing the former targets failed to consider the backlog of need. Shelter argued that 250,000 homes were needed just to meet current demand.<sup>86</sup> While the House of Lords Select Committee on Economic Affairs criticised the one million homes target for the lack of robust analysis. Instead, it identified that 300,000 new homes were needed each year for the foreseeable future in order to provide housing for those in need now, and to reduce the backlog of housing need.<sup>87</sup> By 2018, research by the National Housing Federation and Crisis identified an even larger target was needed to tackle current need and housing backlog; 340,000 homes per year until 2031.<sup>88</sup> Evidently, the methodology for calculating national housing targets based on the current need and estimated backlog is complex and conflicted, but there is little conflict in recognising the need to increase future housing supply above current levels.

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<sup>83</sup> Conservative Party (2017) *Forward Together: Our Plan for a Stronger Britain and a Prosperous Future*

<sup>84</sup> HM Treasury (2017) *Autumn Budget 2017*

<sup>85</sup> The Conservative and Unionist Party (2019) *Get Brexit Done Unleash Britain's Potential*: p. 31.

<sup>86</sup> Jefferys *et al.* (2014) *Building the Homes We Need: A Programme For the 2015 Government*

<sup>87</sup> House of Lords Select Committee on Economic Affairs (2016) *Building More Homes*

<sup>88</sup> National Housing Federation (2018) *Press Release: England Short of Four Million Homes*

### *Resolving the Crisis*

Targets to increasing the supply of housing is the predominate approach taken by governments to resolve the housing crisis. However, it is widely recognised that there is no ‘silver bullet’ to resolve this; no single government target, policy implementation, or approach will have the required impact to provide the solution independently. There must also be consideration of the options available to each actor within the sector. For example, national policy or legislative changes can only be implemented by central government, while local authority may instead focus on increasing local housing delivery, and a particular focus on affordable housing delivery contributes to resolving their responsibilities for housing those most in need.

Some housing commentators argue that the focusing on increasing housing supply would have little impact on lowering unaffordability. Saunders<sup>89</sup> proposes that the housing market is inherently different to other commodities and purely increasing housing supply would not impact on house prices nationally. He explains that four features are central to this: Firstly, houses are fixed in location – increasing supply in ‘wrong’ locations will have little impact on prices nationally. Secondly, homes occupy an exclusive space – no two houses can occupy the same piece of land, and desirable land in the ‘right’ location cannot be expanded to meet rising demand. This can only be resolved through increasing housing densities, or if development is permitted on land previous excluded (e.g. Green Belt land). Thirdly, roughly one-third of house prices is directly related to the price of land – increasing supply of housing

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<sup>89</sup> Saunders, P. (2016) *Restoring a Nation of Home Owners: What Went Wrong with Home Ownership in Britain, and How to Start Putting it Right*

therefore requires a mutual relationship between a developer's willingness to buy and a landowner's willingness to sell. Finally, houses exist for long-periods of time – achieving the housebuilding targets of 300,000 homes per year would only provide increase the total number of homes by 1% of the national housing stock, therefore unlikely to have a significant impact on house prices.<sup>90</sup> Consequently, Saunders questions the discourse of inadequate supply as responsible for spiralling house prices over the last 15 years.

Further, Ian Mulheirn, Executive Director at the Tony Blair Institute for Global Change, analyses the government's model for future house prices dependent upon supply and demand,<sup>91</sup> and the implication of increasing housing supply by 300,000 homes per year for the next 20 years on national house prices. Mulheirn argues that the national housing stock would grow by 6 million homes, or 21% of the stock today, counterbalanced against household growth of 4.8m households, or 18% of today's stock, if current buildout rates continued. His analysis concludes that the net effect on house prices would be 6% lower in real terms by 2038, ultimately having little impact on the 150% house price "explosion" over the last 20 years.<sup>92</sup> Rather, Mulheirn suggests that the focus needs to be to examine policy levers relating to the financial drivers of house price growth, and that increasing housing supply and expecting market prices to fall is nonsensical.

While there is undoubtedly some truth to these arguments, there are problems with both commentators' analyses that can be identified. Fundamentally, both their arguments focus specifically on the impacts on market affordability for homeownership; just one of the dimensions of the housing crisis presented earlier. There is less consideration of the impact

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<sup>90</sup> *Ibid.*

<sup>91</sup> MHCLG (2018) *Analysis of the Determinants of House Price Changes*

<sup>92</sup> Mulheirn, I. (2018) *What Would 300,000 Houses per year do to Prices?*

of 300,000 new homes each year on reducing the volatility of prices in the private rented market where economic laws of supply and demand better reflect markets adjustments as the sector operates without need for the savings of significant deposits or the availability of mortgage credit.

Additionally, their analysis fails to consider the impact of 300,000 new homes on improving housing standards in the private-rented market through the premise that increased availability would benefit tenants through greater consumer choice of rental properties where the properties with the lowest standards would risk being unrented if not improved in order to compete in the private-rented market. Further, their analysis also does not consider the increase of social housing supply providing additionality for those most in need, including tackling homelessness – it could be expected that approximately 25% of homes completed would be completed by housing associations, local authorities, or through section 106 agreements as affordable housing; based on extrapolating data from previous years.<sup>93</sup> This projected assumption would thus provide a near two-fold increase in affordable housing supply on current levels to deliver some 75,000 affordable dwellings per year.<sup>94</sup>

Considering these debated arguments ultimately highlights the lack of a silver bullet. Where policies and achieving government housing targets will provide more available housing, there is little evidence for reducing financial barriers for homeownership. However, from the perspective of local authorities as the administrations with the statutory obligation for housing those most in need, implementing local policies and practices for increasing housing

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<sup>93</sup> MHCLG (2019) *Table 209: House Building: Permanent Dwellings Completed, by Tenure and Country*

<sup>94</sup> MHCLG (2019) *Live Table 1011C: Additional Affordable Housing Supply; detailed breakdown by Local Authority, Completions*

supply, particularly affordable and social housing, is the most obvious course available to them to achieve their own housing objectives.<sup>95</sup>

### *2.1.2. The Historic Undersupply of New Homes*

The 2014 report by the Lyons Housing Commission, an independent group of 12 housing experts chaired by Sir Michael Lyons and published by the National Federation of Housing, identifies two major causes for the historic and present undersupply of new homes: an artificial scarcity of developable land impacting upon the quantity and speed of housing delivery; and a limited national capacity for the delivery of new homes following substantial systematic changes affecting both private-sector delivery, and local authority housing delivery.<sup>96</sup>

The limited capacity for new homes is due to the shift from expansive local authority housebuilding programmes in the 1950s, where more new homes were built than any time in the UK's history, to a reliance on a small number of private-sector volume housebuilders. This shift is encapsulated by the 'Big Five', the five housebuilders with the largest revenues in the UK which dominant the private-sector market, delivering approximately 40% of new private-sector homes between them. They are: Barratt Developments PLC, Taylor Wimpey PLC, Persimmon PLC, Berkeley Group Holdings PLC, and Bellway PLC.<sup>97</sup> In contrast, the contribution of new homes by the public-sector is a shadow of its previous volume housebuilding in the

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<sup>95</sup> There are notably alternatives to local authority focus on housing supply: For example, Mevagissey Parish Council, Cornwall, banned second-home ownership for new build properties under their approved Neighbourhood Development Plan in response to substantial demand for second/holiday homes in the area.

<sup>96</sup> Lyons Housing Review (2014) *Mobilising Across the Nation to Build the Homes our Children Need*

<sup>97</sup> Archer, T. and Cole, I. (2014) *Still Not Plannable? Housing Supply and the Changing Structure of the Housebuilding Industry in the UK in 'Austere' Times*



1950s and 1960s. Housing associations delivering social housing have failed to fill the gap when local authority housebuilding programmes ground to a halt in the 1980s.<sup>98</sup>

This limited national capacity for housebuilding and undersupply of new homes can best be demonstrated through MHCLG data which records annual completions over seven decades. Figure 2, below, provides a graphical illustration of the annual completions for the UK from 1947 to 2017, across the three principal housebuilding sectors; local authority, housing associations, and private-sector enterprise.

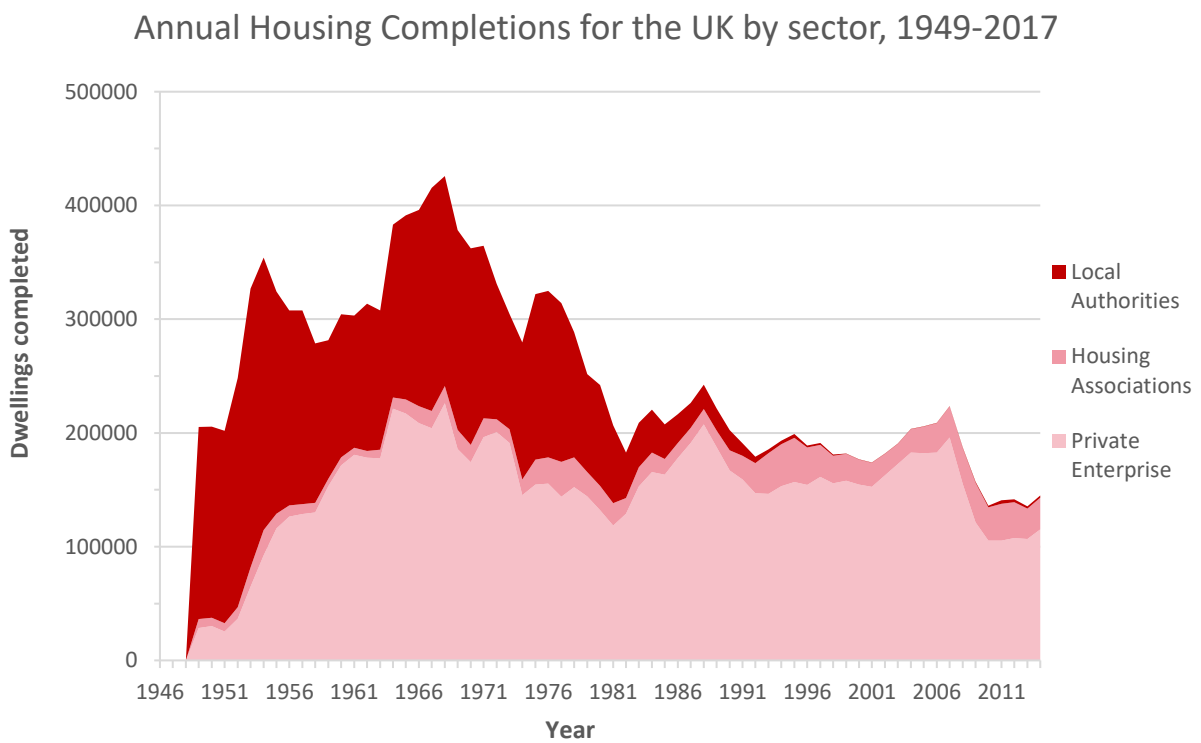


Figure 2: Annual Housing Completions for the UK by sector, 1947-2017  
 Source: MHCLG (2019) Table 241 Housing Building: Permanent Dwelling Completed, UK

<sup>98</sup> Lyons Housing Review (2014) *Mobilising Across the Nation to Build the Homes our Children Need*:

The illustration of this data over this extensive timescale demonstrates a continued and significant decline in housing completion rates since the 1970s. Following the conclusion of the Second World War, the country massively increased the delivery of new homes. At its peak in 1969, annual completions topped over 425,000 new homes per year. This has since fallen to less than 200,000 new homes in 2017 through a steady, and consistent decline over this 70-year period with three short exceptions prior to three economic recessions in the mid-1970s, between 1991-92, and 2007-08 where completions actually increased year-on-year for a brief period where confidence was highest before economic busts. It is clear from examining the illustrated data that the loss of public housebuilding accounts for the substantial fall in housing supply; the following section evidences the historic role of public housebuilding since the end of the Second World War.

Housing production in England is fundamentally reliant on the private sector for the majority of new homes delivered. In 2017, the private sector completed a total of 160,000 new homes, accounting for over 80% of all new homes delivered. While this is clearly a significant contribution to the national housing picture, comparisons to the earlier years reveal that the number of units delivered is comparable to those completed four decades previously. The private sector in the 1970s delivered around 160,000 units each year but, importantly, accounted for only half of all new homes delivered. While the actual number of private-sector homes built in 2017 was approximately equal to the amount delivered in the 1970s, the proportion of new homes completed by the private-sector is substantially greater. Consequently, the increase in the proportion of new homes built by the private-sector is not due to an increase in the amount they are actually delivering, but in the reduction of the total

number of new homes delivered by the private-sector, local authorities, and housing associations combined.

Housing associations, or private registered providers as they have been renamed with the two labels commonly used interchangeably, have made a fluctuating contribution to the production of homes across the timeframe. Housing associations are not-for-profit, quasi-public companies – while they are technically private organisations, they receive significant subsidy from the public sector – that provides sub-market housing to social tenants.<sup>99</sup> A major factor creating housing associations was the transfer of social housing stock from local authorities through Large Scale Voluntary Transfer in the 1990s.<sup>100</sup> Housing associations raise capital through social rents and, as not-for-profit organisations, any revenue over and above their costs of providing and maintaining their housing stock is reinvested into delivering new social housing.<sup>101</sup>

Less than 10,000 housing association homes were delivered each year between the mid-1950s to mid-1960s, rising to more 30,000 homes per year by the mid-1990s. Housing associations contributed 16% of all homes produced in 2017, a four-fold increase from 4% in 1968 when more homes were completed in the UK than any other year. Yet, this proportion of overall delivery is somewhat misleading due to the overall reduction in housing production over this time. In absolute terms, twice the number of new homes were produced in 2017 compared to 1968, yet in relative terms, accounting for four times as much.

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<sup>99</sup> Adam *et al.* (2015) *Social Housing in England: A Survey*

<sup>100</sup> Malpass, P. (2000) *The Discontinuous History of Housing Associations in England*

<sup>101</sup> Adam *et al.* (2015) *Social Housing in England: A Survey*

Most apparent from this data is the substantial decline of local authority housing production over the six decades. In 1953, the highest recorded level of local authority building since the Second World War, local authorities across the UK delivered almost a quarter of a million homes. In 2017, local authorities completed only 3,280 new homes. This is a 99% reduction in scale of delivery over 65 years. The measure of local authority building from the end of the Second World War until 1980 was astonishing; almost five million homes were built by local authorities, accounting for one in every two completions.<sup>102</sup> Now, local authorities deliver an almost inconsequential number of new homes across the country.

The 1980s marked a fundamental shift in local authority housebuilding through the withdrawal of state-funded council housebuilding programmes in favour of promoting private-sector housing provision. The Conservative government under Margaret Thatcher implemented new housing policies and legislation promoting homeownership, proposing financial relief for first-time buyers, and plans to cut mortgage interest rates through reducing government spending and fiscal borrowing.<sup>103</sup> Following these underlying changes to the ways in which housing was being provided, neither private-sector provision or housing associations have been able to compensate for the reduction in local authority led housebuilding.

### *Politics & Housebuilding*

The provision of housing is inherently political in nature. Appreciating the fluctuating nature of housebuilding, and in particularly local authority housing provision, requires examination

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<sup>102</sup> MHCLG (2019) *Table 241: Permanent Dwellings Completed by Tenure, United Kingdom Historical Series*

<sup>103</sup> Conservative Party (1979) *The Conservative Manifesto, 1979*.

of the socio-political history intertwined with the rise and fall of housing delivery in England. This section orientates this history beginning with the growth of local authority provision following the conclusion of the Second World War, to the heightened periods of housing delivery in the 1960s, the substantial changes to housing provision already briefly mentioned under Margaret Thatcher, and finally to the surprising continuation of Thatcherite housing policies under New Labour.

The boom in local authority housebuilding following the cessation of the Second World War was primarily a response to a legacy of largescale destruction and damage to major cities across the UK.<sup>104</sup> A range of estimates place figures around 200,000 destroyed homes and a further 500,000 homes uninhabitable.<sup>105</sup> Further, it was estimated that a combined total of over 1 million new dwellings would be needed to re-house those families displaced by war damage, for the removal of remaining slums, and to provide a continuing large-scale housing programme to meet persistent and rising need.<sup>106</sup> No government before the Second World War had made political commitments for a capacity of one dwelling for every family, nor for delivering 1.5 to 2.5 million homes over ten years to resolve slum clearance, a rate of five times greater than that achieved in the 1930s.<sup>107</sup>

The high levels of housing need shown by the post-war estimates demonstrated the central government commitment for housing development and necessitated change to central and local housing policy. Consequently, local authorities were revitalised with greater significance within the housing arena and new responsibilities including the introduction of a

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<sup>104</sup> Atkinson, R. and Moon, G. (1994) *Urban Policy in Britain: The City, the State, the Market*

<sup>105</sup> *Ibid.*

<sup>106</sup> Malpass, P. (2003) *Wartime Planning for Post-War Housing in Britain: The Whitehall Debate, 1941–5*

<sup>107</sup> *Ibid.*

comprehensive system for controlling the use of land through Town and Country Planning Act 1947.<sup>108</sup> They were to also operate as the vehicles for delivering the post-war housing programme through financing their building through subsidies, incentives, and borrowing at advantageous rates from the Public Works Loan Board.<sup>109</sup> Aneurin Bevan, the Minister of Health with responsibilities for housing under Attlee's government, directed control away from the private-sector fearing the sector would influence housing policy away from those most in need in order to provide for middle-class home purchasers.<sup>110</sup>

The government's aim was to create a two-year local authority housebuilding programme which was to deliver 100,000 homes within the first year, and a further 200,000 homes by the end of the second year.<sup>111</sup> Alongside traditional brick-built homes, the Housing (Temporary Accommodation) Act 1944 had introduced a programme of £150 million for building prefab homes in local authorities with the greatest housing need; some 150,000 prefab homes were built over the next five years.<sup>112</sup> Despite a four-fold increase in housing completions by local authorities between 1945 and 1948, from 55,400 to 227,000 homes, the growing demand for a limitless supply of new social housing began to emerge as expectations by the public rose.<sup>113</sup>

The importance of building upon the success of Attlee's local authority housing delivery meant that local authority housing provision topped the political agenda for a decade, with commitment from both Labour and Conservative parties in the 1950 and 1951 elections to further increase housebuilding targets. Following the Conservative party's success in the

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<sup>108</sup> Young, K. and Rao, N. (1997) *Local Government since 1945*

<sup>109</sup> *Ibid.*

<sup>110</sup> Chandler, J. (2013) *Explaining Local Government: Local Government in Britain Since 1800*

<sup>111</sup> Malpass, P. (2003) *Wartime Planning for Post-War Housing in Britain: The Whitehall Debate, 1941–5*

<sup>112</sup> Boughton, J. (2018) *Municipal Dreams: The Rise and Fall of Council Housing*

<sup>113</sup> Young, K. and Rao, N. (1997) *Local Government since 1945*

latter election, their manifesto pledged to deliver 300,000 new homes per year.<sup>114</sup> The target was surpassed just two years after taking office, when 327,000 homes were built in 1953. This enormous supply of new housing continued with 354,000 built the following year, and over 300,000 homes for three more years after that.<sup>115</sup> Over this five-year period, 1.6 million new dwellings were built; two-thirds of them provided through local authority programmes.<sup>116</sup> Achieving such expansive housebuilding targets over the best part of a decade demonstrates the collaborative central-local government relationship that existed following the War. Local authorities were empowered with the responsibilities, powers, and financial capacity for the provision of housing in pursuit of nationally defined policies.

Yet, this success also marked the beginning of the end for local authority delivery. Leading figures within the governing Conservative party in the 1950s began to question the politics of large-scale council housebuilding, “urging the need to apply the principal of a property owning democracy ... instead of persisting in the Socialist policy of herding people into heavily-subsidised council houses”.<sup>117</sup> Conservative thought held three benefits for the expansion of private-sector delivery:<sup>118</sup> i) Owner-occupation was seen to benefit Conservative, rather than Socialist, values through encouraging personal and civic responsibility while reducing state involvement and expenditure. ii) Responsibility for achieving politically sensitive national housebuilding targets would be placed on private enterprises thereby lowering political risk with accountability resting on the private sector. iii)

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<sup>114</sup> Conservative Party (1951) *1951 Conservative Party General Election Manifesto*

<sup>115</sup> MHCLG (2019) *Table 241: Permanent Dwellings Completed by Tenure, United Kingdom Historical Series*

<sup>116</sup> MHCLG (2019) *Table 241: Permanent Dwellings Completed by Tenure, United Kingdom Historical Series*

<sup>117</sup> Young, K. and Rao, N. (1997) *Local Government since 1945*: p. 62.

<sup>118</sup> Atkinson, R. and Durden, P. (1992) *Housing Policy in the Thatcher Years*

Housebuilding targets would be reached without need of heavily subsidised local authority programmes, providing fiscal benefits to the treasury.

Planning controls, which were introduced under Attlee's Labour government and had restricted private-sector construction through permitting development on a licenced needs-only basis, were reformed by the Conservative government. Needs testing was abolished, and local authorities were directed to issue licences to the private sector at a rate of 1:1 for every local authority house let, up from the ratio of 1:5, and were further encouraged to exceed this ratio through granting 15,000 additional licences in the latter six months of the year.<sup>119</sup>

The growth in private-sector housebuilding was immediate, increasing three-fold in as many years from 35,000 new homes in 1952, to 120,000 in 1955.<sup>120</sup> With the political focus subsequently on private housebuilding for private home-ownership, the proportion of the population owning their own home grew promptly and consistently; accommodating 46% of households by the time the Conservatives left office in 1965, up from 29% when they entered office in 1951.<sup>121</sup> The intention to end local authority housing provision was apparent. As private-sector provision increased, subsidies from central government for local authority construction decreased, and local authority access to discounted borrowing rates through the Public Works Loans Board for housebuilding was terminated.

All was not lost for local authority housebuilding. The failure by successive Conservative governments between 1951 and 1963 to resolve urban slums, street homelessness, and the insufficient supply of social housing for low-income households created the resurgent need

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<sup>119</sup> Young, K. and Rao, N. (1997) *Local Government since 1945*

<sup>120</sup> MHCLG (2019) *Table 241: Permanent Dwellings Completed by Tenure, United Kingdom Historical Series*

<sup>121</sup> Banting, K. (1979) *Poverty, Politics and Policy: Britain in the 1960s*



for local authority housebuilding programmes.<sup>122</sup> Although it would prove to be a brief revival before an ultimate end in 1979, the Labour Governments of the 1960s pledged to deliver between 400,000<sup>123</sup> and 500,000<sup>124</sup> new homes for rent and sale each year. The revival differed through a focus on increased productivity of local authority programmes through high-rise, industrialised building, on large derelict brownfield sites – creating tall, linear, blocks of flats which trademark 1960s council housebuilding.<sup>125</sup> The change in approach proved some success, although falling short of the 500,000 homes target, there was almost 200,000 new local authority homes per year, higher than levels seen since the early 1950s.<sup>126</sup>

The ultimate nail in the local authority housebuilding coffin was dealt by the incoming Conservative government led by Margaret Thatcher in 1979, resulting in a major shift in the provision of housing in Britain. Thatcher championed to scrap “expensive Socialist programmes”<sup>127</sup> advocating to reduce state involvement in various aspects of social and economic policy, including council housebuilding.<sup>128</sup> The Conservative government marked a decisive turning point in housing policy, the “implementation of a neoliberal project aimed at transforming the entire housing system” from privatising social housing stock to ending the role of the state in directly meeting housing need.<sup>129</sup> The authors characterise Thatcher’s neoliberal housing policies as the privatisation of the existing public stock through statutory right to buy policy, the termination of public investment in social council housing, the reduction in state welfare provision remaining only for those unable to provide for

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<sup>122</sup> Young, K. and Rao, N. (1997) *Local Government since 1945*

<sup>123</sup> Labour Party (1964) *The New Britain: Labour Party Election Manifesto 1964*

<sup>124</sup> Labour Party (1966) *Time for Decision: Labour Party Election Manifesto 1966*

<sup>125</sup> Young, K. and Rao, N. (1997) *Local Government since 1945*

<sup>126</sup> MHCLG (2019) *Table 241: Permanent Dwellings Completed by Tenure, United Kingdom Historical Series*

<sup>127</sup> Conservative Party (1979) *The Conservative Manifesto, 1979*

<sup>128</sup> Powell, M. (1999) *New Labour, New Welfare State? The ‘Third Way’ in British Social Policy*

<sup>129</sup> Hodkinson *et al.* (2012) Introduction: Neoliberal Housing Policy – Time for a Critical Re-Appraisal

themselves.<sup>130</sup> Simultaneously, the need for volume housebuilding by local authorities was also seen to have achieved its goal. Loughlin wrote in 1986 that the politics for local authority housebuilding programmes had created a housing surplus, that there was no longer an “absolutely shortage of houses”.<sup>131</sup> He cited a government publication which espoused that in 1951 there had been approximately 750,000 more households than homes, and by 1976 there were approximately 500,000 more homes than households.<sup>132</sup>

Local authority’s housing programmes were targeted by central government in three areas; financial expenditure controls and penalties were introduced, capital expenditure cuts for new housing fell by 60% between 1979/80 and 1984/5, and the Housing Act 1980 facilitated an explosion of local authority housing sales to sitting tenants, further squeezing the supply of housing.<sup>133</sup> As a result, local authority housebuilding experienced an immediate and continued freefall. In 1978 – the year before Thatcher’s electoral success – local authorities delivered over 110,000 homes; by 1984, this had fallen to 37,500 homes, and by 1990 – Thatcher’s resignation as Prime Minister and Conservative party leader – it has fallen further to under 18,000 homes.<sup>134</sup> The fall in local authority housebuilding reflects the wider fall nationally, from almost 290,000 homes to less than 203,000 homes over the same timeframe. Instead of local authority housing provision, the economic and political activity of housebuilding was to be undertaken by the private sector. The years of volume house building by local authorities had come to a swift and ruthless end.

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<sup>130</sup> Hodkinson *et al.* (2012) Introduction: Neoliberal Housing Policy – Time for a Critical Re-Appraisal

<sup>131</sup> Loughlin, M. (1986) *Local Government in the Modern State*: p. 94.

<sup>132</sup> Secretary of State for the Environment (1977) *Housing Policy: A Consultative Document (Command 6851)*

<sup>133</sup> Barlow, J. (1987) *The Housing Crisis and Its Local Dimensions*

<sup>134</sup> MHCLG (2019) *Table 241: Permanent Dwellings Completed by Tenure, United Kingdom Historical Series*

By the time Labour returned to power in 1997 under the New Labour flagship, housing policy debates and the housing system itself had changed substantially.<sup>135</sup> Through the success of Thatcher's right to buy policy, over 1.8m council homes had been sold<sup>136</sup> and social renting provided by local authorities had fallen by 1.5m households.<sup>137</sup> Furthermore, between the start of the Conservative government under Thatcher and the beginning of the Labour government under Blair, public housebuilding had fallen from 86,000 homes per year to just 1,540 per year.<sup>138</sup> Although housing conditions and standards under the previous Conservative governments had improved, the shortfall between the numbers of households and the number of available dwellings had started to increase, particularly in the South of England.<sup>139</sup>

Despite the rising shortfall, particularly in local authority provided social housing, the New Labour governments under both Blair and Brown continued to focus their housing policies on routes to homeownership. New Labour's housing Green Paper, *Quality and Choice: A Decent Home for All*, dedicated an entire chapter to encouraging sustainable homeownership – 'sustainable' here referring only to affordability for owners.<sup>140</sup> Alternative routes to traditional homeownership were introduced, such as shared-ownership or key worker discounts, to the extent that by 2006/07 government funding was financing nearly as many households to become homeowners as delivering new rental homes for low-income households.<sup>141</sup> There was no intention by the Labour government of reversing the retreat

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<sup>135</sup> Powell, M. (1999) *New Labour, New Welfare State? The 'Third Way' in British Social Policy*

<sup>136</sup> Hodkinson *et al.* (2012) Introduction: Neoliberal Housing Policy – Time for a Critical Re-Appraisal

<sup>137</sup> Wilcox, S. (1997) *Housing Finance Review 1997/1998*

<sup>138</sup> MHCLG (2019) *Table 241: Permanent Dwellings Completed by Tenure, United Kingdom Historical Series*

<sup>139</sup> Powell, M. (1999) *New Labour, New Welfare State? The 'Third Way' in British Social Policy*

<sup>140</sup> DETR (2000) *Quality and Choice: A Decent Home for All*

<sup>141</sup> Bowie, D. (2017) *Radical Solutions to the Housing Crisis*

from socially rented council housing instigated by Thatcher's Conservative government.<sup>142</sup>

The lack of interest from the New Labour governments to provide social housing can be no better seen through the comparison of social housing completions under Thatcher and Blair; over the 11 years of Thatcher's leadership, the number of local authority homes completed were a factor of two hundred times more than under the 10 years of Blair's New Labour government.<sup>143</sup>

Rather than changing the direction of council housing practices, local authorities were expected to continue an empowered strategic role in housing delivery by continuing to carry out comprehensive need assessments to inform housing strategies with the private-sector anticipated to undertake housing provision.<sup>144</sup> In addition to assessing local housing needs, the New Labour housing Green Paper set out its expectations for local authorities improved strategic roles regarding co-ordinating and facilitating resources and agencies, connecting housing with wider socio-economic policies promoting the wellbeing of local areas, operating and facilitating local partnership schemes to encourage best practices, consulting and empowering the local community, and monitoring and evaluating the success of strategic policies and plans.<sup>145</sup>

For the delivery of social housing, the central labour government anticipated that provision could be achieved through 'piggybacking' on the success of the private-sector delivering market housing for sale through the principle that if local planning authorities could better negotiate affordable housing provision, less public subsidy would be needed as private

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<sup>142</sup> Powell, M. (1999) *New Labour, New Welfare State? The 'Third Way' in British Social Policy*

<sup>143</sup> MHCLG (2019) *Table 244: House Building: Permanent Dwellings Started and Completed, by Tenure, England Historical Calendar Year Series*

<sup>144</sup> Powell, M. (1999) *New Labour, New Welfare State? The 'Third Way' in British Social Policy*

<sup>145</sup> DETR (2000) *Quality and Choice: A Decent Home for All*

developers would provide all the affordable housing through their developments as well as contribute to funding transport, education, health, and public realm infrastructure.<sup>146</sup> The New Labour approach differed little from previous Conservative housing policies which emphasised individual choice and responsibility within the market rather than rely on state provide housing.<sup>147</sup> This New Labour position was dichotomous from previous Labour administrations after the Second World War that championed public funding to finance the full capital costs for the provision of social housing.<sup>148</sup>

Following on from the New Labour government, the agreement forming the foundation of the Conservative-Liberal Democrat Coalition in 2010 stipulated a continued approach to housebuilding by promoting homeownership. It was positioned that increasing access to homeownership would consequently benefit social mobility, health, and wellbeing.<sup>149</sup> The Coalition introduced a major new policy, Help to Buy, to assist aspiring homeowners to meet lender's requirements regarding the capital needed for deposits.<sup>150</sup> The promotion of homeownership included social housing for affordable homeownership; stating, "we will promote shared ownership schemes and help social tenants and others to own or part-own their home".<sup>151</sup>

While national housing policy promoted homeownership, there was little advance in government policy aimed at the undersupply of new housing, particularly social housing. The Coalition decreased many of the established sources for funding social housing development through cuts to capital spending on social housing which has subsequently resulted in fewer

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<sup>146</sup> Powell, M. (1999) *New Labour, New Welfare State? The 'Third Way' in British Social Policy*

<sup>147</sup> Cowan, D. and Marsh, A. (2001) *New Labour, Same Old Tory Housing Policy?*

<sup>148</sup> Bowie, D. (2017) *Radical Solutions to the Housing Crisis*

<sup>149</sup> Tunstall, R. (2015) *The Coalition's Record on Housing: Policy, Spending and Outcomes 2010-2015*

<sup>150</sup> *Ibid.*

<sup>151</sup> HM Government (2010) *The Coalition: Our Programme for Government*: p. 12.

homes for Social Rent being built.<sup>152</sup> Whereas considerable changes focused on the national and local planning system. The revocation of regional spatial strategies, the introduction of the National Planning Policy Framework, and the implementation of the Localism Act 2011 each substantially impacted the operation of the planning framework, and each also influencing the central-local government relationship as discussed at the end of this chapter.

At the 2015 general election, the Conservative Party under David Cameron won an outright majority. The Housing White Paper *Fixing Our Broken Housing Market*, published in 2017, marked the first government policy proposal on housing under this Conservative government. It acknowledges the calls of many housing professionals for greater state intervention in the provision of housing, in addition to departing from previous policy positions focusing on homeownership.<sup>153</sup> The White Paper recognises the necessity to boost local authority capacity and capability to manage delivery in the private-sector<sup>154</sup> and, importantly, also placing emphasis on backing local authorities to build through traditional routes and innovative ways.<sup>155</sup> Identifying a responsibility to release and utilise surplus public land for housing delivery,<sup>156</sup> the paper announced a £45m Land Release Fund for local authorities to carry out land remediation and small-scale infrastructure works in order to deliver up to 7,280 homes.<sup>157</sup>

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<sup>152</sup> UNISON (2015) *Housing and Welfare Policy Briefing – Implications of Government Reforms*

<sup>153</sup> Bruff, G. and Kumi-Ampofo, F. (2019) *Housing, Growth and Infrastructure: Supporting the Delivery of New Homes in the Sheffield City Region, UK*

<sup>154</sup> DCLG (2017) *Fixing Our Broken Housing Market*

<sup>155</sup> *Ibid.*

<sup>156</sup> *Ibid.*

<sup>157</sup> Gov.uk (2018) *Press Release: £45 Million Funding Boost to Support Councils Unlock Land for Thousands of Homes*

Further, the 2017 White Paper recognises a “long tradition of council housebuilding” providing a small but important and growing source of new homes.<sup>158</sup> It proposes to ensure the MHCLG works with local authorities to understand all options for increasing the supply of affordable homes while also suggesting to establish “bespoke housing deals” with local authorities in areas of high demand who have a genuine ambition to build in order to support delivery in the local area.<sup>159</sup> Under the latter heading of supporting innovative methods of housing delivery, the White Paper recognised the good examples of original approaches local authorities have already employed through establishing local housing companies and coordinating joint-venture models providing mixed sites for private sale and affordable housing for rent. Continuing to state that “we welcome innovations like these and want more local authorities to get building”.<sup>160</sup> While these approaches may seem radical in formulating local governments with responsibilities for regulating and steering the market to achieve social housing delivery, local authorities were expected to undertake these activities by relying on their own resources while on the receiving end of further public expenditure cuts.<sup>161</sup>

This brief abstract of housebuilding policy since the Second World War has sought to demonstrate two underpinning elements; the inherent politicisation of housing delivery in the UK, and the fluctuating popularity of local authority housebuilding programmes over the decades which have delivered such a significant proportion of homes. Returning to Figure 2 in the previous section which presented the rates of housebuilding for the three sectors, there can be no real surprise that the discourse of the current housing crisis is fundamentally an

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<sup>158</sup> DCLG (2017) *Fixing Our Broken Housing Market*: p. 53.

<sup>159</sup> DCLG (2017) *Fixing Our Broken Housing Market*: p. 53.

<sup>160</sup> *Ibid.*

<sup>161</sup> Jarman, R. (2015) *Housing Under a Conservative Government: HQN's Post-Election Briefing*

undersupply of homes when local authorities across the country have built less in the last 25 years than in any single year up to 1980.<sup>162</sup> Figure 2 demonstrates a clear transition to reliance on the private-sector for the delivery of new housing, a reliance which, as the data demonstrates, has failed to substitute the delivery provided for by local authority housebuilding programmes.

## 2.2. Local Authority Housing Provision

Central to this research is the policy literature and prior academic research focusing on local authority housing provision through traditional housebuilding, local authority housebuilding companies, and through other local interventions by which authorities have filled the gap in the provision of social housing. This literature is fundamental to guiding the research question of this project in asking how planning law, policy, and local practice shape housing production in Bristol. The previous section has illustrated the shifting environment in which local authority delivery has fluctuated in policy and practice since the 1940s. This section focuses on the existing and contemporary knowledge, practices, and approaches of local authorities in responding to significant housing need and an undersupply of new homes.

Morphet and Clifford conducted two largescale national research projects, one in 2017 commissioned by the National Planning Forum and the RTPI, and a further study in 2019, to examine the existing and emerging local authority practices in providing housing, evaluating their effects in local authority housing provision, and consider the role of the planning system in supporting the development of such initiatives.<sup>163</sup> This first large-scale macro-research

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<sup>162</sup> MHCLG (2019) *Table 241: Permanent Dwellings Completed by Tenure, United Kingdom Historical Series*

<sup>163</sup> Morphet, J. and Clifford, B. (2017) *Local Authority Direct Provision of Housing*



project in 2017 examined the main motivations and methods used by local authorities to provide housing. It conducted mixed-methods research into the practices of local authority housebuilding through questionnaire surveys with each local authority in England, a series of roundtables meetings with volunteering local authority planning and housing officers, and 12 case studies of selected local authorities to gain an in depth insight into the motivations, practices, and barriers of housing provision.<sup>164</sup> The 2019 publication is a continuation of the research considering changes in government policies and the housing market since 2017, identifying new and existing key issues, and recommendations for the practices of local authorities and central government to support the delivery of more houses.<sup>165</sup> The 2019 paper found that local authorities concerned with housing delivery are doing so within the planning system through planning obligations, and outside of the planning system through mixed approaches including direct council housebuilding, their own established housing companies, and joint ventures programmes with private sector partners.<sup>166</sup>

Citing frustrations at the continued difficulties in the provision of housing as the primary motivating factor, Morphet and Clifford's initial research found that 65% of local authorities who responded to their survey were engaged in the direct delivery of housing.<sup>167</sup> This incorporates a range of approaches to direct provision: through delivery from a local authority's Housing Revenue Account pursuant to the traditional model of local authority housebuilding; local authorities housing companies; or taking alternative approaches such as purchasing homes on the open market for social housing, in-house development teams, or

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<sup>164</sup> Morphet, J. and Clifford, B. (2017) *Local Authority Direct Provision of Housing*

<sup>165</sup> Morphet, J. and Clifford, B. (2019) *Local Authority Direct Delivery of Housing: Continuation Research*

<sup>166</sup> *Ibid.*

<sup>167</sup> Morphet, J. and Clifford, B. (2017) *Local Authority Direct Provision of Housing*

through partnership associations operating joint venture agreements with both private and public sectors.<sup>168</sup> By the latter 2019 research, this proportion had increased slightly to 69%.<sup>169</sup>

Through the legal, policy, and practical avenues available to local authorities, local authority housing provision is fundamentally shaped by delivery through three approaches and supported, in principle, by the Housing White Paper: i) Traditional models of delivery through the housing revenue account; ii) local authority housing companies, and iii) interventions in the housing market to deliver market and affordable housing in areas of high demand. Each approach provides alternative, and complementary, routes for local authority housing provision. To appreciate the practices of local authorities across these three approaches, it is fundamental to understand the development and practices of them for the delivery of housing.

### *2.2.1. Housing Provision through the Housing Revenue Account (HRA)*

Local authority finance is organised through two types of accounts: a general fund and specific ring-fenced funding. Every local authority has a general fund which funds most services the council undertakes. It is primarily funded by revenue income from council taxes and government grants, with secondary incomes from examples such as returns and interests from investments, commercial incomes, or fixed penalty notices. There are a number of ring-fenced accounts within this general fund to finance specific local authority services. School budgets and public health grants are two common examples of ring-fenced accounts, as well

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<sup>168</sup> *ibid.*

<sup>169</sup> Morphet, J. and Clifford, B. (2019) *Local Authority Direct Delivery of Housing: Continuation Research*

as a local authority's HRA.<sup>170</sup> The HRA is for the specified purposes of recording expenditure and income from the provision of local authority housing. It is primarily credited from social rents and service charges from tenants, and debited through costs associated with managing, repairing, and maintaining local authority housing stock.<sup>171</sup> The delivery of new local authority homes is also financed through a local authority's HRA.<sup>172</sup>

Housing delivery through the HRA is the 'traditional' route of delivering social housing. Where a local authority is registered with the MHCLG as a provider of social housing, as 192 (56%) local authorities in England are,<sup>173</sup> these local authorities can deliver new housing directly through funding from the HRA. Local authority housebuilding programmes typically deliver either housing for Social Rent—calculated using a government formula based on the value and size of the property, and local income levels which typically results in social rents at approximately 50% of local market rents – or housing for Affordable Rent calculated at up to 80% of local market rents.<sup>174</sup> As already demonstrated in this chapter, the current levels of local authority housebuilding in recent years is a fraction of local authority housebuilding following the Second World War, currently in the region of 2,000-4,000 affordable homes per year; accounting for less than 2% of all homes delivered nationally.<sup>175</sup> The exact number of homes built under these two tenures is difficult to ascertain, but data published by MHCLG

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<sup>170</sup> LGA (2018) *A Councillor's Workbook on Local Government Finance*

<sup>171</sup> Gibb *et al.* (1999) *Housing Finance in the UK: An Introduction*

<sup>172</sup> Reeves, P. (2005) *Introduction to Social Housing*

<sup>173</sup> Regulator of Social Housing (2019) *List of Registered Providers – 28 February 2020*

<sup>174</sup> Brown, T. and Bright, J. (2018) *Innovation in Council Housebuilding*

<sup>175</sup> MHCLG (2019) *Table 211: House Building: Permanent Dwellings Started and Completed, by Tenure, United Kingdom*

indicates that the ratio of housing for Affordable Rent to housing for Social Rent last year was 3:1, falling from a ratio of almost 1:1 in 2015-16.<sup>176</sup>

Regarding local authority housing provision in Bristol in particular, over the last three financial years (2015/16 to 2017-18) Bristol City Council delivered 44, 17, and 52 affordable homes, respectfully.<sup>177</sup> Although only minor contributions in comparison to the total number of new homes delivered across all tenures in the city over the same financial years (1,539 – 2.8%, 1,994 – 0.8%, and 1,640 – 3.2%)<sup>178</sup> the local authority affordable homes are interesting as they are directly opposite to the affordable tenure trends seen nationally. Whereas the ratio of Affordable to Social Rent has fallen nationally from 1:1 to 3:1, the tenure of affordable housing delivered by Bristol City Council has flipped from 9:1 (39 homes for Affordable Rent and 5 homes for Social Rent) in 2015-16, to exclusively providing housing for Social Rent in 2016-17 and 2017-18.<sup>179</sup>

Low levels of local authority housebuilding are foremost the consequence of financial restrictions implemented since 2012 limiting the levels of debt a local authority can accumulate from expenditure in managing and maintaining existing stock, or from the provision of new local authority housing.<sup>180</sup> The cap was introduced under the Conservative-Liberal Democrat coalition government to restrict local authority borrowing as part of self-financing reforms.<sup>181</sup> Local Authorities are able to borrow money from the Treasury through

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<sup>176</sup> MHCLG (2019) *Table 1000C: Additional Affordable Homes Provided by Type of Scheme, Completions, England*

<sup>177</sup> MHCLG (2019) *Live Table 1011C: Additional Affordable Housing Supply; Detailed Breakdown by Local Authority, Completions*

<sup>178</sup> MHCLG (2018) *Table 122: Net Additional Dwellings by Local Authority District, England 2001-02 to 2017-18*

<sup>179</sup> MHCLG (2019) *Live Table 1011C: Additional Affordable Housing Supply; Detailed Breakdown by Local Authority, Completions*

<sup>180</sup> Morphet, J. and Clifford, B. (2018) *Progress and Current Trends in Local Authority Housing Provision*

<sup>181</sup> Morphet, J. and Clifford, B. (2017) *Local Authority Direct Provision of Housing*

the Public Works Loan Board, but the 'borrowing cap' on local authorities HRAs has restricted new housing provision through financial limitation which does not reflect the value of property held by the local authority, but rather is calculated through a standardised formula which considered a multitude of crediting and debiting factors.<sup>182</sup> The frustration faced by local authorities regarding the HRA cap since 2012 has been a key motivation for councils establishing local authority housing companies,<sup>183</sup> explored further in the following subsection. Local housing companies bypass the cap through operating outside of the HRA, instead functioning as trading companies wholly owned by the local authority. This means council's maintain direct control and ownership while beyond the limitations imposed by financial caps, impairing decision-making processes, and detrimental policies to local housing objectives such as the Right to Buy policy.

Conversely, the government announced in the Autumn Budget in October 2018 that the HRA borrowing cap was to be abolished with immediate effect.<sup>184</sup> As a result, this has permitted local authorities to borrow from public finances for housebuilding, lent against their forecasted rental income, in line with the Local Government Prudential Code. The announcement by the Chancellor of the Exchequer was described as "expecting to enable councils to increase housebuilding to around 10,000 homes per year".<sup>185</sup> The Local Government Association identified it as "a game changing opportunity for many councils to deliver much needed homes".<sup>186</sup>

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<sup>182</sup> Morphet, J. and Clifford, B. (2017) *Local Authority Direct Provision of Housing*

<sup>183</sup> *Ibid.*

<sup>184</sup> MHCLG (2018) *The Limits on Indebtedness (Revocation) Determination 2018*

<sup>185</sup> HM Treasury (2018) *Budget 2018*: p. 62.

<sup>186</sup> LGA (2019) *Housing Revenue Account Cap Removal: Survey Results*: p. 1.

Both public and private-sector housing professionals celebrated the changes in government finances following the announcement. A survey of local authorities highlights that the removal of the HRA cap “delivers a game changing opportunity for many councils to deliver much needed homes”.<sup>187</sup> Housing professionals in the private-sector welcomed the news, recognising it as offering a great opportunity for significantly additionality of new homes by local authorities while delivering a compounding factor: as more homes are built, capacity for delivery further through rental income increases.<sup>188</sup> Others recognised the confidence placed in the local authorities following years of forced alternative approaches – such as buying homes on the open market – in order to provide new affordable housing which are less cost-effective and arduous methods of provision.<sup>189</sup> For Bristol, the lifting of the HRA cap has been described by local authority participants as “transformational” as the council already had an established delivery programme, thereby the lifting of the financial cap provides the opportunity to extending local authority delivery significantly over future years.<sup>190</sup>

The forecast for local authority delivery through the HRA account was set to increase significantly but accelerating to the maximum potential level of delivery would be a matter of years to fully achieve. Meanwhile, the alternative avenues already explored by local authorities prior to the announcement will remain important as these will continue to intensify following established allocations of resources, in addition to offering greater flexibility to local authorities in providing new affordable and market housing. Fundamental to this is the significant role of local authority housing companies.

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<sup>187</sup> LGA (2019) *Housing Revenue Account Cap Removal: Survey Results*: p. 1.

<sup>188</sup> Savills (2018) *Savills News: Savills Responds to HRA Debt Cap Abolition Announcement*

<sup>189</sup> Inside Housing (2018) *Insight: Popping Caps: Common Questions on the HRA Announcement Answered*

<sup>190</sup> Local Authority Participant – Interview #6: p. 4.

### *2.2.2. Local Authority Housing Companies*

Since the implementation of the HRA cap in 2012, local authorities have searched for alternative avenues to deliver social, affordable, and also market housing within their area. An innovation which has developed out of this necessity is the establishment of local authority housing companies. These have proven to be extremely popular for local authorities in meeting their housing needs while providing additional social and financial benefits to the council. While there is no official register of local authority housing companies, estimates place a third of local authorities in England already establishing one, with further predictions that by 2020 over half of local authorities will be operating one.<sup>191</sup> Bristol City Council launched its housing company, Goram Homes, in October 2018 during the Bristol Housing Festival, with two development schemes initially identified for joint-venture development with private-sector partners.<sup>192</sup>

Local housing companies provide an innovative opportunity for local authorities to re-enter the development market by circumventing the previous borrowing cap through employing their own land ownership while utilising public funding to deliver housing in response to local needs. Anticipated to provide various benefits depending upon their objectives, local housing companies are often implemented to 'fill the gap' in the housing market, to generate income for the local authority through rental incomes and capital receipts if developing market homes, and also a means to maintain or generate momentum for development in an area through quasi-private financial support.<sup>193</sup> The MHCLG identified local housing companies as effective vehicles for delivering the homes that the private sector is not delivering, or the local

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<sup>191</sup> Hackett, P. (2017) *Delivering the Renaissance in Council-Built Homes: The Rise of Local Housing Companies*

<sup>192</sup> Bristol City Council (2018) *News: Council officially launches Goram Homes*

<sup>193</sup> Brown, T. and Bright, J. (2018) *Innovation in Council Housebuilding*

authority is unable to deliver through its HRA, while providing financial benefits back to the local authority.<sup>194</sup>

First proposed in the 2007 Housing Green Paper, local housing companies were originally envisioned to be joint venture partnerships with English Partnerships – now replaced by Homes England in 2018 – for the development of market and affordable homes on local authority land.<sup>195</sup> Two pilots were launched, but the financial crisis in 2008 compromised the programme and it was subsequently abandoned by the incoming Conservative coalition government in 2010.<sup>196</sup> Nevertheless, the pilots were judged to be successful in “helping councils think creatively about using their assets and highlighted the importance of developing commercially viable vehicles with the flexibility to respond to specific local needs”.<sup>197</sup>

Even though the programme was abandoned, the legal framework for local authorities to establish commercially viable local authority housing delivery vehicles was established and, in conjunction with the Conservative’s wider policies and central-local relations under localism,<sup>198</sup> provided the necessary means for local authority-owned housing companies. Consequently, the rise of local authority-owned housebuilding companies has been possible through the combination of two pieces of legislation: the first, the Local Government Act 2003, allows local authorities to set up companies for trading,<sup>199</sup> while the second, the

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<sup>194</sup> MHCLG (2018) *A New Deal for Social Housing*

<sup>195</sup> DCLG (2007) *Homes for The Future: More Affordable, More Sustainable*

<sup>196</sup> Hackett, P. (2017) *Delivering the Renaissance in Council-Built Homes: The Rise of Local Housing Companies*

<sup>197</sup> *Ibid*: p. 14.

<sup>198</sup> Williams *et al.* (2014) *Neoliberalism, Big Society, and Progressive Localism*

<sup>199</sup> Local Government Act 2003, s. 95.



Localism Act 2011, permits authorities to undertake commercial activity to generate a profit through these companies.<sup>200</sup>

As most local housing companies are in their formative years, the levels of delivery so far have been relatively modest following expected challenges of establishing a new vehicle for housing supply.<sup>201</sup> Nevertheless, a survey conducted in 2017 of local authorities regarding their ambitions for their local housing company indicates that they are seeking to deliver at a considerable scale; nearly half (44%) of the 74 councils surveyed with established local housing companies expect to deliver between 100-500 new homes over the next five years.<sup>202</sup> In addition to current local authority HRA delivery, this would add a significant number of homes each year.

### *2.2.3 Local Authority Interventions for Housing Provision*

Beyond local housing companies, approaches to local authority housing provision have been numerous and varied depending on differing local authority objectives. Some councils have intervened in the market to gain additionality of homes, to accelerate speed of delivery, or to bring more stock under local authority ownership. It has been identified as an area of activity that is likely to increase as more local authorities carry out practices to stimulate their local housing supply.<sup>203</sup>

By way of example, local authorities have an extensive history of working in partnerships with Homes England in order to deliver additionality in the housing market. Homes England,

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<sup>200</sup> Localism Act 2011, s. 4.

<sup>201</sup> Brown, T. and Bright, J. (2018) *Innovation in Council Housebuilding*

<sup>202</sup> Hackett, P. (2017) *Delivering the Renaissance in Council-Built Homes: The Rise of Local Housing Companies*

<sup>203</sup> Morphet, J. (2016) *Local Authorities Build Houses Again...*

previously the Homes and Communities Agency and English Partnerships before that, is an executive non-departmental public body sponsored by the MHCLG and is the government's housebuilding organisation responsible for increasing and accelerating the delivery of market and affordable homes.<sup>204</sup> Programmes such as the £1.2 billion Starter Homes Land Fund created partnerships through financial support with local authorities for the preparation of brownfield sites for residential development.

Furthermore, previous research has found that where long-term vacant or stalled sites allocated for housing development have failed to progress, local authorities have used their planning powers in adopting Supplementary Planning Documents (SPDs) to address the specific challenges, or as a foundation for enabling Compulsory Purchase Orders to develop individual localities.<sup>205</sup> This enables the local authority to intervene in the housing market to increase the speed of delivery by acquiring the site to bring forward development directly themselves, as joint ventures with private or public-sector developers, or to release the land back to the market. The use of Compulsory Purchase Powers in this way has been encouraged by the MHCLG in order to promote and support the development of stalled sites.<sup>206</sup>

In some limited cases, local authorities are also reported as purchasing homes on the open market in order to meet demand for social housing beyond what they are able to deliver directly themselves.<sup>207</sup> This approach does not contribute additionality to the total housing stock, nor is it an efficient use of financial resources as the developer of the market homes will be making a profit on the dwelling.<sup>208</sup> However, where this approach is used to combat

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<sup>204</sup> Gov.uk (2019) *Homes England: About Us*

<sup>205</sup> Morphet, J. and Clifford, B. (2017) *Local Authority Direct Provision of Housing*

<sup>206</sup> DCLG (2017) *Fixing Our Broken Housing Market*

<sup>207</sup> Morphet, J. and Clifford, B. (2017) *Local Authority Direct Provision of Housing*

<sup>208</sup> Morphet, J. (2016) *Local Authorities Build Houses Again...*

increasing homelessness, it does have long-term financial and social benefits for the local authority. Increasing local authority housing stock generates additional rental incomes and reduces revenue costs of supporting homeless households in emergency temporary accommodation, while providing a permanent dwelling for those most in need.<sup>209</sup>

These brief examples demonstrate that local authorities have been implementing alternative approaches to local authority housing provision following years of financial limitations on their housing revenue accounts which have constrained their ability to deliver new homes. Consequently, the practices and local planning policies reflect new approaches for housing delivery which operate outside of the traditional avenues, providing the local authority with the capability to meet the needs of their locality with reduced reliance on the private sector which has failed to deliver the levels of new housing supply needed.

### 2.3. Central-Local Government Relations

This final section considers the central-local government relationship. This relationship has played, and continues to play, a fundamental role in the delivery of local authority housing through the administration, management, and direct delivery of new housing, determining local authorities' responsibilities for regulating and steering local housing markets. The central-local government relationship shapes the horizontal and vertical power dynamics, facilitating or restricting local authority autonomy, and the discretion available from central government control and direction.<sup>210</sup> Yet, given these basic parameters, the relationship

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<sup>209</sup> Morphet, J. and Clifford, B. (2017) *Local Authority Direct Provision of Housing*

<sup>210</sup> Chakunda, V. (2015) *Central-Local Government Relations: Implications on the Autonomy and Discretion of Zimbabwe's Local Government*

between central and local government has been recognised as defying a simple explanation.<sup>211</sup> The national political landscape regarding housebuilding has already been explored in this chapter, but this section focuses on how the shifting central-local government relationship has impacted upon local authority housing and planning practices.

### *2.3.1. Formation of Local Government*

The basis of modern local governments is widely viewed as being evolved from Britain's periods of industrialisation in the nineteenth century.<sup>212</sup> The principal of directly elected municipal bodies was introduced by the Municipal Corporations Act 1835, with responsibilities for a range of functions – law and order, overcrowding, and public health and sanitation – in response to the urbanisation of the population.<sup>213</sup> Municipal bodies were further empowered over the next century through additional legislative measures,<sup>214</sup> granting greater responsibilities in functions such as highways, education, and housing and establishing the basic structure of local authorities that continued into the post-World War period.<sup>215</sup> The Local Government Acts of 1929 and 1933 marked the final stages of reforming local government by consolidating and revising existing legislation which had developed over the previous century. They finalised the principle of the 1835 Act that local authorities should assume all responsibilities for the provision of local public services.<sup>216</sup>

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<sup>211</sup> Atkinson, R. (1990) *Government During the Thatcher Years*

<sup>212</sup> Chandler, J. (2013) *Explaining Local Government: Local Government in Britain Since 1800*

<sup>213</sup> Stoker, G. (1991) *The Politics of Local Government*

<sup>214</sup> Local Government Act 1888; Local Government Act 1894.

<sup>215</sup> Stoker, G. (1991) *The Politics of Local Government*

<sup>216</sup> Loughlin, M. (1996) *Legality and Locality: The Role of Law in Central-Local Government Relations*

During the same time, the contemporary principles of the modern planning framework emerged under the guise of public health concerns, regulating urban development. Notably, under the same concerns over public health, the first indication of local authority housing provision appeared in 1851 through the Labouring Classes Lodging Houses Act which empowered local authorities to carry out the construction of lodging houses for poor, working, unmarried people; providing subsidised rents through raising funds through local rates or through public funding from Public Works Loan Commissioners.<sup>217</sup>

Prior to this period of local governance formation, local governance exercised authority largely independent from central government; the relationship was not considered as hierarchical.<sup>218</sup> Loughlin comments that there was “no active supervision of local government ... there existed no power to issue general administrative orders to local government”.<sup>219</sup> However, the reformation of local governance during the nineteenth century through the expansion of local municipal responsibilities created a basic relationship between central and local government of self-governance and centralised administration; central government was formally placed in a key position to regulate and supervise local authorities.<sup>220</sup> Loughlin writes that while these initial powers of regulation and supervision were somewhat inefficient, they demonstrated the creation of a system of administrative law – whereby central state provided supervision over local authorities – rather than establishing directive control by central government by which central departments were not empowered to direct local authorities in

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<sup>217</sup> Labouring Classes Lodging Houses Act 1851

<sup>218</sup> Loughlin, M. (1996) *Legality and Locality: The Role of Law in Central-Local Government Relations*

<sup>219</sup> *Ibid*: p. 39.

<sup>220</sup> *Ibid*: p. 39.

ways in which their powers should be exercised.<sup>221</sup> He continues to say that this pattern of ‘mosaic control’ seemed to respect the independent autonomy of local government.<sup>222</sup>

The 1930s witnessed a restructuring of local authority production-orientated services – for example, electricity and gas – in favour of centralisation; pre-dating the policies for nationalisation under Attlee’s Labour government following the War.<sup>223</sup> Changes were employed as the local administration of production-services were deemed by central Conservatives governments as costly and inefficient due to “a plethora of relatively tiny operations”.<sup>224</sup> The loss of these services led to a restructuring of local authority responsibilities, with a primarily focus on social services by way of education, personal social services, and housing.<sup>225</sup> The breadth and depth of local authorities’ contemporary activities is significant, with primary and secondary functions and roles in:

“education, housing, welfare, land-use planning, leisure, transport, public health, refuse disposal, street lighting, traffic management, the arts, consumer protection, police and fire services, tourism, emergency action and disaster relief, economic development, and many other areas”.<sup>226</sup>

Consequently, during the inter-war years as these functions were being continually expanded, local authority expenditure accelerated nearly three-fold, from £147 million to £416 million,

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<sup>221</sup> *Ibid*: p. 39.

<sup>222</sup> *Ibid*: p. 39.

<sup>223</sup> Chick, M. (1998) *Industrial Policy in Britain 1945-1951: Economic Planning, Nationalisation and the Labour Governments*

<sup>224</sup> Wilson, J. (1995) *The Motives for Gas Nationalization: Practicality or Ideology?* p. 147.

<sup>225</sup> Chandler, J. (2013) *Explaining Local Government: Local Government in Britain Since 1800*

<sup>226</sup> Stoker, G. (1991) *The Politics of Local Government*: p. 3.

respectively,<sup>227</sup> and local authorities were responsible for around one quarter of total public expenditure.<sup>228</sup>

The removal of local authority provided utility-services and subsequent refocusing on social services had significant alterations on the relationship between central and local government. Although local authorities were provided with more financial grants, this was accompanied by increased control and regulation over local authorities by central government departments. Griffiths describes this period of central-local government relations as showing a “progressive growth in the power of the central government”.<sup>229</sup> Further, the loss of revenue-marking production services had significant financial consequences for local authorities by creating clear financial dependence on central government in order to provide the social services responsible under local authorities. This furthered the position of central government as the administrative state through scrutinising, regulating, and co-ordinating the actions of local authorities to “ensure the effective implementation of policy” created by central government.<sup>230</sup>

### *2.3.2. Local Authorities After the Second World War*

The success of the Labour government in the 1945 general election, the launching of the welfare state, and the facilitation of the local authority housebuilding boom after the conclusion of the Second World War formed important developments for the operation of local authorities, with substantial impact on the central-local government relationship. Much

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<sup>227</sup> Chandler, J. (2013) *Explaining Local Government: Local Government in Britain Since 1800*

<sup>228</sup> Loughlin, M. (1996) *Legality and Locality: The Role of Law in Central-Local Government Relations*

<sup>229</sup> Griffiths, J. (1966) *Central Departments and Local Authorities*: p. 19.

<sup>230</sup> Loughlin, M. (1996) *Legality and Locality: The Role of Law in Central-Local Government Relations*: p. 54-55.

of the changes to local government over the next three decades originate from these three factors.

Local authorities were to bear much of the increased responsibility of the Labour governments envisions of a modern welfare state to which the growth of local authority importance was reflected. Ranging from the more obvious: healthcare, social services, and housebuilding and planning; to those less associated with local authority responsibility: consumer protection, and implementing and administering service quality.<sup>231</sup> However, in spite of the developed and expanded responsibilities of local authorities, the basic structure of local government remained principally unaffected.<sup>232</sup>

The central-local relationship continued with the provision of local services fundamentally dependent on local authority actions, while central government operated macro-level governance through, for example, taking action to build new towns.<sup>233</sup> Local authorities were permitted to sponsor new town development, but considered not to have the capacity to buy land, masterplan, or construct new residential or industrial sites, instead requiring the delivery of new towns through central government's Ministry for Town and Country Planning.<sup>234</sup> The local authority would then act as the principal body in providing the services after the new town had been developed.

Further, the function of central-government regulation over local authorities was strengthened. The expanded and developed provision of services by local authorities was accompanied by a national minimum standard for most services with central government

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<sup>231</sup> Newton, K. and Karran, T. (1985) *The Politics of Local Expenditure*

<sup>232</sup> Stoker, G. (1991) *The Politics of Local Government*

<sup>233</sup> Loughlin, M. (1996) *Legality and Locality: The Role of Law in Central-Local Government Relations*

<sup>234</sup> Chandler, J. (2013) *Explaining Local Government: Local Government in Britain Since 1800*



departments regulating these standards.<sup>235</sup> These changes to the relationship exemplify a progressive shift away from the creation of a system of administrative law – as labelled by Loughlin in the period of the formation of local government<sup>236</sup> – towards more directive control and extensive supervision by central government.

The requisite to construct over a million homes after the War advanced the importance of the housing agenda for local authorities, as demonstrated in the previous historical account, while also fundamental to changing the relationship between central and local government through changing local authority finances.<sup>237</sup> Achieving the housing targets over the next two decades set by both major political parties required substantial financial capabilities for local authorities. A number of subsequent funding reforms aiding local authority housing initiatives were implemented, providing the foundations of local authority dependency on central government grants to perform their responsibilities.<sup>238</sup>

Since the 1950s, academics have conveyed a discourse that the central-local government relationship is characterised by local authority reliance on central government finance. That greater reliance on central government funding from nationally raised taxes results in an erosion of local autonomy and an increase in centralised control.<sup>239</sup> The increasing reliance on local authority funding from central government is well documented. By 1970, nearly 50% of local government expenditure was financed by central government grants.<sup>240</sup> Loughlin

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<sup>235</sup> Griffith, J. (1966) *Central Departments and Local Authorities*

<sup>236</sup> Loughlin, M. (1996) *Legality and Locality: The Role of Law in Central-Local Government Relations*

<sup>237</sup> Chandler, J. (2013) *Explaining Local Government: Local Government in Britain Since 1800*

<sup>238</sup> Chandler, J. (2013) *Explaining Local Government: Local Government in Britain Since 1800*

<sup>239</sup> See: Chester, D. (1951) *Central and Local Government*; Jackson, R. (1965) *The Machinery of Local Government*; Boaden, N. (1970) *Central Departments and Local Authorities: The Relationship Examined*

<sup>240</sup> Loughlin, M. (1996) *Legality and Locality: The Role of Law in Central-Local Government Relations*

notes that this level of dependency on state grants “undoubtedly fosters a sense of hierarchy in the central-local relationship”.<sup>241</sup>

As a result, the financial relationship between central and local governments transformed over the twentieth century through the withdrawal of local authority production-services providing streams of revenue in favour of consumption-services through localised social welfare. The relationship between the two government actors have changed substantially from the origins of local governance operating autonomously, to one of financial dependency and centralised authority.

### *2.3.3. Local Government under Thatcher*

The electoral success of Margaret Thatcher’s Conservative government in 1979 marked a time of distinct change for the role of local government, and once again impacted the central-local government relationship more widely. Local government services provided through financial reliance on central government grants was among the top of the political agenda. Key policies to restructure local government and welfare state provision targeted local authority expenditure, improving efficiency in local government, and provider greater accountability to local ratepayers.<sup>242</sup> These policies exemplify an ideological shift to the free-market economics through lessening state intervention in favour of privately delivered services.

To appreciate the concerns over the levels of financial dependency of local governments, it must be placed within the wider political-economic context. The 1973-75 recession was detrimental to Britain’s economy; unemployment rose, inflation was in double digits, and the

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<sup>241</sup> *Ibid*: p. 85.

<sup>242</sup> Horton, S. (1990) *Local Government 1979-89: A Decade of Change*

economic strain to finance government programmes was considerable.<sup>243</sup> Public expenditure, fundamentally targeting local government programmes, was the obvious target. While previous Labour administrations under Harold Wilson and then James Callaghan in the 1970s had targeted local authority capital spending, the impact had only modest effect.<sup>244</sup> The financial crisis of the 1970s opened the door for Thatcher's new approach to economic policies, focusing on the perceived financial failures of local government.

Restructuring and controlling local government finance was a headline priority for Thatcher's government regarding local authority operation. The Conservative government's assessment laid in the foundations that developing instruments to deliver efficiency would increase competition, drive down costs, and improve quality and choice for service users.<sup>245</sup> These instruments included reforming local authority expenditure, centralising financial assessments, and, later, introducing the private market into service provision.<sup>246</sup>

Yet, the government faced fundamental problems as local authority expenditure was initially not directly under central government control as local authorities previously had the freedom to allocate funds to particular services as they saw fit.<sup>247</sup> To restrict the financial autonomy of local authorities, the Conservative government employed legislative changes to enable a powerful mechanism of expenditure control initially through the Local Government, Planning and Land Act 1980<sup>248</sup>, and further developed control through numerous, subsequent legislation over the course of Thatcher's administrations.<sup>249</sup>

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<sup>243</sup> Stoker, G. (1991) *The Politics of Local Government*

<sup>244</sup> *Ibid.*

<sup>245</sup> Sullivan, H. (2003) *Local Government Reform in Great Britain*

<sup>246</sup> *Ibid.*

<sup>247</sup> Horton, S. (1990) *Local Government 1979-89: A Decade of Change*

<sup>248</sup> Local Government, Planning and Land Act 1980, s. 53-68.

<sup>249</sup> Housing Act 1980; Local Government, Planning (Amendment) Act 1981; The Rates Act 1984; Local Government Act 1986; Local Government Act 1987.

Whereas the previous system was based on local assessments of required central grant funding through existing patterns of expenditure, the new system distributed grant funding according to centrally-determined assessments, that is, assessment of local need made by central government.<sup>250</sup> These reforms included a mechanism for penalising local authorities which were forecast to overspend the government's assessments, triggering reductions in central grant finance as local authority spending exceeded calculations.<sup>251</sup> Furthermore, the Local Government Act 1988<sup>252</sup> implemented a radical change to the operation of local authority services by creating competition for local authority services within the private-market. The legislation introduced a mechanism of competitive compulsory tendering whereby service provision is privatised if tendered contracts for services are more efficient – meaning more economical – than local authority provision.<sup>253</sup>

Finance controls were relatively successful, reducing the capital expenditure of local authorities by 60% between 1979 and 1983.<sup>254</sup> In addition to expenditure, the proportion of local authority income from central government grants was also targeted, falling from 50% in 1970<sup>255</sup> to less than 40% by 1985.<sup>256</sup> At its fundamental level, the new system operated through local authorities raising money for capital works by borrowing, and were restricted in their expenditure by assessments allocated by central government.<sup>257</sup> The effect of privatising local authority services through competitive compulsory tendering was not entirely successful, private-firms showed little interest in low-profit contracts,<sup>258</sup> with the

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<sup>250</sup> Stoker, G. (1991) *The Politics of Local Government*

<sup>251</sup> Chandler, J. (2013) *Explaining Local Government: Local Government in Britain Since 1800*

<sup>252</sup> Local Government Act 1988, Part I

<sup>253</sup> Painter, J. (1991) *Compulsory Competitive Tendering in Local Government: The First Round*

<sup>254</sup> Horton, S. (1990) *Local Government 1979-89: A Decade of Change*

<sup>255</sup> Loughlin, M. (1996) *Legality and Locality: The Role of Law in Central-Local Government Relations*

<sup>256</sup> Stoker, G. (1991) *The Politics of Local Government*

<sup>257</sup> *Ibid.*

<sup>258</sup> Chandler, J. (2013) *Explaining Local Government: Local Government in Britain Since 1800*

majority of first phase contracts awarded to in-house partners.<sup>259</sup> It was successful, however, in encouraging local authorities to review service provision costs and efficiency following the threat of private contractor tendering.<sup>260</sup>

The development of financial controls was predominant, but only part of the story. Thatcher's administration increasingly intervened in local authority practices through direct governance to ensure local authorities implemented central policy strategies as agents of central government. The right to buy policy legislated by the Housing Act 1980 epitomises such political strategies reflecting wider government direction. Given the historic reluctance of local authorities, particularly labour-run councils, to permit tenants to exercise the right, the legislation provided maximum control over local authorities – for example, the Secretary of State had a general power to intervene where there was difficulty in exercising the right to buy<sup>261</sup> – leaving them with no choice other than to sell council housing.<sup>262</sup>

Local authorities were at a loss following the implementation of right to buy. While sales reduced the levels of expenditure for maintenance and subsidised rents – lowering local authority subsidies from £2.1 billion in 1980 to £1.2 billion by 1990 – local authorities maintained, and still maintain, the statutory obligation to house those most in need. With social housing need exceeding available supply – as witnessed by the number of homeless households more than doubling over the same period – the costs of housing homeless households in unsuitable, temporary, or emergency accommodation significantly eroded the subsidy savings.<sup>263</sup> Unsurprisingly, central government benefited from the policy through

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<sup>259</sup> Painter, J. (1991) *Compulsory Competitive Tendering in Local Government: The First Round*

<sup>260</sup> Chandler, J. (2013) *Explaining Local Government: Local Government in Britain Since 1800*

<sup>261</sup> Housing Act 1980, s. 23.

<sup>262</sup> Atkinson, R. (1990) *Government During the Thatcher Years*

<sup>263</sup> Disney, R. and Luo, G. (2014) *The Right to Buy Public Housing in Britain: A Welfare Analysis*

advancing the political ideologies of the private market finance to reduce public expenditure, and promoting greater individual responsibility through homeownership. Further, following the Local Government and Housing Act 1989, central government also benefited financially from the right to buy through receiving 75% of right to buy receipts to the Treasury.<sup>264</sup>

In respect of the central-local government relationship, the local authority finance reforms coupled with the direct intervention by central government in controlling local authority practices produced a major shift in central-local relations. It is evident from the level of central-government intervention in ensuring policy strategies are implemented, and from the legislative changes to the financial structure and autonomy by imposing powers to determine what should be spent on particular services, that the once dominant partnership that existed between local and central government was replaced with a relationship more akin to principal-agent.<sup>265</sup>

#### *2.3.4. New Labour's Modernisation of Local Governance*

The programme for local government under Tony Blair's New Labour was an antithesis to the previous local governance programmes under successive Conservative governments. It was poised as a programme of modernisation to renew local democracy: local decision-making was to be less constrained by central government, greater accountability to local people, and provide powers to develop partnerships with local people, businesses, and voluntary

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<sup>264</sup> Reeves, P. (2014) *Affordable and Social Housing: Policy and Practice*

<sup>265</sup> Horton, S. (1990) *Local Government 1979-89: A Decade of Change*

organisations.<sup>266</sup> The New Labour strategy would impact not just on the operation of local authorities but positioning a political shift from service providers, to community leadership.<sup>267</sup>

New Labour's programme derived from concerns over the health of local government exemplified by low participation in local elections, while also recognising the potential for local authorities to deliver the vast majority of public services which had previously been restricted under the successive Conservative governments.<sup>268</sup> Through a series of White Papers<sup>269</sup> and subsequent legislation<sup>270</sup>, the New Labour government proposed an array of changes impacting upon the structure, powers, and – to a lesser extent – the financial structure of local government.

The implementation of new political structures at local levels was central to New Labour's modernisation agenda.<sup>271</sup> The Local Government Act 2000<sup>272</sup> legislated the introduction of modern local authority management structures to develop greater accountability in the decision-making structures.<sup>273</sup> Local authorities were instructed to choose from three forms of executive leadership: introducing directly-elected mayors supported by a cabinet of senior councillors, directly-elected mayor with a council manager, or a council leader (differing from mayors through selection from among current councillors) with a cabinet of senior councillors. The Modern Local Government White Paper highlights that the changes anticipated were to shift policy-making decisions away from traditional private committees

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<sup>266</sup> Labour Party (1997) *New Labour Because Britain Deserves Better*

<sup>267</sup> Morphet, J. (2008) *Modern Local Government*

<sup>268</sup> *Ibid.*

<sup>269</sup> DETR (1998) *Modern Local Government: In Touch with the People*; DTLGR (2001) *Strong Local Leadership – Quality Public Services*; DCLG (2006) *Strong and Prosperous Communities: The Local Government White Paper*.

<sup>270</sup> Local Government Act 1999; Local Government Act 2000

<sup>271</sup> Wilson, D. (2001) *Local Government: Balancing Diversity and Uniformity*

<sup>272</sup> Local Government Act 2000, s. 11.

<sup>273</sup> Brooks, J. (1999) (*Can*) *Modern Local Government (be) In Touch with the People?*

to transparent panels open scrutiny from both the public and backbench-councillors.<sup>274</sup> The Act also empowered local authorities and its executive leadership with responsibilities for, and powers to promote, the economic, social, and environmental wellbeing of its area and contributing to the achievement of sustainable development.<sup>275</sup>

Nevertheless, while local authorities were vested with new legislated powers increasing their autonomy, the New Labour government maintained highly directive control in the central-local government relationship. Central government maintained the top-down approach of governance, particularly where local authorities were deemed to be falling behind in their provision of social services.<sup>276</sup> By creating new inspectorates, Blair's Labour government was able to scrutinise the practices and outcomes of local authorities, with potentially detrimental impacts for local authorities. By way of example, in 2000, Leeds City Council lost its control over school education following a critical Ofsted report; privatising local authority control to a joint-venture, not-for-profit, company overseen by public and private managers.<sup>277</sup>

Furthermore, the New Labour government also replaced the previous service delivery mechanism of compulsory competitive tendered introduced under Thatcher with a new mechanism governing the provision of local authority services. The best value mechanism, legislated by the Local Government Act 1999,<sup>278</sup> placed a duty on local authorities to demonstrate the delivery of local services by the most efficient and effective means available, whether provided by the public or private sector. The programme was generally well supported by local authorities through providing autonomy to determine what services

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<sup>274</sup> *Ibid.*

<sup>275</sup> Local Government Act 2000, s. 2 & s. 4.

<sup>276</sup> Wilson, D. (2001) *Local Government: Balancing Diversity and Uniformity*

<sup>277</sup> Wilson, D. (2001) *Local Government: Balancing Diversity and Uniformity*

<sup>278</sup> Local Government Act 1999, Part I



should be put to tendered contract, and in determining the standards of services provided.<sup>279</sup> However, authorities did have to justify why they continued to keep service provision in-house, and services were evaluated by central government on a grading scale from excellent to poor. As a result, Chandler writes, local authorities were “evaluated as if they are agencies rather than separately elected governments subject to the values and priorities of their electorates”.<sup>280</sup>

The changes to local authority finance under New Labour were relatively minor. There were slight alterations to business tax allowing local authorities to retain some business rates for direct use. Local authority council tax capping powers, inherited from the Conservative government, ceased to operate between 1998/99 to 2004/05, only to be reintroduced in 2004.<sup>281</sup> The government relaxed controls on capital spending, which had previously been the forefront of Thatcher’s local government strategy, instead imposing a general requirement to keep their overall debt, increases in borrowing, and capacity to repay interest to predefined limits set by central government.<sup>282</sup> These minor alterations under New Labour provided greater financial autonomy for local authorities to balance their funding, but were also constrained by little increase in funding for social services outside of education.

Under New Labour, the central-local relations evolved less radically than under previous administrations in the twentieth century; there were less prominent shifts in policy, structure, or financial regimes. For the first time, the central-local governmental relationship was not principally affected by changes to the financial structure, but by the operation and purpose of local government itself. The relationships changed through subtle approaches promoting

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<sup>279</sup> Chandler, J. (2013) *Explaining Local Government: Local Government in Britain Since 1800*

<sup>280</sup> *Ibid*: p. 290.

<sup>281</sup> Watt, P. (2004) *Financing Local Government*

<sup>282</sup> Chandler, J. (2013) *Explaining Local Government: Local Government in Britain Since 1800*

modernisation through local decision-making in new forms of management, greater autonomy in exercising powers and duties to promote economic, social, and environmental wellbeing, and emphasis on local authority officials as community leaders. With only minor alterations to the ideology of local government, the relationships continued the top-down approach which was predominant in Thatcher's successive Conservative governments through the formation of legislation, numerous white papers, and expanded responsibilities of inspectorates and central government evaluations.

### *2.3.5. Localism under Cameron's Coalition and Conservative Minority*

The Conservative party manifesto for the 2010 election under leader David Cameron provides a clear narrative for the proposed direction of local authorities. Within housing delivery and the planning system, the Conservatives pledged to introduce neighbourhood development plans to encourage local people to influence the types of development in their area; to abolish Regional Spatial Strategies which were introduced in 2004 by the New Labour government; and to further boost homeownership in the private market through cuts to stamp duty land tax, and in the social housing through an equity stake reward scheme to 'good tenants' – the criticisms of which were destructive;<sup>283</sup> thankfully, the latter was never implemented.<sup>284</sup>

Crucially, the Conservative party manifesto also publicises the principle of devolving power and control from central politicians and bureaucracy to local individuals, families, and neighbourhoods.<sup>285</sup> Localism, and its sister ideology 'Big Society', became a central parts of

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<sup>283</sup> Leunig, T. (2009) *Risky Business*

<sup>284</sup> Conservative Party (2010) *Invitation to Join the Conservative Government of Britain*

<sup>285</sup> *Ibid.*

the Conservative-Liberal Democrat coalition that formed in May 2010, championing the need to decentralise powers to local government and local communities to build a Big Society of engaged local communities and individuals.<sup>286</sup> Replacing the centralised, target-driven, regime of New Labour with the practice of decentralised localism through legislation, and greater financial independence.<sup>287</sup>

The Localism Act 2011 proved to be the principal legislation for delivering localised power to authorities. In addition to addressing specific housing and planning concerns,<sup>288</sup> there were significant provisions empowering local authorities.<sup>289</sup> The Act recognised the important role of local authorities in providing social services and providing community benefit and accountability at local levels, while affording new freedoms and flexibility for local governments to exercise powers and innovate and deliver better value for money.<sup>290</sup> The extent of these new freedoms was extensive, but not absolute. Layard identified that while the first section provides local authorities with general powers of competence that, unless otherwise proven, they are to consider themselves free to act, local authorities are still constrained by the existing legislative framework governing local government.<sup>291</sup>

In addition to the powers embedded in the legislation, the Localism Act signalled the emergence of different type of relationship between central and local government. Stripping away the regulatory infrastructure governing local authorities, strengthening community accountability, and empowering local communities to assume responsibility for locally run

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<sup>286</sup> Hopkin, D. and Atkinson, H. (2011) *The Localism Agenda*

<sup>287</sup> Curtis, M. (2011) *Localism and Local Government Finance*

<sup>288</sup> See: Bevan, C. (2014) *The Localism Act 2011: The Hollow Housing Law Revolution*; and Davoudi, S. (2011) *Localism and the Reform of the Planning System in England*

<sup>289</sup> Localism Act 2011, Part 1.

<sup>290</sup> DCLG (2011) *A Plain English Guide to the Localism Act*

<sup>291</sup> Layard, A. (2012) *The Localism Act 2011: What is 'Local and How Do We (Legally) Construct It?*

services, particularly those detrimentally impacted by austerity policies threatening their closure.<sup>292</sup>

The freedoms provided under the principles of localism also brought about greater local authority financial autonomy. Local authority funding was simplified, reducing the number of ringfenced revenue grants from over 90 to fewer than 10, while also reducing the number of regulatory bodies.<sup>293</sup> Business rates were localised following the Local Government Finance Act 2012<sup>294</sup> providing local authorities with 50 percent retention of non-domestic rates to contribute towards local services.<sup>295</sup>

Yet, the freedoms in local finance autonomy were also accompanied by reductions in central government grants to local authorities under austerity policies.<sup>296</sup> The government Spending Review in October 2010 unapologetically expresses how the review accomplishes the government's deficit reduction plan,<sup>297</sup> detailing the overall resource saving for local authorities of 28% over four years.<sup>298</sup> Capital funding for social housing was also targeted under the spending review, reducing funding available by almost £4b, while also introducing a new tenure of social housing, Affordable Rent, calculated at up to 80% of local market rents to generate increased income for local authorities for future reinvestment in social housing provision.<sup>299</sup> At the same time, the HRA cap was implemented to restricting local authority borrowing for social housing delivery.<sup>300</sup> The government stated that the funding cuts could

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<sup>292</sup> Lowndes, V. and Pratchett, L. (2012) *Local Governance under the Coalition Government: Austerity, Localism and the 'Big Society'*

<sup>293</sup> HM Treasury (2010) *Spending Review 2010*

<sup>294</sup> Local Government Finance Act 2012, s. 1.

<sup>295</sup> Curtis, M. (2011) *Localism and Local Government Finance*

<sup>296</sup> Wilks-Heeg, S. (2011) 'You Can't Play Politics with People's Jobs and People's Services': *Localism and the Politics of Local Government Finance*

<sup>297</sup> HM Treasury (2010) *Spending Review 2010*

<sup>298</sup> *Ibid.*

<sup>299</sup> Wilson, W. and Bate, A. (2015) *House of Commons Library: Affordable Rents (England)*

<sup>300</sup> Morphet, J. and Clifford, B. (2017) *Local Authority Direct Provision of Housing*

be absorbed by local authorities without significant cuts to service provision, but the Local Government Association, representing collective local authorities across the country, estimated that these cuts will result in a shortfall of £6.5b for local authorities, and the loss of 140,000 local authority jobs.<sup>301</sup>

Ultimately, the Conservative-led coalition revised the central-local government relationship significantly. Through providing local authorities with the opportunities for greater financial autonomy under, and in addition to, the principles of localism and big society. In comparison to the central-local government relationship under New Labour, the top-down structure was eroded to give way to the decentralisation of powers to local governments and the granting of new freedoms, while authorities were promoted to employ their financial autonomy, although restricted under austerity policies, to develop innovation in their practices to empower local communities.

#### 2.4. Conclusion

This chapter has reviewed a range of existing literature in order to draw together current understandings about how the production of housing is influenced by policy and local practice. Firstly, it has provided a detailed exploration of the housing crisis, which operates as both a contextual foundation and focus of this thesis. This has included analysing the extent to which this is a crisis of supply. In doing so, it has outlined the various resolutions to this crisis which have been proposed by central government, including housebuilding targets, as

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<sup>301</sup> Wilks-Heeg, S. (2011) *'You Can't Play Politics with People's Jobs and People's Services': Localism and the Politics of Local Government Finance*

well as how the historical undersupply of new homes has continued to characterise and undermine these policy responses.

Secondly, it has evaluated the different methods of housing provision available to local authorities, including HRAs, local housing companies and other methods of intervention into the process of housing production. This section of the literature will form a foundation for Chapter Six, where the thesis will explore the effectiveness of each of these methods in more depth, in relation to Bristol City Council. Lastly, this chapter has placed these policy responses and local authority interventions through the context of central-local government relations. Here, the chapter has traced the often-tumultuous relationship between central and local government, including the initial formation of local government, the influences of post-war and Thatcherism, New Labour's modernisation strategies, through to the current implementation of localism which was taken under the Coalition and Conservative minority governments. This central-local relationship will be revisited within the final conclusion chapter, Chapter Eight.

## Chapter Three: Legal and Policy Framework for Land Use Planning in England

The previous chapter provided an account of the ways that policy and local practice have historically shaped the production of housing. In order to reinforce this, this chapter will outline the legal framework by which local authorities govern the production of housing through both public and private sectors. Taken together, these two chapters will draw together the various ways in which planning law, policy and local practice influence the production of housing.

### 3.1. Local Authority Housebuilding Framework

Foremost to this legal framework is the capacity for local authorities to directly deliver social housing. As already put forward, the middle of the twentieth century saw the largest annual provision of local authority housebuilding, yet by the end of the century the political willingness for direct council intervention had fallen significantly. Despite the fluctuating socio-political environment in the last 70 years, the legal framework governing the construction of social housing has remained relatively unchanged over this period.

The forms of local authority delivered housing have experienced considerable change since its origins of municipal housing for the working classes in the nineteenth century. The first indication of local authorities building social housing appeared at the end of the nineteenth century in the form of municipal lodging houses for poor, working, unmarried occupants

providing subsidised rents.<sup>302</sup> The Housing of the Working Classes Act 1890<sup>303</sup> empowered local authorities to build housing for the working classes wherever they deemed appropriate. However, without widespread political and public support for social housebuilding, only circa. 20,000 homes were built under these provisions.<sup>304</sup>

The rapid expansion of local authority housing instead came after the conclusion of the First World War. Private sector construction, which had been the main provider of housing at the turn of the century, had all but ceased due to the combined impacts of scarcity of building materials and labour which had resulted in inflated building costs. Thereby, state action in post-war housing provision was deemed by policy makers as inevitable.<sup>305</sup> For Prime Minister David Lloyd George, the impetus to build homes through state intervention was a national responsibility, giving rise to Lloyd George's renowned 'Homes fit for Heroes' political campaign which has been described one of Britain's greatest housebuilding campaigns.<sup>306</sup>

As a result, the Housing, Town Planning, etc Act 1919<sup>307</sup> – also known as the 'Addison Act' after Minister of Reconstruction Christopher Addison – provided the framework. Charged with considering the need for the provision of homes for the working classes, local authorities were propelled as the principal providers of post-war housing and were placed under a legal requirement to provide social housing in their area.<sup>308</sup> To provide financial support in response to the inflated building costs, substantial grant and subsidy arrangements were established to share the costs between local authorities and the Treasury to undertake

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<sup>302</sup> Labouring Classes Lodging Houses Act 1851

<sup>303</sup> Housing of the Working Classes Act 1890, Part III

<sup>304</sup> Cowan, D. (2011) *Housing Law and Policy*

<sup>305</sup> Wilding, P. (1973) *The Housing and Town Planning Act 1919 – A Study in the Making of Social Policy*

<sup>306</sup> Swenarton, M. (1981) *Homes Fit For Heroes: The Politics and Architecture of Early State Housing in Britain*

<sup>307</sup> Housing, Town Planning, etc. Act 1919

<sup>308</sup> *Ibid.*



residential development.<sup>309</sup> This initial manoeuvre into public housebuilding proved successful, with over a million local authority homes built by 1930.<sup>310</sup>

Local authority building programmes under the Addison Act had emphasised on the provision of new homes for returning soldiers. This emphasis soon shifted to tackling the problems of existing slum housing. The slums were recognised as housing the working classes in unsanitary, degrading, and impoverished areas.<sup>311</sup> The Housing Act 1930 provided a simplified procedure for clearing existing slums, for the prevention of new slums through designating improvement areas, and for the construction of replacement housing.<sup>312</sup>

Local authority housing provision greatly accelerated following the cessation of the Second World War and the universally recognised need to rebuild. Two pieces of housing legislation provided the foundations for the rapid expansion of council housebuilding. The first, the Housing Act 1946,<sup>313</sup> greatly increased the subsidy available to local authorities providing the option for them to borrow from the Public Works Loan Board for the provision of new homes. The second, the Housing Act 1949,<sup>314</sup> proved to be vital by enabling local authorities to build houses for the general population expanding upon previous necessity remit requiring them to build for only those most in need.

While there were a large number of changes affecting how local authorities operated in their wider role as housing providers since 1949, this brief legislative history establishes the long-lasting legal framework guiding local authority housebuilding. Namely, expanding local

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<sup>309</sup> Wilding, P. (1973) *The Housing and Town Planning Act 1919 – A Study in the Making of Social Policy*

<sup>310</sup> Clarke, J. (1931) *Slums and the Housing Act, 1930*

<sup>311</sup> *Ibid.*

<sup>312</sup> The Housing Act 1930, Part 1

<sup>313</sup> Housing (Financial and Miscellaneous Provision) Act 1946

<sup>314</sup> Housing Act 1949

authority residential development from the working-classes to the general population, the introduction of subsidies for social housing from central government, and the capability to borrow for development from the Public Works Loan Board.

### 3.2. Legal Planning Framework

Operating in parallel to the framework governing local authority housebuilding is the legal planning framework governing the local authority planning system. The administration of the local planning system was first introduced by the Town and Country Planning Act (TCPA) 1947 which provided local planning authorities with responsibilities for implementing development plans to guide development within the locality,<sup>315</sup> and for development control powers through requiring planning permission among other powers.<sup>316</sup> Since the introduction of the legal planning framework through the TCPA 1947, numerous iterations have gained royal assent.

The TCPA 1990 is the leading legislative authority for contemporary planning law. The 1990 Act is not without recent modification since its implementation, receiving amendments from a range of topic-focused legislation: notably, the Planning and Compulsory Purchase Act 2004, the Localism Act 2011, and the Housing and Planning Act 2016.

At the heart of the TCPA remains the two fundamental elements regulating the operation of the contemporary planning framework first introduced in the TCPA 1947: i) The plan-led approach in which the determination of planning permission must be made in accordance with the adopted development plan, unless other material considerations may indicate

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<sup>315</sup> Town and Country Planning Act 1947, s. 5.

<sup>316</sup> *ibid.* s. 12.

otherwise;<sup>317</sup> and ii) The requirement for planning permission from the local planning authority prior to development.<sup>318</sup> There are, of course, other crucial elements to the operation of planning law: the right to appeal planning decisions,<sup>319</sup> or local authority enforcement notices against development which breaches planning control,<sup>320</sup> but nevertheless, the two fundamentals of plan-making and decision-taking are paramount to the legal planning framework more widely.

### 3.2.1. Plan-Led Development

At the heart of local authority planning governance is the intrinsic principals of plan-led development. A plan-led system sets out the framework for acceptable development, and promoting coherent development through determining applications for planning permission in accordance with the policies contained within a local plan. Development can be directed to the most appropriate places, the policies in the local plan are publicly available enabling developers, landowners, and the public to be informed, and the determination of planning applications is a transparent process. As Lord Justice Sales stated in *Gladman Developments Ltd v Daventry District Council*,<sup>321</sup> the priority of the development plan as the starting point in deciding planning applications is a long-standing principle of English planning law, and “it is not in the public interest that planning control should be the product of an unstructured free-

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<sup>317</sup> Town and Country Planning Act 1990, s. 11 & s. 29.

<sup>318</sup> *Ibid.* s. 57(1).

<sup>319</sup> *Ibid.* s. 78.

<sup>320</sup> *Ibid.* s. 172.

<sup>321</sup> *Gladman Developments Ltd v Daventry District Council* [2016]

for-all based on piecemeal consideration of individual applications for planning permission".<sup>322</sup>

Plan-led development has taken varied approaches since first introduced under the TCPA 1947. While the 1947 Act presented the foundations for modern development plans, procedural issues in the length of time necessary to get the plans approved or amended resulted in inefficiencies as development plans could not effectively guide development while awaiting approval or under amendment. Consequently, in aims to maintain a continually up-to-date plan that could still be regularly amended, a two-tier local authority system was introduced by the TCPA 1968. An overarching and compulsory structure plan outlined the general principles and proposals for development and land use within the area,<sup>323</sup> while discretionary and, often more numerous, local plans specified precise geographies with specific details for any proposed development.<sup>324</sup> While the structure plan required approval by central government, the local plan – which would be continuously affected by any subsequent development – was not subject to the same examination and thus could easily and efficiently be amended or replaced when necessary; thereby remaining in operation throughout. This two-fold approach continued until the Local Government Act 1985 replaced the two structural and local plans in urban areas with a single Unitary Development Plan.

Further changes to plan-led development were implemented by the New Labour government with the introduction of a spatial planning approach. The Planning and Compulsory Purchase Act 2004 abolished structure plans, local plans, and unitary development plans for both rural and urban local authorities<sup>325</sup> and replaced them with statutory local development

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<sup>322</sup> Gladman Developments Ltd v Daventry District Council [2016]

<sup>323</sup> Town and Country Planning Act 1968, s. 2.

<sup>324</sup> *Ibid.* s. 6.

<sup>325</sup> Planning and Compulsory Purchase Act 2004, s. 2(3), s. 3(2) & s. 8(2).

frameworks.<sup>326</sup> The statute also introduced a hierarchical framework which sought to implement policy guidance to regional, and then local government levels. Regional spatial planning was administered through Regional Spatial Strategies (RSSs) which detailed central government planning policies for that specific region.<sup>327</sup>

Nine regional planning bodies – the North East, North West, Yorkshire and the Humber, East Midlands, West Midlands, East of England, South East, South West, and London (as a unique spatial development strategy for Greater London) – published strategy documents between 2008 and 2009 with policy guidance to operate until 2021. Whilst abolishing structure plans, local plans, and unitary development plans, RSSs also superseded previous policy guidance in the form of Regional Planning Guidance which were implemented by the Office of the Deputy Prime Minister between 2000 and 2004. As such, RSSs formed a middle tier of spatial strategy to guide regional planning policies.

Following the 2010 general election, the Conservative-led coalition government announced an immediate revocation of RSSs through the Localism Act 2011.<sup>328</sup> The Secretary of State for Communities and Local Government criticised the regional strategic approach, considering them as ineffective in promoting housing construction.<sup>329</sup> Subsequent Conservative Green Papers expressed that RSSs were unproductive for government expenditure, and the regional tier of government created “a huge amount of pointless bureaucracy”.<sup>330</sup> It was the Conservative political agenda within the context of the national housing crisis which directed

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<sup>326</sup> Planning and Compulsory Purchase Act 2004, Part II.

<sup>327</sup> *Ibid.* s. 1.

<sup>328</sup> Ricketts, S. and Field, D. (2012) *Localism and Planning*

<sup>329</sup> Communities and Local Government Committee (2011) *Abolition of Regional Spatial Strategies: A Planning Vacuum: Second Report of Session 2010-11*

<sup>330</sup> Conservative Party (2009) *Control Shift: Returning Power to Local Communities: Responsibility Agenda, Policy Green Paper no. 9.*

the planning framework back to local planning authorities to promote increased housing production.

### *3.2.2. Planning Permission & Material Considerations*

In conjunction with the plan-led framework, local planning authorities operated a regulatory function in controlling land use by determining applications in accordance with the planning authority's local plan. The Town and Country Planning Act 1947 introduced the statutory obligation to attain planning permission prior to development.<sup>331</sup> The necessity to obtain planning permission now features under section 57 of the TCPA 1990, as amended by the Planning and Compulsory Purchase Act 2004, the Planning Act 2008, and the Localism Act 2011.

Planning permission operates in two forms: Applications for outline planning consent provide permission in principle subject to certain design conditions. An outline application lacks the full details of the proposed development but provides the opportunity to determine whether the nature and scale would be considered acceptable in line with the local planning authority's development plan. It benefits a developer by submitting a partial application to indicate whether an application would be approved before substantive costs are incurred.

Full planning permission is a detailed application submitted to the local planning authority which provides complete permission for development. It includes all the details necessary for development including the full design conditions and is necessary for building, engineering or other works, or change of use.

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<sup>331</sup> Town and Country Planning Act 1947, s. 12.

Applications are principally considered by the local planning authority, but the Secretary of State maintains the discretionary power to direct applications for planning permission to be referred to him instead of being dealt with by local planning authorities;<sup>332</sup> this power is commonly known as the 'call-in' power. The use of 'call-in' powers is commonly only employed if an applications conflicts with national planning policy, or for developments which are nationally significant. For example, the Secretary of State use this discretionary power to determine the proposed expansion of Heathrow Airport with the construction of Terminal 5 in 2001.<sup>333</sup>

The Secretary of State may also grant planning permission through development orders, pursuant to section 59 of the 1990 Act.<sup>334</sup> Development orders can grant permission either for a specific development as stated within the order or for any development specified within a certain class,<sup>335</sup> or provide for the granting of planning permission by the local planning authority on application to them for a development which is in accordance with the provisions stated in the order.<sup>336</sup> Development orders can be applied to either all land generally,<sup>337</sup> or only to such identified land as stated in the provisions of the order.<sup>338</sup> The development order provisions provide the Secretary of State with positive planning practices that seek to encourage sustainable development.

A later amendment by the Planning and Compulsory Purchase Act 2004<sup>339</sup> grants the power for local authorities to issue local development orders which reproduce the powers,

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<sup>332</sup> Town and Country Planning Act 1990, s. 77(1).

<sup>333</sup> Duxbury, R. (2012) *Telling & Duxbury's Planning Law and Procedure*

<sup>334</sup> Town and Country Planning Act 1990, s. 59.

<sup>335</sup> *Ibid.* s. 59(2).

<sup>336</sup> *Ibid.*

<sup>337</sup> *Ibid.* s. 59(3).

<sup>338</sup> *Ibid.*

<sup>339</sup> Planning and Compulsory Purchase Act 2004, s. 40(2).

procedures and positive planning benefits of development orders issued by the Secretary of State. The principal purposes underpinning development orders are to streamline planning permission for developers. As planning permission can be granted in advance without a full application, developers need only acquire a certificate of lawful development from the local planning authority.

### *3.2.3. Section 106 Planning Obligations*

Of utmost significance to the provision of affordable housing within the current legal framework is the role of planning obligations between local planning authorities and private-sector developer. These planning obligations, also called s.106 agreements pursuant to the TCPA 1990, are a legal mechanism which enable authorities to enter legal contracts with developers to regulate and manage specific aspects of the development proposal as a condition of the planning application. Citing the legislation, any person with interest in the land may enter into an obligation to require specific activities to be carried out, or for the land to be used in specific ways, or requiring sums to be paid to the local authority by way of a process called commuted sums.

These obligations can be used to oblige developers to deliver any number of measures – ranging from not just affordable housing but also to provisions of open space, community facilities, schools or education improvements, or highways improvements or green infrastructure – so long as the obligation is necessary to make the development acceptable in planning terms, is directly related to the development, and is fair and reasonably related in scale and size to the proposal.



Nevertheless, the most common use of planning obligations mechanism is to secure a level of affordable housing in compliance with the authority's local planning policy for new affordable housing delivery including determining the type and number of affordable homes, or the provision of a commuted sum paid to the local authority in lieu of this specific sub-market housing.<sup>340</sup> Planning agreements provide an estimated total funding pool of around £4bn each year, of which roughly half is targeted towards the delivery of affordable housing delivering circa. 45,000 affordable homes.<sup>341</sup>

Gurran and Bramley<sup>342</sup> describe the provision of affordable housing through section 106 agreements are near universal by local authorities across the country to the point where, given the decline in council housebuilding since the 1980s, planning obligations were providing the majority of new-build affordable homes through obligations with private-sector developers. The table below draws upon affordable housing completion data to demonstrate the significance of s.106 obligations in delivering affordable housing.<sup>343</sup>

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<sup>340</sup> Town and Country Planning Act 1990, s.106

<sup>341</sup> Wyatt, P. (2016) *Experiences of running negotiable and non-negotiable developer contributions side-by-side*

<sup>342</sup> Gurran, N. and Bramley, G. (2017) *Urban Planning and the Housing Market: International Perspectives for Policy and Practice*

<sup>343</sup> Brownill et al. (2015) *Rethinking planning obligations balancing housing numbers and affordability.*

**S.106 Completions as percentage of all Affordable Housing Completions**

| Year         | Affordable Housing Completions | S.106 Completions | Percentage   |
|--------------|--------------------------------|-------------------|--------------|
| 2004/05      | 33,154                         | 18,175            | 54.8%        |
| 2005/06      | 39,108                         | 23,869            | 61.0%        |
| 2006/07      | 39,808                         | 25,838            | 64.9%        |
| 2007/08      | 48,208                         | 27,273            | 56.6%        |
| 2008/09      | 51,525                         | 32,286            | 62.7%        |
| 2009/10      | 51,858                         | 29,065            | 56.0%        |
| 2010/11      | 55,909                         | 28,972            | 51.8%        |
| 2011/12      | 52,790                         | 16,963            | 32.1%        |
| 2012/13      | 37,250                         | 15,645            | 42.0%        |
| 2013/14      | 43,451                         | 16,193            | 37.3%        |
| <b>Total</b> | <b>453,061</b>                 | <b>234,279</b>    | <b>51.7%</b> |

*Table 2: s.106 Completions as Percentage of all Affordable Housing Completions  
Source: Brownill, S. et al. (2015) Rethinking planning obligations balancing housing numbers and affordability: p. 27.*

**3.3. National & Local Planning Policy**

The TCPA 1990, as amended and supplemented by recent legislation, forms the basis of the planning framework. However, alongside the legal framework is the operation of planning policy – both from central and local government – which, through the factor of material considerations, is fundamental to the operation of the planning system in plan-making and decision-taking. The NPPF lies at the centre of this policy framework.

### *3.3.1. The National Planning Policy Framework*

The revised NPPF, published in February 2019, sets out the planning policies from central government and how the policies are intended to be interpreted. The current revised NPPF replaced the previous version which was implemented in March 2012 following public consultation with planning and development professionals across the country. Similar to the original NPPF, the framework contains the core policies with supplementary details and interpretation of the policies on the PPG website hosted by the MHCLG. Serving as a core policy document for all matters of planning and development, the NPPF fundamentally directs the creation of local authority development plans, and in determining applications for planning permission through carrying weight as a material consideration. To demonstrate the policy framework for housing development requires consideration of a number of key policies relating to housebuilding.

#### *Presumption in Favour of Sustainable Development*

Under the heading ‘achieving sustainable development’ the NPPF details its purpose in achieving development which meets the needs of the present without compromising the needs of the future.<sup>344</sup> Principally understood through three objectives – economic, social, and environmental – the planning system must consider the benefits and detriments of development in supporting these objectives.<sup>345</sup> Their mutually dependency means they should be pursued equally throughout the planning process; when a local planning authority creates development plans, and when determining planning applications. Each of these

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<sup>344</sup> MHCLG (2019) *National Planning Policy Framework*

<sup>345</sup> *Ibid.*

objectives refers, either implicitly or explicitly, to housebuilding. The economic objective of sustainable development is to “build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places”.<sup>346</sup> The social objective relates to the development and vitality of communities through “ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations”.<sup>347</sup> While the environmental objective recognises the necessity to “contribute to protecting and enhancing our natural, built and historic environment” through “making effective use of land”.<sup>348</sup>

The NPPF emphasises that at the heart of the framework is the presumption in favour of sustainable development.<sup>349</sup> For the formation of development plans, this means local authorities should seek positive opportunities to meet development needs of their area whilst providing sufficient flexible to adapt to change. Further, development plans should meet the objectively assessed needs for housing and other land uses within their area, and for any needs that cannot be met within neighbouring areas through a joint statement of common ground.

In determining planning applications, the planning system should remain plan-led, whereby the process in determining an applications begins with its accordance with the local development plan; the presumption in favour of sustainable development does not change this starting point.<sup>350</sup> However, the framework emphasises that the presumption in favour of sustainable development means applications which do correspond with an up-to-date

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<sup>346</sup> MHCLG (2019) *National Planning Policy Framework*, para. 8.

<sup>347</sup> *Ibid.*

<sup>348</sup> *Ibid.*

<sup>349</sup> *Ibid.*

<sup>350</sup> *Ibid.*

development plan should be approved without delay.<sup>351</sup> Where there are no relevant development plan policies, or the policies within a development plan which are most important for determining the application are deemed to be out-of-date, permission should be granted unless the application conflicts with policies within the NPPF which restrict development location (e.g. Green Belt land), or the adverse impacts of development would significantly and demonstrably outweigh the benefits when assessed against the policy framework as a whole.<sup>352</sup>

Where the application is for the provision of housing, policies in a development plan most relevant for determining planning applications are to be deemed out-of-date through two technical provisions featured later in the NPPF: i) a failure to demonstrate a five-year supply of deliverable housing sites, or ii) where the Housing Delivery Test indicates the delivery of housing was substantially below (<75%) the housing requirement over the previous three years.

### *Plan-Making for the Supply of Homes*

Alongside the statutory rules for the creation and adoption of local development plans, the NPPF also provides policy guidance from central government on local planning policies with specific relation to the supply of new homes. The NPPF maintains that the planning system remains genuinely plan-led, that local plans should provide a positive vision for the future of the area, as well as providing a specific framework for addressing housing needs.<sup>353</sup> Policies

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<sup>351</sup> *ibid.*

<sup>352</sup> *ibid.*

<sup>353</sup> *ibid.*

within a local authority's development plan are to provide details for specific areas, neighbourhoods or types of development;<sup>354</sup> including the provision of infrastructure, allocating sites for development, and the amount and type of affordable housing sought.<sup>355</sup>

The previous version of the NPPF placed considerable emphasis on significantly boosting the supply of housing, and that emphasis has continued in the revised policy framework. There are three considerations and sets of policies for the supply of housing that a local authority must consider; the local need for housing, where the land is available to supply those homes, and how the local authority is performing over recent years in delivering the housing it needs. To determine the minimum number of homes needed, the NPPF directs that strategic planning policies in local plans should be informed by a Local Housing Needs Assessment, conducted using a standard methodology as directed by national guidance.<sup>356</sup> This three-step methodology calculates the objectively assessed need for housing within each local authority area using household projections data adjusted for local affordability.

The first step employs household growth projections to set a baseline need over the next 10 years. The household projections dataset is published by the Office for National Statistics as an annual dataset which provides a mid-year forecast for the future size and age structure of the UK based on a range of assumptions about household composition and characteristics through fertility, mortality, and migration data.<sup>357</sup>

Secondly, this baseline need is adjusted for current affordability within the area – by comparing median house prices to median earnings – increasing the housing need by 0.25%

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<sup>354</sup> *Ibid.*

<sup>355</sup> *Ibid.*

<sup>356</sup> *Ibid.*

<sup>357</sup> ONS (2018) *Population Projections*

for each 1% above an affordability ratio of 4. The formula to calculate this increase is as follows:<sup>358</sup>

$$\text{Adjustment Factor} = \left( \frac{\text{Local affordability ratio} - 4}{4} \right) \times 0.25$$

Finally, to prevent this methodology from imposing new limitless housing targets (through including an affordability adjustment for the first time) on local authorities, the third step applies a cap of 40% on the level of increase that local authorities should plan for (from their previous housing target), where the development plan is less than five years old. Where a plan is greater than five years old, the cap is set at 40% above either the projected household growth for the area (the baseline established in step 1), or the current development plan; whichever results in a new higher need. The introduction of an adjustment for local affordability in calculating local housing need targets is new and beneficial to areas where (un)affordability is high through imposing higher housing supply to assist in tackling high house prices.

Following the calculation of the local authority's target for the supply of new homes, the identification and supply of *land* for homes must also be considered and demonstrated in the local authority's development plan. The requirement within the NPPF is to demonstrate a supply of land through specific deliverable sites sufficient to provide a minimum of five years' housing in relation to the local authority's local housing needs assessment. The identification of the housing supply is supplemented with an additional buffer of 5% to ensure choice and

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<sup>358</sup> MHCLG (2018) *How is a Minimum Annual Local Housing Need Figure Calculated Using the Standard Method?*

competition; or a 10% buffer where the development plan has been recently adopted within the previous year; or a 20% buffer where evidence through the housing delivery test demonstrates a significant under delivery for the previous three years.<sup>359</sup>

Failing to demonstrate a five-year supply of specific deliverable sites has adverse effects for the local authority development plan. Policies for determining planning applications are considered out-of-date, thus the presumption in favour of sustainable development applies which directs decision-makers to approve a planning application unless the application for development is on sites within protected areas (for example land designated as Green Belt, Areas of Outstanding Natural Beauty, or National Park), or the adverse impacts of development significantly and demonstrably outweigh the benefits when assessed against the cumulative policies of the NPPF.<sup>360</sup>

The Housing Delivery Test was implemented through the revised NPPF as an annual measurement which assesses the delivery of new housing within the local authority's area. It is a mechanism which annually measures the number of new homes delivered against the number of new homes required – using either the adopted housing requirement, or the minimum local housing need figure – over a rolling three-year period.<sup>361</sup>

Similar to failing to demonstrate an adequate housing land for five years' supply, the Housing Delivery Test penalises local planning authorities where delivery falls below certain thresholds. Where the measurement demonstrates a delivery of less than 95%, the local authority is to prepare an action plan to assess the causes of the under-delivery and actions

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<sup>359</sup> MHCLG (2019) *National Planning Policy Framework*

<sup>360</sup> *Ibid.*

<sup>361</sup> MHCLG (2018) *Housing Delivery Test Measurement Rule Book*



to increase delivery over future years.<sup>362</sup> Where recent housing delivery falls below 85%, a 20% buffer must be added to the identification of specific sites for the five-year supply of housing land in order to improve the prospect of achieving future supply.<sup>363</sup> Finally, falling below 75% housing delivery results in policies being deemed out-of-date, and thus the presumption in favour of sustainable development applies, permitting to the exceptions previously stated. These penalties, which are increasingly severe, are a policy response to the perceived challenge that the local planning authority is the bottleneck which restricts development.

These three quantitative-based policies imposed on local planning authorities through the NPPF are implemented to encourage substantial housebuilding on behalf of the local planning authority. While recent data demonstrates that local authorities themselves contribute very little in terms of actual housebuilding (1.5% in 2018 Q1),<sup>364</sup> through their positions of plan-maker and decision-taker local planning authorities hold the executive role, and are therefore held responsible and accountable, for the numbers and rates of new builds within their local authority area.

The NPPF directs that the calculated housing target should be an assessment for housing need for different groups in the community; including purpose-built housing for the elderly or students, families and people with disabilities, and affordable housing.<sup>365</sup> These needs are to be reflected in local planning policies. Where a need for affordable housing is identified, this

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<sup>362</sup> MHCLG (2019) *National Planning Policy Framework*

<sup>363</sup> MHCLG (2019) *National Planning Policy Framework*

<sup>364</sup> DCLG (2018) *Table 213 House Building: Permanent Dwellings Started and Completed, By Tenure, England*

<sup>365</sup> MHCLG (2019) *National Planning Policy Framework*

need must be specified as to the type of affordable housing required, with the expectation that it is to be met on-site unless justifications can be made.<sup>366</sup>

### *3.3.2. Economic Viability Assessments*

Under the original NPPF, the concept of viability assessments was a significant consideration in determining planning applications. Viability assessments assess whether a development is financially viable by examining whether the value generated by the development is greater than the costs of producing it. Where an application for development is submitted, the proposal is required to contribute to the social, physical and environmental infrastructure through complying with planning law, the NPPF, and local planning policies relating to Community Infrastructure Levy (CIL), affordable housing provision, or policies to mitigate potential negative effects of development.

However, viability assessments – as first implemented by paragraph 173 of the 2012 NPPF – seemingly undermined this contribution through ensuring that development could not be threatened by policy burdens and obligations that the development would be unviable (meaning unprofitable) for the developer. This paragraph stated,

“the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”<sup>367</sup>

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<sup>366</sup> *Ibid.*

<sup>367</sup> DCLG (2012) *National Planning Policy Framework*: p. 41.

Accordingly, where submitted planning applications were subject to such a scale of obligations and policy burdens that they would become unprofitable – for example on providing a policy compliant level of affordable housing within the development – a financial assessment of the development could be undertaken to justify disregarding, entirely or in part, the relevant policy burdens and obligations. Consequently, the determination of the application must consider the viability assessment as to whether the development could *afford* to comply with such planning policies.

The financial assessment demonstrated the costs of developing a site, and the returns from selling or leasing the property following completion. Viability calculations could include all manner of costs related to the development; predictable costs such as land acquisition and building materials, infrastructure provision or labour costs, and general financial costs such as interest payments, planning or legal fees. Also included were unforeseen expenses incurred for treating contaminated land, additional expenses regarding works with listed building status, or the enhancement of brownfield sites, for example.<sup>368</sup>

Following the assessment of the total costings, the expenses are contrast with the anticipated incomes – minus the developers determined profit, typical around 20% of the Gross Development Value (GDV) – to determine if the development is viable. Where this calculated a negative or nominal figure, it justified the mitigation of complying with local planning policies which would further reduce the developer's profit, policies which most commonly relate to affordable housing provision.

While viability assessments barely existed before the NPPF, their abrupt introduction had substantial impact in both the delivery of development, particularly regarding affordable

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<sup>368</sup> DCLG (2014) *Planning Practice Guidance: Viability and Decision Making*

housing provision, and in the courts where developers challenged the policies contained within local development plans, and the decisions of planning applications by both local planning authorities and planning inspectors alike.

Yet, the viability concept within the revised NPPF is remarkably absent considering the extensive effect the concept previous had. Paragraph 173 has been removed entirely, and guidance on viability is contained only on the planning practice guidance site. Rather than primarily operating when determining planning applications, viability assessments are to instead operate at the plan-making stage. This shift places the onus onto the local authority to demonstrate that a site can be viable for development, when considering the policy obligations in providing CIL, s.106 obligations, and policy compliant affordable housing provision.<sup>369</sup> Consequently, viability assessments should be used to ensure that policy obligations are realistic; that the cumulative obligations do not undermine deliverability.<sup>370</sup>

The planning practice guidance now implements a standardised methodology in calculating viability assessments. This significant change means calculating key inputs – land value, GDV, costs, landowner premium, and developer profit – are now all detailed through the planning practice guidance,<sup>371</sup> removing previous uncertainty over how each element was calculated, and conflict between contrasting viability assessments undertaken by developers, on one side, and the local planning authority, on the other.

Determining land value was among the most contested points under the 2012 framework. Now, however, land value must be calculated using either the Existing Use Value Plus – which considers the value of the land in its existing use plus a premium which reflects the minimum

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<sup>369</sup> MHCLG (2018) *Planning Practice Guidance: Viability and Plan Making*

<sup>370</sup> *Ibid.*

<sup>371</sup> *Ibid.*

return a reasonable landowner would be willing to sell their land<sup>372</sup> – as held by Holgate J in the High Court decision of *Parkhurst*<sup>373</sup>, or an Alternative Use Value – which considers the value of the land for uses other than its current permitted use. Explicitly, the guidance states that under no circumstance will the price paid for land be a relevant justification for failing to provide policy compliant obligations.<sup>374</sup>

Conclusively, the revised positioning on viability in the NPPF and supporting planning practice guidance is a far change from the difficulties previously faced, particularly for local planning authorities, over conflicting viability assessments, or justifications for providing affordable housing below policy compliant levels; as well documented by planning inspectorate appeals, and High Court challenges. The shift for viability to operate at the plan-making stage places an additional burden on local planning authorities, but by front-loading the financial assessment of sites may lead to greater benefit in ensuring predictable housing delivery – ever more important within the context of the new Housing Delivery Test – and removing later negotiations with developers over the delivery of affordable housing, in particular. Finally, standardising viability assessments will provide consistency and certainty across local authority’s development plans. Land value must reflect the policy obligations required in the development plan, with the price paid no longer a reason for not being able to be policy compliant. Again, providing more certainty for the local authority in delivering the housing which the development plan recognises can be achieved.

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<sup>372</sup> MHCLG (2018) *Planning Practice Guidance: Viability and Plan Making*

<sup>373</sup> *Parkhurst Road Ltd v Secretary of State for Communities and Local Government & Anor* [2018]

<sup>374</sup> MHCLG (2018) *Planning Practice Guidance: Viability and Plan Making*

### 3.3.3 Defining 'Affordability' and Affordable Housing

As it will have inevitably become clear at this point of this research, the interpretation of 'affordable' alongside the definitions of 'affordable housing' are of utmost importance. Fundamentally, these two terms are similar in that they dictate the provision of sub-market housing, but their definitions result in different processes. This section will first briefly consider two contrasting conceptual approaches to affordability in academic literature, followed by detailing the application of affordable housing in practice through the planning policy regulations that determine their implementation.

The conceptual and theoretical examinations and discussions of affordability in the UK can be traced back to the 1990s.<sup>375</sup> Academic literature primarily centred on the criticism of a conventional approach to determining affordability – one that is widely used in government policy – and the alternative approaches to determining affordable and the benefits they bear. The standard approach to affordability is the ratio approach which measuring affordability through a ratio of house prices to local earnings. The rule of thumb that has been applied for the ratio approach is housing costs should not exceed 25% of incomes; the expression “one week’s pay for one month’s rent” is indicative of this unwritten rule.<sup>376</sup> The appeal and widespread use of the ratio approach is due to its ease in calculating and use through regularly published and widely available and localised data, while also providing easily comparable result across and between different countries.<sup>377</sup> Affordability ratios are used by government departments in understanding barriers to homeownership, particularly for young adults, as well as wider economic comprehension in determining policy impact and benefit.

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<sup>375</sup> Stone, M. (2006) 'A Housing Affordability Standard for the UK' *Housing Studies*, vol. 21, iss. 4, pp. 453-476

<sup>376</sup> Meen, G. and Whitehead, C. (2020) *Understanding Affordability: The Economics of Housing Markets*: p. 7.

<sup>377</sup> Meen, G. (2018) *How Should Housing Affordability Be Measured?*

Early criticism of affordability ratios can be seen in academic writings from the 1990s onwards. Brownhill *et al*,<sup>378</sup> Hancock,<sup>379</sup> and Whitehead<sup>380</sup> each wrote of the expansive criticisms of the ratio approach in favour of a residual income approach which, rather than measuring the ratio between incomes and house prices, is calculated through the difference between incomes and housing costs. The starting point for residual income approach is the level of disposable income, standardised non-housing costs are then subtracted from this level to determine the amount left that can affordably be spent on housing provision.<sup>381</sup>

The reversed dynamics of this approach are important given that housing costs typically have first claim on income, and so if the amount paid exceeds affordable costs, then the residual income left for those standardised housing costs (food, utilities etc) is inadequate. Supporters of the residual income approach need only look at the rapidly increasing levels of food-bank use to demonstrate the inadequacies of sub-market housing, and the limitations of the contemporary ratio approach.<sup>382</sup> The residual income approach may look familiar to current homeowners, given this approach is consistent with current mortgage lender practices and regulatory requirements which take into account a mortgagee's ability to cover mortgage repayments in scenario where interest rates rise drastically after allowing for other, non-housing, outgoings.<sup>383</sup>

This brief account of housing affordability discourse provides an insight into the conceptual and theoretical approaches to affordability. Yet, in practice for local authorities, these

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<sup>378</sup> Brownhill *et al*. (1990) *Housing London*

<sup>379</sup> Hancock, K. (1993) *Can't Pay? Won't Pay? The Economic Principles of Affordability*

<sup>380</sup> Whitehead, C. (1991) *From Need to Affordability: An Analysis of UK Housing Objectives*

<sup>381</sup> Stone, M. (2006) *A Housing Affordability Standard for the UK*

<sup>382</sup> Loopstra *et al*. (2018) *Impact of Welfare Benefit Sanctioning on Food Insecurity: A Dynamic Cross-Area Study of Food Bank Usage in the UK*

<sup>383</sup> Meen, G. and Whitehead, C. (2020) *Understanding Affordability: The Economics of Housing Markets*

conceptual approaches carry little significance given the implementation of affordable housing is not determined by academic discourse, but by the fastidious nature of planning law and policy dictating what can be implemented under the term Affordable Housing.

Under current legislation, affordable housing is defined under the Housing and Regeneration Act 2008 as low-cost accommodation or local cost homeownership that is set below market rates for people whose needs are not met by the private housing.<sup>384</sup> The NPPF administers the interpretation of affordable housing in policy. The framework sets out the definition of affordable housing as a specialist form of housing for those whose needs are not met by the market, which complies with one of the following categories:

- a) Affordable housing for rent (including housing for Social Rent and Affordable Rent);
- b) Starter Homes;
- c) Discounted market sales housing;
- d) Other affordable routes to home ownership.<sup>385</sup>

The conventional category of affordable housing is that which provides rented tenure. This includes two similar named, but contrasting, approaches to affordable rented homes. Housing for Social Rent is the traditional means of council housing which provides a long-term tenancy from the council or housing association with genuinely affordable monthly rents which are determined by a national formula. Housing for Affordable Rent is similar in its tenure to Social Rent, but a key difference is the monthly rent is not determined by a standardised formula, but in relation to local market rents. Housing for Affordable Rent can be let at rates up to 80% of local market rents.<sup>386</sup> This subtle but significant variance has

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<sup>384</sup> Housing and Regeneration Act 2008, s. 68-71

<sup>385</sup> MHCLG (2019) *National Planning Policy Framework*: p. 64.

<sup>386</sup> *Ibid*: p. 64.



substantial impact on the affordability of this tenure, as will be demonstrated in Bristol in Chapter Seven.

What is most notably about the revised definitions is the apparent focus on affordable homeownership. As is evident from the categories above, there is a variety of specific affordable homeownership products under category b, c, and d. The first are Starter Homes. Starter homes were first announced in December 2014 with the intention to deliver 100,000 discounted homes,<sup>387</sup> but by January 2016 the target was doubled to 200,000 supported with a £1.2 billion investment through the Starter Home Land Fund to prepare brownfield sites for at least 30,000 Starter Homes by 2020.<sup>388</sup> Starter Homes are for qualifying first-time buyers between the ages of 23 and 40 to purchase a new dwelling at a discount of at least 20% of the market value.<sup>389</sup> The Housing and Planning Act 2016<sup>390</sup> provides the statutory framework for the delivery of Starter Homes. The Act introduced a new duty on local planning authorities to promote the supply of starter homes with private-sector developers.<sup>391</sup> It provided house builders with the incentive to develop under-used or unviable brownfield land through exemptions from certain planning costs and levies, while providing special freedom from normal planning restrictions through the identification of land as 'starter home exception sites'.<sup>392</sup> However, to date – six years after its introduction – the Starter Home scheme is yet to develop its first site.

The second product under the definition is discount market sales housing. Discount market sales is applicable to new build homes delivered by local authorities and private registered

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<sup>387</sup> Cromarty, H. (2018) *Starter Homes for First-Time Buyers (England)*

<sup>388</sup> DCLG (2016) *Starter Homes: Unlocking the Land Fund*

<sup>389</sup> Housing and Planning Act 2016, s. 2.

<sup>390</sup> *Ibid.* Part 1, Chapter 1.

<sup>391</sup> *Ibid.*

<sup>392</sup> Cromarty, H. (2018) *Starter Homes for First-Time Buyers (England)*

providers only. The level of discount applied is determined in relation to local markets – it is dependent upon both local incomes, and local house prices – with discounts ranging from a minimum of 20%, to a maximum of 50%. Discount market housing for sale was introduced by the revised NPPF in 2018. Prior to the revision, discount housing for sale was not considered an affordable housing product, further demonstrating the increased importance of affordable homeownership from the government’s perspective.

The final products under the definition of affordable housing for sale is other routes to affordable homeownership. This incorporates housing provided for sale through several individual products such as shared ownership, relevant equity loans, rent to buy, and other reduced homes for sale at a price equivalent to at least 20% below local market values. While each is different, provisions require the relevant affordable discount to remain affordable for future eligible households upon sale or releasing of the property.

Shared ownership offers flexibility for purchasers whereby they purchase a share of the property (typically 25%-75%) with finance typically from a mortgage and pay rental income on the remaining proportion to the registered provider. The purchaser is provided the opportunity to acquire more of the property through ‘staircasing’ their ownership, acquiring more interest of time through capital investment, up to 100% ownership. Products similar to shared ownership have existed since the 1960’s, but shared ownership through the staircasing model was introduced in the Housing Act 1980.<sup>393</sup> Continued growth in shared ownership was seen after 2005 where the Labour Government planned to increase the supply of products to encourage homeownership for those unable to purchase property at market

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<sup>393</sup> Cowan *et al.* (2015) *Exploring Experiences of Shared Ownership Housing: Reconciling Owning and Renting*

values.<sup>394</sup> By 2015-16, shared ownership had become a considerable aspect of all affordable housing delivery in England accounting for 12.5% (4,080 units) of affordable housing completions from a total of 32,630 affordable units.<sup>395</sup> The product is continuing with political support through the current government aiming to build 135,000 shared ownership homes in England between 2016-2020.<sup>396</sup>

Similarly, equity loans provide a route to homeownership through supporting a proportion of the purchase cost by third party finance. Legal full ownership is attained with assistance through an equity loan covering a percentage of the property's value; the third party maintains a preferential legal charge over the property along with the mortgagee. The government's contentious Help to Buy scheme is an example of a shared equity product, although other equity loan schemes are also available through some local authorities and private-sector developers. The Help to Buy Scheme is eligible for new-build properties up to £600,000 where the purchaser is required to accumulate a minimum deposit of 5% while possessing the financial capacity for a maximum mortgage of 75%, the remaining 20% of the purchase value is provided through a government loan. No fees are paid on the loan for the first five years, after which interest payments are made at 1.75% of the original loan, rising by RPI plus 1% each year.<sup>397</sup> The monthly fee repays the interest only, the equity of the loan can be repaid at any time but must be at least 10% of the value of the home, requiring an independent valuer to assess the value of the property at the cost of the applicant. As it is an

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<sup>394</sup> Shelter (2010) *The Forgotten Households: Is Intermediate Housing Meeting Affordable Housing Needs?*

<sup>395</sup> MHCLG (2019) *Table 1000C: Additional Affordable Homes Provided by Type of Scheme, Completions, England*

<sup>396</sup> HCA (2016) *Shared Ownership and Affordable Homes Programme 2016 to 2021*

<sup>397</sup> Homes England (2018) *Help to Buy Buyers' Guide*

equity product, it is also linked to the value of the property, so any increase in the value of the property is reflected in the loan amount.

The Help to Buy scheme has been positioned to provide financial help for aspiring homeowners to step onto the property ladder. Yet it has been critiqued by commentators for further contributing to property price increases through the increased availability of capital, while there is no incentive for house builders to increase supply in response to greater demand.<sup>398</sup> Furthermore, the scheme is available to all purchasers, not just first-time buyers, with data from the MHCLG demonstrating that nearly one in five (19%)<sup>399</sup> purchases using the help to buy equity loan in 2017 were completed by non-first-time buyers; further raising questions over the design of the product in its position as an affordable housing product which is defined “for those whose needs are not met by the market”.<sup>400</sup>

### 3.4 Bristol’s Local Planning Framework

As detailed in this chapter, the principles of plan-making and decision-taking require every local planning authority to determine applications for planning permission in accordance with the adopted local plan. Consequently, the local plan and associated documents are fundamental to guiding appropriate and relevant development within the area. Given this research’s area of examination is the local planning authority of Bristol City Council, there is benefit in briefly outlining key policies from Bristol’s local planning framework in order to

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<sup>398</sup> Hilber, C. (2013) *Help to Buy Will Likely Have the Effect of Pushing Up House Prices Further, Making Housing Become Less – Not More – Affordable for Young Would-Be-Owners*

<sup>399</sup> MHCLG (2018) *Help to Buy (equity loan scheme) and Help to Buy: NewBuy statistics: April 2013 to 31 March 2018*

<sup>400</sup> MHCLG (2019) *National Planning Policy Framework*: p. 64.

recognize the inherent value of these local planning policies in guiding development, and their impact on guiding delivery of affordable housing within the city.

At the centre of the local planning framework is Bristol's Core Strategy document. Adopted in 2011, it sets out the overall strategic objectives and delivery strategy through local planning policies for development in Bristol over 15 years.<sup>401</sup> The strategic objectives cover a range of factors from sustainable development and health and wellbeing, to the built environment and housing provision. The latter concerns the creation of mixed and balanced communities promoting social cohesion, accessibility and high-quality built and natural environments, and appropriate new market and affordable housing to meet the needs of the population.<sup>402</sup>

Specific local planning policies demonstrate the delivery strategy in achieving these strategic objectives. Of particular importance are three of Bristol's local planning policies; *BCS17: Affordable Housing Provision*, *BCS18: Housing Type*, and *BCS20: Effective and Efficient Use of Land*. The first sets out how affordable housing is expected to be delivered from private-sector development. Informed by the Strategic Housing Market Assessment, it identifies that the levels of affordable housing to be delivered on sites of 15 or more dwellings is 40% in inner city areas, and 30% in all other locations.<sup>403</sup> Where the viability of the scheme may be affected by such provision, developers are expected to provide full development appraisals demonstrating alternative affordable housing provision.

The second policy of interest specifies that all residential development should "maintain, provide, or contribute" a mix of housing tenures, types, and sizes.<sup>404</sup> This includes the

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<sup>401</sup> Bristol City Council (2011) *Bristol Development Framework: Core Strategy*

<sup>402</sup> *Ibid.*

<sup>403</sup> *Ibid.*

<sup>404</sup> *Ibid.*: p. 112.

provision of market and affordable homes to meet housing demands, and is in efforts of supporting and creating mixed, balanced, and inclusive communities by contributing to the diversity of housing within local areas, and taking positive action to balance disproportionate housing tenures dominating within local areas. Policy BCS20 for the effective and efficient use of land seeks to maximise development on brownfield land. While weight must be given to the characteristics of the site, the locality, current and proposed transport infrastructure, as well as ensuring high-quality placemaking, it sets out expectations to achieve a minimum residential density of 50 dwelling per hectare in order to achieve optimum efficiency in both central and outer areas of Bristol.<sup>405</sup>

In addition to the Core Strategy document, there are a number of supporting documents, maps, and detailed strategies. Figure 3, below, illustrates the interrelationship between the core strategy and other local planning documents which cumulatively form Bristol's local planning framework.

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<sup>405</sup> Bristol City Council (2011) *Bristol Development Framework: Core Strategy*

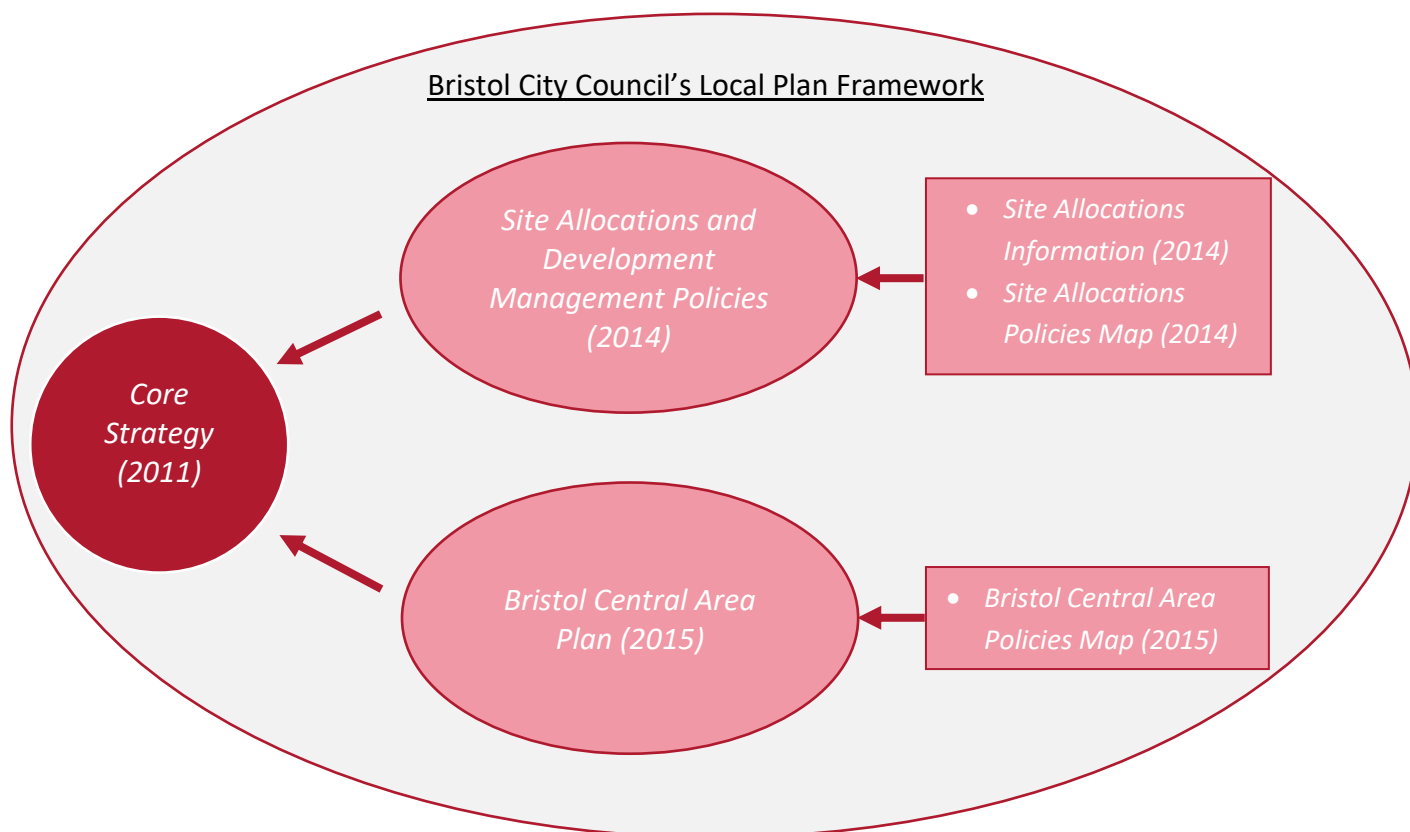


Figure 3: Bristol City Council's Local Plan Framework

The site allocations and development management policies document<sup>406</sup> contains a list of sites identified by Bristol City Council for development within particular uses – residential, commercial, or mixed-use – and detailed planning policies used for determining applications for planning permission. The site allocations policy does not contain all sites for development within the city but provides an indicative list of sites identified for development by the local authority, whether the site is publicly or privately owned. It itself is supported by detailed site information document and site locations map providing recommended land use allocation, development considerations, and reason for bringing development forward.

The local planning framework is further supported by eight SPDs on a range of topics. The SPDs add further details to the local plan and are material considerations when determining planning applications. They provide further guidance on particular issues from design

<sup>406</sup> Bristol City Council (2014) *Site Allocations and Development Management Policies*

guidance for homeowners and architects for home extensions, to directing development in specific areas of Bristol. The *Urban Living SPD* is the most recent addition implemented by the current administration in November 2018, providing additional detail to the local plan through its focus on residential development in the city, considering two key points on dwelling densities, and design for major residential developments, including buildings over 10 stories.<sup>407</sup>

As the only local planning policy implemented by the current local authority administration, the Urban living SPD is analysed throughout this research in face of the research findings presented and features in the subsequent chapters to demonstrate the direction and ambition of Bristol City Council through implementing local planning policies and practices which promote affordable housing delivery. The Urban Living SPD puts forward local planning policies in accordance with the political drive and ambition of the administration, through encouraging higher density development including the use of tall buildings where appropriate within the city. It is designed to strengthen Bristol's planning guidance to support interconnected social, economic, and cultural opportunities through guiding proposed applications of higher density schemes to increase design quality.<sup>408</sup>

Finally, there are a number of non-binding guidance notes created by the local authority to provide advice on the requirements of the local plan in attaining planning permission. Again, while these range in topic from broadband connectivity to waste and recycling, the Affordable Housing Practice Note published in 2018 is important in demonstrating local authority practices regarding affordable housing provision.<sup>409</sup> As per the Urban Living SPD, this practice

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<sup>407</sup> Bristol City Council (2018) *Urban Living SPD: Making Successful Places at Higher Densities*

<sup>408</sup> Bristol City Council (2018) *Urban Living SPD: Making Successful Places at Higher Densities*

<sup>409</sup> Bristol City Council (2018) *Affordable Housing Practice Note – April 2018*.



note is analysed in respect of these research findings throughout the thesis, but an overview provides the motivations behind its publication.

Foremost, the practice note is published in the context of the most recent and up-to-date Strategic Housing Market Assessment for the Bristol housing market, conducted in 2016, that forms the evidence base for understanding and determining local planning policies for the future need of housing. This updated evidence provides clearer support and direction for the local authority to meet its current and future housing need, specifically identifying an increased tenure split in favour of more housing for Social Rent (80%), with lesser need for housing for Affordable Rent or affordable homeownership products (20%).<sup>410</sup> As well as demonstrating the most recent evidence, it is positioned to provide explicit guidance for private-sector developers operating within Bristol on a range of affordable housing particulars.

### *Operating as Local Planning Authority & Developer*

In addition to operating the governance role as local planning authority, Bristol City Council is simultaneously a developer of housing, responsible for delivering new affordable homes in the city. As outlined in the previous historical account of local authority housebuilding in the 20<sup>th</sup> century, this role has substantially diminished from its heights in the 1970s but it is still of paramount importance for the authority to publicly demonstrate its commitment to the new supply of affordable housing.<sup>411</sup>

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<sup>410</sup> Bristol City Council (2018) *Affordable Housing Practice Note – April 2018*

<sup>411</sup> MHCLG (2019) *Table 241: Permanent Dwellings Completed by Tenure, United Kingdom Historical Series*

The two functions of Bristol City Council as planning authority and as developer can be contentious, most notably when determining planning permission on land in which they have a commercial interest. Applications for planning permission need to be determined consistently with local planning policies, regardless of the authority's interest in the land. The local authority risks financial and reputational harm where a proposed development could contravene local planning policies, for example on policy compliant affordable housing levels. As such, cooperation between these two functions of the council is crucial to maximising the local authority's limited financial, and human, resources.

A prominent finding from the research at Bristol City Council was precisely this collaboration between planning and delivery functions. While the functions operate independent of one another with different senior leadership by way of divorced councillor responsibilities for planning and spatial design, and housing separated; the collaboration was evident. The councillors merged their weekly cabinet member briefing, bringing together council officers from both functions to ensure clear communication between those bringing forward local authority development, and those concluding the applications. This was evident during the preparation work required to undertake a local plan review and the drafting of the joint spatial strategy. The two functions operated seamlessly as a collective in gathering evidence and determining site allocation to ensure the drafted local plan would be operate in accordance with legal and procedural requirements to be found sound; that is, that is can effectively be deliverable over the plan period. That effective requirement means identified development sites are required to satisfy the recognised housing need and that they must be both specific, and deliverable. Fundamentally, the collaboration between functions was to

achieve the local political housing target of 2,000 new homes, 800 affordable, each year by 2020.

### 3.5. Conclusion

This chapter has outlined the legal framework by which local authorities govern the production of housing through the public and private sectors. Firstly, it has specified the legal framework which allows local authorities to build new homes. Secondly, it has highlighted the two major cornerstones of the planning system; plan-led development – plan-making – and the requirement of planning permission prior to building – decision-taking. Thirdly, it has elaborated upon this framework by providing a detailed understanding of how these mechanisms have been supplemented with planning policy which is established through material considerations as carrying substantive weight. This includes an overview of the NPPF, and how planning policy set out by central government dictates the form of local government plans. For instance, it discusses how the NPPF draws specific parameters around the definitions of affordable housing, such as defining housing for Affordable Rent at up to 80% of the local market rate. Additionally, within this discussion, the chapter considers the relevance of economic viability assessments and Bristol's local planning framework. In conjunction with the previous chapter, which provides an account of the ways that policy and local practice have historically shaped the production of housing, this chapter has drawn together the various ways in which planning law, policy and local practice influence the production of housing. This thesis will now build upon this foundational context by detailing the methodological and analytical framework which underpinned this research project.

## Chapter Four: Methodological and Analytical Framework

This doctoral research investigates how planning law, policy, and local practice shapes housing production in Bristol. It is placed within the context of the widely recognised housing crisis encapsulated by the extensive and continued undersupply of housing over numerous decades. The inherent explanative nature of this research aim, combined with the chosen methods of empirical data collection, places the research within a socio-legal research framework. The empirical research is conducted through employing Strauss and Corbin's Grounded Theory methodology which provides for continuous and reflective acknowledgment of analysis throughout the periods of data collection, guiding the direction of the research throughout.

Each of these elements are explored and analysed throughout this chapter, where this empirical framework will: i) State the research aim and objectives of the research; ii) Present the approach in which this research has been conducted; a socio-legal law in context approach; iii) Present and discuss the chosen methodology to undertake the research in support the aim and objectives; a Grounded Theory methodology; iv) Outline the chosen methods of data collections which fulfil the aim of the research and are suitable within the chosen methodology; v) Present the potential ethical considerations which could have emerged during the research, and the processes implemented to mitigate their risks.

#### 4.1. Research Aim & Objectives

The overarching aim of this research is: *To examine how planning law, policy, and local practice shape housing production in Bristol.* Given to breadth of the research question, a series of objectives were established in order to guide the research to achieve this aim.

The first of these was to demonstrate the contextual circumstances of the undersupply of housing within the wider national and local contexts and reflect on how it has influenced and impacted on the approaches and operations of Bristol City Council.

The subsequent objective was to conduct empirical research through three combined data collection methods. The first of these was to undertake a participatory ethnographic placement at Bristol City Council; this was followed up with a series of semi-structured interviews with key local authority participants – for the purpose of this thesis, ‘local authority participants’ refers to both elected-councillors and officers and professionals employed by the local authority. Concurrent to these two methods was the undertaking of document analysis of internal and publicly available local authority documents that were made available throughout the course of the research by the local authority and other partners.

The final objective, which is central to the chosen Grounded Theory methodology, was to continually assess empirical data and thematically present research findings in order to generate theory of undertaking relating to practices and planning policies within Bristol.

In addition to this research aim and series of objectives, the ethnographic research conducted as a principal part of the empirical data collection was poised to answer a specific question; ‘How does Bristol City Council identify its position in the production of housing within the city?’. In answering this empirical research question, this will focus the empirical data

collection, contribute to better identifying the emergence of key themes, and assist in leading to the generation of Grounded Theory.

#### 4.2. Socio-Legal Research Approach

Underpinning the methodological approach of this research is a socio-legal approach to empirical research. While there is little consensus on an agreed definition on socio-legal scholarship,<sup>412</sup> academics have proposed broadly similar understandings and approaches. For Wheeler and Thomas, socio-legal research is an inherently interdisciplinary investigation which is grounded in how law and society interact.<sup>413</sup> Cownie holds socio-legal studies as an important part of legal academic research. Citing the Economic and Social Research Council's definition, she outlines a socio-legal approach as a study of law which provides an empirical and theoretical analysis of law as a social phenomenon.<sup>414</sup> Similarly, for Blandy, socio-legal scholarship "considers law as a field or aspect of social experience, which can be examined and theorized using methods and tools drawn from a range of social science disciplines".<sup>415</sup>

Socio-legal studies is often poised in dichotomy with a traditional, doctrinal, approach to legal research. Bradney and Cownie suggest that the development of alternative approaches to doctrinal law, citing socio-legal scholarship within this, have been developing with significant momentum.<sup>416</sup> The scale of current socio-legal scholarship in the UK is noteworthy. The national Socio-Legal Studies Association represents over 2,000 members and holds an annual

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<sup>412</sup> Harris, D. (1983) *The Development of Socio-Legal Studies in the United Kingdom*

<sup>413</sup> Wheeler, S. and Thomas, P. (2000) *Socio-Legal Studies*

<sup>414</sup> Cownie, F. (2004) *Legal Academics: Culture and Identities*

<sup>415</sup> Blandy, S. (2016) *Socio-legal Approaches to Property Law Research*: p. 26.

<sup>416</sup> Bradney, A. and Cownie, F. (2000) *British University Law Schools in the Twenty-First Century*

conference with some 800 attendees. As such, the importance of socio-legal studies should not be understated, as Cotterrell writes,

“All the centuries of purely doctrinal writing on law probably have produced less valuable knowledge about what law is, as a social phenomenon, and what it does than the relatively few decades of work in sophisticated modern empirical socio-legal studies.”<sup>417</sup>

The ways in which doctrinal and socio-legal approaches differ is primarily a result of the way the research is conducted. A traditional doctrinal study of law examines cases, statutes and other sources of primary law to construct legal rules and principles.<sup>418</sup> Whereas inherent to an interdisciplinary scholarship, socio-legal scholarship places less emphasis upon the codified rules of law and, instead, greater importance on the modes of knowledge and processes of understanding,<sup>419</sup> championing the use of different methodological and theoretical approaches to study law,<sup>420</sup> and subsequently employing a range of qualitative and quantitative social science methods to decipher the workings of legal, social, and cultural processes.<sup>421</sup> While a socio-legal approach and empirical research methods are not necessary interdependent, Whitehouse and Bright describe them as “natural bedfellows”<sup>422</sup> as empirical research using social science methods, methodology, and theory to position socio-legal research to investigate *how* law operates and is understood.

Under the umbrella term of socio-legal, there are a number of contrasting approaches which guide how research is conducted. Determining the appropriate approach depends upon “what aspect of the broad range of questions covered by the label ‘socio-legal’ the research

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<sup>417</sup> Cotterrell, R. (1995) *Law's Community: Legal Theory in Sociological Perspective*: p. 296.

<sup>418</sup> Banakar, R. and Travers, M. (2005) *Law, Sociology and Method*

<sup>419</sup> McCann, M. and March, T. (1995) *Law and Everyday Forms of Resistance: A Socio-Political Assessment*

<sup>420</sup> Banakar, R. and Travers, M. (2005) *Theory and Method in Socio-Legal Research*

<sup>421</sup> Dobinson, I. and Johns, F. (2007) *Qualitative Legal Research*

<sup>422</sup> Whitehouse, L. and Bright, S. (2016) *The Empirical Approach to Research in Property Law*: p. 47.

wishes to focus on".<sup>423</sup> For example, law in action is a branch within socio-legal research which specifically seeks to identify how the law operates in practice.<sup>424</sup> By contrast, law in context also considers how law operates in practice, but goes further in attempts to break down the walls between similar discourses – law and politics, law and economics, and law and culture; to name a few<sup>425</sup> – to bring them together under a collective analysis. It investigates the wider social, political, and economic contexts to assess how the law is influenced, informed, and affected.<sup>426</sup> Although both of these approaches characterise a typical research approach labelled as socio-legal – with the divide between law in action and law in context is somewhat artificial – their distinction lies in law in context examining beyond just the practice of law, to investigate and explain how contextual influences also influence the operation of law. Furthermore, feminist and critical legal studies approaches have also been included under the umbrella of socio-legal although Cownie and Bradney recognise that these two approaches may now be considered to have developed as individual approaches of their own, separate from the socio-legal label.<sup>427</sup>

With this potential variety in socio-legal approaches, determining the most appropriate approach is dependent on the purpose and aims of the research. The aim of this research is to examine the how planning law, policy, and local practice shape housing production in Bristol. As this aim is inherently explorative and explanative through examining how law, policy, and local practice operates within the broader social context of the phenomenon, the most suitable approach to fulfil this aim is through a law in context approach. This reflects the

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<sup>423</sup> Blandy, S. (2016) *Researching Property Law*: p. 26.

<sup>424</sup> Pound, R. (1910) *Law in Books and Law in Action*

<sup>425</sup> Selznick, P. (2003) *Law in Context' Revisited*

<sup>426</sup> Blandy, S. and Hunter, C. (2006) *Judicial Directions in Landlord and Tenant Law: Different Policies for Different Sectors*

<sup>427</sup> Cownie, F. and Bradney, A. (2013) *Socio-Legal Studies: A Challenge to the Doctrinal Approach*



aim of the research and directs *what* the research is engaging with, while the subsequent methodology section demonstrates *how* the research is conducted.

### 4.3. Grounded Theory Methodology

Thus far, this chapter has presented the aim and objectives of this research and outlined the underpinning approach to undertaking the research, a socio-legal law in context approach. How the research is conducted is directly affected by these two factors. Levy states that the nature of the research problem and the chosen approach direct the appropriate methodology to undertake empirical research.<sup>428</sup> The qualitative nature of the research problem, the explorative and explanative aim and objectives of the research, and the socio-legal approach guide the selection of a Grounded Theory methodology.

Grounded theory methodology is excellently placed to fulfil the research aim as it is uniquely positioned methodology within qualitative research which seeks to produce explanations of social phenomena through inductively developing theory grounded from empirical data which recognise the phenomenon within external contexts.<sup>429</sup> It is distinctive to deductive methodologies through the generation of theory from data, rather than the application of theory onto data.

Glaser and Strauss, the two originators of Grounded Theory, argued that the traditional logico-deductive approach in verifying theories from prior assumptions is detrimental in allowing true concepts to develop from data.<sup>430</sup> Rejecting the theoretical propositions of grand theorists, they argued that the development of theory *from* data through an inductive

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<sup>428</sup> Levy (2006) *Qualitative Methodology and Grounded Theory in Property Research*

<sup>429</sup> Hammersley, M. and Atkinson, P. (2007) *Ethnography: Principles in Practice*

<sup>430</sup> Glaser, B. and Strauss, A. (1967) *The Discovery of Grounded Theory: Strategies for Qualitative Research*

framework, rather than the application of theory to data, generates theories of greater robustness with greater application to the external layman.<sup>431</sup> They continue in saying that grand theories, because of their failure to be grounded in the data, “do not fit, or do not work, or are not sufficiently understandable to be used and are therefore useless in research, theoretical advance and practical application”.<sup>432</sup>

Grounded theory operates through inductive reasoning in which empirical data collection and flexible analysis continually inform and influence one another to generate theory derived from conceptual analysis.<sup>433</sup> It is through this continuous iterative process of analysis and data collection which confers Grounded Theory its individuality as a unique methodology.<sup>434</sup> Rejecting a pre-established lens of inquiry in favour of simultaneously revisiting the processes of data collection and data analysis enable Grounded Theory methodology to generate theories to explain the phenomenon under investigation.<sup>435</sup> Grounded theory methodological approach provides for systematic empirical investigation, compared to what Hammersley and Atkinson call “armchair theorizing”.<sup>436</sup>

Grounded Theory methodology adheres to a number of fundamental principles carried out through ordered processes; gathering data, coding, comparing, categorising, theoretical sampling, develop core concepts, and finally generating theory.<sup>437</sup> Each of these stages are of paramount importance to the Grounded Theory process and warrant further exploration. The foremost categories are active from the outset of any empirical data collection as they enable

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<sup>431</sup> Glaser, B. and Strauss, A. (1967) *The Discovery of Grounded Theory: Strategies for Qualitative Research*

<sup>432</sup> *Ibid*: p. 11.

<sup>433</sup> Charmaz, K. (2011) *Grounded Theory Methods in Social Justice Research*

<sup>434</sup> Strauss, A. and Corbin, J. (1994) *Grounded Theory Methodology: An Overview*

<sup>435</sup> Della Porta, D. and Keating, M. (2013) *How Many Approaches in the Social Sciences? An Epistemological Introduction*

<sup>436</sup> Hammersley, M. and Atkinson, P. (2007) *Ethnography: Principles in Practice*: p. 21.

<sup>437</sup> Walker, D. and Myrick, F. (2006) *Grounded Theory: An Exploration of Process and Procedure*

the collection of any empirical qualitative data through the chosen methods which are most suitable in responding the aims of the research and the research question. Upon gathering the first data, these categories then begin the first steps of analysis through coding, comparing, and categorising this empirical data to form a foundational understanding of the subject under investigation. Coding the data through thematic coding developed inductively throughout the research provides the opportunity to continually revise and refine the emerging data into thematic categories, providing continuous opportunity to reapproach and revise the existing coding system. Comparing the coding categories furthers this process by ensuring these codes continue to support and evolve as new data is gathered.

Theoretical sampling within Grounded Theory allows for intentional and controlled engagement with key areas of data findings as they emerge throughout the research process. It benefits the research process through identifying where a new coding category materialises and purposefully explores that emerging area to the point of data saturation; that is, where no new data is emerging. This ensures that each data category is fully explored and examined no matter where and when it is identified throughout the research. Simultaneous to the data collection, analytical coding, and theoretical sampling is the formation of Grounded Theory's conceptual core themes. These concepts are based on the coding categories, while providing greater depth in determining the latter formation of the theoretical generation through intrinsic links to external literature.<sup>438</sup> Finally, these fundamental stages lead to the generation of theory grounded in the empirical data, the goal of Grounded Theory methodology. The outcomes of Grounded Theory research are expressed through a communicated set of interrelated core concepts which are supported by the production of a

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<sup>438</sup> Hallberg, L. (2006) *The "Core Category" of Grounded Theory: Making Constant Comparisons*.

theoretical interpretation and explanation of the social phenomenon through the generated theory.

Following the joint work of Glaser and Strauss in the 1960s, the two authors separated to publish contrasting versions of Grounded Theory, reflecting their separate experiences and interests of Grounded Theory in operation. There is benefit in providing a brief overview of the Glaser-Strauss debate in order to position the use of Grounded Theory methodology within this research. Yet, the conflict principally centres on two debates; the researcher's own philosophical approach to undertaking the research, and the influence and impact of the researcher on the research process. Conducting research with a Grounded Theory methodology requires accepting one version of the Glaser-Strauss debate in preference over the other. Yet, fundamentally, Strauss and Corbin recognise that choosing between the two models of Grounded Theory the researcher takes "whatever items make most sense to them at the time, in terms of knowledge and skill".<sup>439</sup>

In Glaser's Grounded Theory, often labelled as "classic Grounded Theory",<sup>440</sup> he states that participants' have multiple perspectives and "then the researcher comes along and raises these perspectives to the abstract level of conceptualization hoping to see the underlying or latent pattern, another perspective".<sup>441</sup> This 'transcending level of abstraction' means theories emerge without any effort or guidance from the researcher.<sup>442</sup> Glaser writes that consequently, this transcendence makes Grounded Theory abstract to beyond any one field or perception.<sup>443</sup> This view of knowledge is akin to philosophical positivism in which the

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<sup>439</sup> Strauss, A. and Corbin, J. (1994) *Grounded Theory Methodology: An Overview*: p. viii.

<sup>440</sup> Hallberg, L. (2006) *The "Core Category" of Grounded Theory: Making Constant Comparisons*: p. 144.

<sup>441</sup> Glaser, B. (2002) *Constructivist Grounded Theory?* p. 2.

<sup>442</sup> Hallberg, L. (2006) *The "Core Category" of Grounded Theory: Making Constant Comparisons*

<sup>443</sup> Glaser, B. (2002) *Conceptualization: On Theory and Theorizing Using Grounded Theory*

researcher finds scientific explanation through information derived from the senses – observation, experience, and experiment – alongside the notion whereby if theories cannot be verified or falsified then they are meaningless.<sup>444</sup>

In contrast, Strauss and Corbin's co-operation resulted in a contrasting perceptive, labelled "reformulated Grounded Theory", rejects Glaser's positivist position in favour of a more post-positivist philosophy; though not fully free from positivist assumptions.<sup>445</sup> They explicitly argue that truth cannot be fully known, but the research can interpret the reality of the participant<sup>446</sup> as interpretation and meaning of human experiences are not to be viewed hypothetically, but as versions of reality.<sup>447</sup> Interpretivism, often placed in dichotomy to positivism, is more concerned with observation and description to generate hypotheses, rather than scientific laws and facts.<sup>448</sup> Subsequently, this approach acknowledges greater subjectivity in the researchers role in interpreting the data to produce theory.<sup>449</sup> Notably, users of Corbin and Strauss' reformulated Grounded Theory maintain that a Grounded Theory research problem should compose of three necessary characteristics: i) The research should be interpretivist in philosophical perspective to focus on the perceptions of participants as drivers of the phenomenon; ii) The research should focus on complex social processes, iii) There should be a lack of adequate theory about the phenomenon.<sup>450</sup>

Strauss and Corbin's specific Grounded Theory model perceives the ongoing analysis and validation of the research throughout the entire process as fundamental part to the

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<sup>444</sup> Rosenburg, A. (2012) *Philosophy of Social Science*

<sup>445</sup> Hallberg, L. (2006) *The "Core Category" of Grounded Theory: Making Constant Comparisons*: p. 147.

<sup>446</sup> *Ibid*: p. 147.

<sup>447</sup> King, N. and Horrocks, C. (2010) *Interviews in Qualitative Research*

<sup>448</sup> Silverman, D. (1998) *Qualitative Research: Meanings or Practices?*

<sup>449</sup> Hall, W. and Callery, P. (2001) *Enhancing the Rigor of Grounded Theory: Incorporating Reflexivity and Relationality*

<sup>450</sup> Carson *et al.* (2001) *Qualitative Marketing Research*

theoretical generation concluded by methodology. Further, the author's model is underpinned by an objectivist understanding that any external comprehension can be understood and stated,<sup>451</sup> yet allows space for research interpretivism in designing and undertaking social research. This matches up with the overarching aim of the research to examine and understand the relations between planning law, policy and local practice in shaping housing production. Whereas Glaser and Strauss' classical Grounded Theory is motivated more emphatically by an ontological single source of truth enthusiastically underpinned by positivist notions of scientific objectivity. It is for this reason that Strauss and Corbin's variant of Grounded Theory was deemed to be most relevant and beneficial for the generation of theory, as is pinnacle to a Grounded Theory methodology, within this research project.

Implementing these necessities to this research, the research aim and subsequent socio-legal approach lend themselves to the interpretivist philosophical perspective as the research employs empirical research methods of investigation from informed participants to understand how planning law, policy, and local practice shape housing production in Bristol through complex social processes. Finally, while there are pre-existing theories to understand property more generally, the practical nature of planning law has meant theoretical explanations in planning law are scarce.

Through Strauss and Corbin's post-positive analysis of the participants understanding, synchronous analysis of data and data collection, and theoretical sampling in search for further data to investigate a conceptual theme, the researcher is constantly engaged with the

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<sup>451</sup> Timonen *et al.* (2018) *Challenges When Using Grounded Theory: A Pragmatic Introduction to Doing GT Research*

research data, direction, and methods used, as well as researcher-subjectivity in interpreting the data to produce theory. As such, practitioners of Grounded Theory such as Hall and Callery recognise the need for the researcher to embrace reflexivity in order to enhance the rigor of Grounded Theory methodology.<sup>452</sup>

Methodological literature on Grounded Theory provides the map to successfully conduct data collection under this methodology, while literature relevant to the research topic is used as primary or supplemental data for providing initial concepts or ideas for further theoretical sampling.<sup>453</sup> In the original Grounded Theory publication, Glaser and Strauss write that most importantly the researcher should study the phenomenon without any preconceived theory that dictates the relevance of concepts or hypothesis as this is the aim of Grounded Theory and to do so would undermine the methodological approach.<sup>454</sup> In the case of this research, the prior knowledge developed before conducting the data collection was the subject specific knowledge presented in the previous two chapters; the contextual basis of the housing crisis, Chapter Two, and the legal and policy frameworks of planning law, Chapter Three.

Criticism of the Grounded Theory methodology have been directed towards its historic positivist underpinnings. A feminist critique of Glaser and Strauss' original methodology focuses on the positivist underpinning associated with requiring the researcher to enter the arena of the research with no prior knowledge of the subject area, pointing out the flaws in research design in being capable of recognising topics of key importance.<sup>455</sup> Further, with no existing theory to guide the conduct of the empirical research, the researcher risks overstating

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<sup>452</sup> Hall, W. and Callery, P. (2001) *Enhancing the Rigor of Grounded Theory: Incorporating Reflexivity and Relationality*

<sup>453</sup> *Ibid.*

<sup>454</sup> Glaser, B. and Strauss, A. (1967) *The Discovery of Grounded Theory: Strategies for Qualitative Research*

<sup>455</sup> Woods, P. (1992) *Symbolic Interactionism: Theory and Method*

findings as causal relationships through making links but not able to recognise things that might not have been observed within the data collection stage.

Grounded theory's failure to recognise the embeddedness of the researcher within the research process, through steps taken to address by Strauss and Corbin's reformulated approach, has also raised numerous critiques. The considerable agency the researcher possesses through collecting, analysing, and furthering the direction of the research by theoretical sampling with a lack of enforced reflexivity endanger the construction and interpretation of the participants perception and understanding of the social phenomenon.<sup>456</sup>

Despite these critiques, the choice to employ a Grounded Theory methodology was informed by the specific objectives of the research project and the overarching aim to understand how planning law and policy shapes the production of housing in Bristol. Given this aim, it was necessary to undertake the research with a method which effectively balances the requisite flexibility required in complex and convoluted research area, and in providing specific and explicit guidelines for how to handle the analytical stages of the inquiry.

The flexibility provided by a Grounded Theory methodology to explore new trends and phenomena can firstly be demonstrated by comparing it to traditionally quantitative methods. These methods are extremely useful for collecting robust and easily comparable data but lack the depth and theoretical generation required to provide a means of explanation. Within the context of this project, quantitative methods could have been used to demonstrate statistical associations between particular policies and the production of housing in Bristol, yet would provide only a correlation between action and outcome without

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<sup>456</sup> Olesen, V. (2007) *Feminist Qualitative Research and Grounded Theory: Complexities, Criticisms, and Opportunities*



providing that core explanative understanding that is the goal of Grounded Theory. Furthermore, employing a quantitative approach to this project would have prevented the research findings from providing an insight into the precise nature of the relationship between planning law and policy, and housing production and how these findings might inform broader understandings of local-national relationships.

The flexibility of Grounded Theory can also be demonstrated by comparing it to top-down, traditional theoretical frameworks derived from sociological theory. Such frameworks are useful across qualitative research because they can be used to sensitise the researcher to the broader social structures which frame the subject of inquiry. Within this research project, this kind of framework would have potentially helped to situate the research findings within wider social arrangements and tensions – such as gender, class, or race – which are all likely to have their own important influence on both the form and operation of law and policy in this area, as well as how these policies shape the practices of Bristol City Council. However, given the specific objectives of this research and the complex nature and access to the research focus, it was deemed more advantageous to utilise an approach which was open to new and unexpected trends and tensions within these interactions, and empirically explain the nuances of how these interactions may shape the production of housing in Bristol. For example, theoretical sampling is a distinctive aspect within Grounded Theory which meant that the process of seeking and sampling data was geared towards informing conceptual categories, rather than seeking data which spoke to pre-determined theoretical concepts and categories.

Taken together, this means that Grounded Theory can be understood to mediate the criticisms of relying on theoretical frameworks which are often criticised for failing to explain

empirical phenomena on the one hand and, on the other, utilising quantitative approaches which are also criticised for their constrained ability to capture the rich texture of social phenomena, and generate theory which can inform broader understandings of the world. Within this project, Grounded Theory provides a unique opportunity to empirically explore the interactions between law and policy and the practices of Bristol City Council in a way that was open to new and unexpected patterns and data, under the robust guidance of set principles and strategies for how to approach and manage the uninterrupted process of data collection, analysis, and theory generation.

#### *4.3.1. Methods of Data Collection*

There is benefit in reiterating the empirical framework in which this research is conducted before progressing to review the methods of data collection which were used during the empirical research. The aim of the research is to understand how planning law, policy, and local practice shape housing production in Bristol. This aim naturally lends itself to a socio-legal approach as the research aimed to explain law in context. Subsequently, Grounded Theory methodology presents the opportunity to understand and explain the research phenomenon by gathering data, conducting reflexive analysis, and inductively developing theories of explanation from the data, processes which benefit from socio-legal approach and the use of different methodological and theoretical approaches to studying law.

In order to successfully apply this methodology, the most suitable methods of data collection must be employed which relate to the aim of the research and the chosen Grounded Theory methodology. As such, the empirical data collection is conducted through three complimenting methods; ethnography, semi-structured interviews; and document analysis.

The combination of these methods provides more accurate understandings through employing differing ways of gathering data.<sup>457</sup> In addition, the combined approach of three methods of data collection mitigate the disadvantages which occur from conducting empirical research through only a single method.<sup>458</sup> When conducting interviews with elite participants, presented under the subsequent sub-heading, the benefits of triangulating methods is even more profound as combining methods can contribute to overcoming challenging access issues and ensure the researcher has adequately prepared for the interview and is asking the correct questions.<sup>459</sup>

A combination of empirical data collection methods is frequently employed in Grounded Theory methodology as multiple methods of data collection enable greater data saturation where continued data collections amasses no further evidence from new sources.<sup>460</sup> This further benefits the use of Grounded Theory methodology as the available time and depth with the participants presents the opportunity to fully utilise Grounded Theory's theoretical sampling method which searches for additional data to further explore an emerging conceptual theme.<sup>461</sup>

### *Ethnography*

The first method employed was a six-month ethnographic placement with Bristol City Council shadowing Councillor Paul Smith, the Cabinet Member for Housing, between July and December 2017. Organising and access the ethnography at Bristol City Council was enabled

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<sup>457</sup> Yin, R. (2018) *Case Study Research and Applications: Design and Methods*

<sup>458</sup> Denzin, N. (2009) *The Research Act: A Theoretical Introduction to Sociological Methods*

<sup>459</sup> Natow, R. (2019) *The Use of Triangulation in Qualitative Studies Employing Elite Interviews*

<sup>460</sup> Goulding, C. (1998) *Grounded Theory: The Missing Methodology on the Interpretivist Agenda*

<sup>461</sup> Charmaz, K. (2011) *Grounded Theory Methods in Social Justice Research*

through a chance personally encounter with Councillor Paul Smith. While running for local election in May 2016, Paul was canvassing for votes in the Central Bristol ward, where I happened to live at the time. As we discussed the local labour party's housing policies and my proposed research as a PhD student, Paul took keen interest and offered to further discuss the opportunity to see first-hand the proposals the local labour party would be enacting if they were successful in winning a majority. Following the success of the Labour party in both the city Mayoral election and in forming a local cabinet majority, I maintained contact with Paul and subsequently organised the ethnography for the following summer. The placement was enabled through the SWDTP Student Placement scheme to provide collaborative research agreement between the partner organisation, Bristol City Council, and the SWDTP.

When establishing the ethnography, the expectations of the placement were outlined to provide the opportunity and access to observe the local authority decision-making processes related to housing delivery within the city. Incorporating both internal and external meetings and discussions with a wide range of public and private housing participants: local authority planning and housing colleagues, private sector developers, housing associations, and housing and homeless charities. From the outset, conducting semi-structure interviews with a number of key personnel were intended to follow the conclusion of the placement in order to provide a richness to the data collection in addition to the ethnographic data.

The ethnographic placement consisted of observations and participation in internal meetings within the council, for example housing delivery or the local authority's planning department, or with private-sector developers, housing associations, and housing and homelessness charities, and also in wider networks with housing participants regionally and nationally. The ethnography also presented the opportunity to build rapport and create networks with local

authority participants to build relationships and gain access to a typically reserved and inaccessible profession.

When undertaking the ethnography, I was introduced as a PhD student at the university conducting research on the local policies and practices of Bristol City Council in resolving the local housing crisis. This would provide me with the platform to provide a further brief explanation of my research, discuss any ethical implications and the steps taken to mitigate any risks related to commercial confidentiality that may arise, and offer Participant Information Sheets (Appendix A) which would provide further details of my research and contact information. Throughout the six-month placement, all participants – both internal and external – were extremely welcoming to the research, demonstrating keen interest, and most offering active support.

The ethnography raised little ethical concerns that could not be mitigated by good ethical research practices and prior agreement with the local authority through an agreed non-disclosure agreement. Prior to conducting the research and given its nature, principal concerns surrounded access to commercially sensitive information were mitigated through agreement with the local authority. In actuality, in only one occasion did a commercially sensitive topic require alternative actions to be taken during a cross-authority regional planning meeting to discuss the, then in-draft, joint spatial plan preparation.

Ethnographic research is widely recognised as presenting a distinct opportunity to investigate the interactions between participants in a particular social context through in-depth data collection,<sup>462</sup> gathering qualitative data which may otherwise be overlooked through

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<sup>462</sup> Bray, Z. (2008) *Ethnographic Approaches*

comprehensive inclusion within the fieldwork subject,<sup>463</sup> and proved excellent in providing the opportunity for descriptions, explanations, and theoretical formulation to develop from the fieldwork.<sup>464</sup> Ethnography has been recognised to give rise to a more sophisticated analysis of law, to ‘fill the gap’ between law in theory and law in practice by recognising external socio-economic contexts. The placement within the local authority presents distinct advantages for ethnographic research as it provides comprehensive inclusion and participatory research with relevant fieldwork participants,<sup>465</sup> presenting the opportunity for the researcher to gain the “insider’s understanding” through participants lived experiences.<sup>466</sup>

An ethnographic research diary was kept throughout the ethnographic placement to record participant conversations, interactions and actions between participants, while also providing space for reflexive processes recording my comments, questions, and initial observations.<sup>467</sup> The diary was structured with the left-hand page to record the observations and conversations, while the right-hand page was dedicated to my own comments, questions and notes for further exploration and research, Appendix C provides an example page from the ethnographic diary to illustrate this set-up. Conversations with participants are comprehended as often undertaking soft, informal, interviews through sharing more parallels to “friendly conversation” than formal questioning.<sup>468</sup> This data continually underwent the analytical processes of Grounded Theory; coding, categorising, comparing, theoretically sampling, and developing core concepts in order to generate theory.<sup>469</sup> Through this, the

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<sup>463</sup> Flake, C. (1992) *Seeing the Social Studies Curriculum Through New Eyes: Student Interns as Ethnographers*

<sup>464</sup> Hammersley, M. and Atkinson, P. (2007) *Ethnography: Principles in Practice*

<sup>465</sup> Flake, C. (1992) *Seeing the Social Studies Curriculum Through New Eyes: Student Interns as Ethnographers*

<sup>466</sup> Charmaz, K. (2011) *Grounded Theory Methods in Social Justice Research*: p. 360.

<sup>467</sup> Burgess, R. G. (1981) *Keeping a Research Diary*

<sup>468</sup> Spradley, J. (1979) *The Ethnographic Interview*

<sup>469</sup> Walker, D. and Myrick, F. (2006) *Grounded Theory: An Exploration of Process and Procedure*

ethnographic diary provides an account of the initial observations and findings that is subsequently used to theoretically sample subsequent interviewees and form the basis of interview questions to further explore emerging conceptual themes.<sup>470</sup>

To ensure the ethnography was successful, it operated within a specific focus of the overall aim of the research with its objective clear and established from the outset. As Corbin and Strauss write, “every investigator must enter the field with some questions or areas of observation”.<sup>471</sup> Therefore, a research question was formed to guide the observations and participation of the ethnography; *How does Bristol City Council identify its position in the production of housing within the city?*

This research question was purposefully formulated to provide a loose attention to the overall aim of the research, while maintaining focus but not overtly restricting the participatory and observatory nature of the placement. This question also seeks to explore what McAuslan recognises as the governmental context of planning law;<sup>472</sup> to understand planning law and the administration of land use control, the research must consider the wider governmental context. That is, the local authority’s ideology of decision-making processes within government institutions, general movements, and ideas of change.

This research question also specifically investigates how the local authority perceives, explains, and practices upon its own position in relation to the production of housing. It was anticipated that answering this research question through gathering ethnographic data would allow themes to emerge which relate back to the overall aim of the research while providing

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<sup>470</sup> Charmaz, K. (2011) *Grounded Theory Methods in Social Justice Research*

<sup>471</sup> Corbin, J. and Strauss, A. (1990) *Grounded Theory Research: Procedures, Canons, and Evaluative Criteria*: p. 6.

<sup>472</sup> McAuslan, P. (1980) *The Ideologies of Planning Law*

a solid foundation for further empirical research to generate theory to explain their local perceptions and practices.

### *Semi-Structured Interviews*

The second empirical data collection employed in this research was a small sample – six in total, inclusive of two explorative experimental interviews with private-sector participants – of purposive semi-structured interviews following the conclusion of the ethnographic placement. Ordered in this way, this provided the opportunity to first code, compare, and categorise the ethnographic data, and subsequently to theoretical sampling interviews in order to develop core concepts from both the ethnography and the interviews. Theoretical sampling in this way is one of the defining features of Grounded Theory methodology, delivering an iterative process of data collection and analysis to refine strategic sampling to increasingly focus the data collection.

Semi-structured interviews are poised in balance between the formally structured interview script, and a completely flexible unstructured approach. The semi-structured approach facilitates the formation of specified questions prior to the interview but permits flexibility during the interview to seek clarification and elaboration on the answers given.<sup>473</sup> The interview method is naturally compatible with Grounded Theory methodology through the following two parallels:

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<sup>473</sup> May, T. (2001) *Social Research: Issues, Methods and Process*



Firstly, interviews are a common source of data collection in qualitative research, allowing for the participants to provide their understanding and perspective on the research topic.<sup>474</sup> The method produces rich insight into the participant's experiences, perspectives, and attitudes and, as such, are excellently situated for obtaining grounded data to generate theories of explanation.<sup>475</sup> Through this capacity to communicate participants' knowledge, they are particularly favoured by the interpretivism paradigm and, as outlined previously, Strauss and Corbin's approach to Grounded Theory necessitates an interpretivist approach to fully engage with the participant's understanding and perspective in order to develop theory grounded in the data.<sup>476</sup>

Secondly, Grounded Theory's processes of continuous data analysis of the preceding ethnographic data provide an excellent platform to guide the generation of interview questions and theoretical sampling of interview participants. Emerging areas of interest can be further questioned, guiding participants to discuss areas of interest while continually allowing new areas to emerge. As Strauss and Corbin write, "relevant issues must be incorporated into the next set of interviews and observations"<sup>477</sup>. Further, interview participants with expertise in the relevant areas can be sampled in order to deliver the richest data possible.

Six interviews were completed: four with local authority participants, and two with private-sector participants with expertise in development in Bristol. The local authority participants recruited for interviews were all senior management officers or councillors, with

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<sup>474</sup> Carson, D., Gilmore, A., Perry, C. and Gronhaug, K. (2001) *Qualitative Marketing Research*

<sup>475</sup> May, T. (2001) *Social Research: Issues, Methods and Process*

<sup>476</sup> King, N. and Horrocks, C. (2010) *Interviews in Qualitative Research*

<sup>477</sup> Corbin, J. and Strauss, A. (1990) *Grounded Theory Research: Procedures, Canons, and Evaluative Criteria*: p. 6.

responsibilities in housing delivery, planning, and housing policy. These senior figures were purposively sampled for their expertise and knowledge of the conceptual categories which emerged from the previously gathered ethnographic data.

The two explorative private-sector interviews were undertaken with the intention to explore how the practices and local policies of Bristol City Council were perceived outside of the local authority. While this provided some interesting data, it was also unsuccessful in this initial aim. In undertaking and analysing these interviews it was clear that the responses were limited in contributing to the data categorisation already gathered by the ethnographic data. The participants knowledge of detailed local authority practices and policies was insufficient to contribute to developing core concepts in response to the research aims and objectives. Combined with further difficulties in recruiting private-sector participants for interviews, it was decided that this data would not be used.

Interviews were conducted with the use of a voice recorder with minimal handwritten notes in order to remove the need for continued notetaking and to promote direct engagement through body language and eye contact with the participants. The interview audio files were then transcribed into text documents upon the completion of each interview to begin the analysis process while also removing any identifying characteristics in accordance with the approved university application for ethical consideration.

### *Document Analysis*

The final empirical data collection method employed was an analysis of internal local authority documents. Through the success of building rapport with participants during the

ethnographic placement, I was provided with access to two forms of local authority documents. Firstly, I was directed to publicly available documents – such as full council or cabinet meeting minutes which are made available through the council’s website – which were previously unidentified sources of information. Secondly, I was provided with access to internal local authority documents covering contextual, financial, and decision-making processes in various forms of meeting minutes, departmental reports and updates, and personal individual documents such as emails. Utilising these documents required consideration of the contexts surrounding the topic, its unrestricted or confidential nature, and the opinions and recommendations expressed in them through the analytical process of document analysis.

Document analysis is considered as a systematic procedure for reviewing or evaluating documentary evidence to answer specific research questions. It is particularly beneficial in studies producing rich descriptions of a single organisation or programme.<sup>478</sup> It is recognised as often used best in combination with other empirical research methods, providing for greater collaboration between the perspectives and understandings that can reduce researcher bias that can arise from a single method.<sup>479</sup>

The local authority documents used in this research were able to provide rich historical and contemporary contexts within which the research participants operate, while also serving to further guide the formation of semi-structured interview questions. Consequently, within the Grounded Theory process, document analysis provides another layer in combination with the ethnographic diary for gathering data, comparing, categorising and developing core concepts.

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<sup>478</sup> Bowen, G. (2009) *Document Analysis as Qualitative Research Method*

<sup>479</sup> Patton, M. (2015) *Qualitative Research & Evaluation Methods*

Nevertheless, the access to internal local authority documents raised some ethical considerations surrounding commercial confidentiality, addressed in greater detail the final section of this chapter. Due to the inherent internal nature of the processes and decision-making of the local authority, the documents required careful consideration in the inclusion of the research findings.

### 4.3.2. Researcher Reflexivity

Researcher reflexivity is fundamental to Strauss and Corbin's Grounded Theory methodology. Reflexivity is an ongoing process throughout the research which seeks to address the influences of researcher-participant interactions through ensuring the researcher is consciously aware of their role, actions, and influences on the discovery of data during the research process.<sup>480</sup> The researcher must acknowledge their impact on the data due to the nature of theoretical sampling, purposeful selection of new data to further explore a conceptual category, and constant comparative analysis incorporating the iterative process of returning to previously analysed data throughout the research.<sup>481</sup> This allowed the researcher to hold themselves and the knowledge they produce accountable to both those who participate and future researchers who may wish to expand upon the findings. Strauss and Corbin state that "maintaining self-awareness is an important consideration when doing Grounded Theory" because of the researcher's interaction with the data.<sup>482</sup> They recognise that while it is impossible to prevent all bias and assumptions, it is important to mitigate these

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<sup>480</sup> Guillemin, M. and Gillam, L. (2004) *Ethics, Reflexivity, and "Ethically Important Moments" in Research*

<sup>481</sup> Neill, S. (2006) *Grounded Theory Sampling: The Contribution of Reflexivity*

<sup>482</sup> Corbin, J. and Strauss, A. (1990) *Grounded Theory Research: Procedures, Canons, and Evaluative Criteria*: p. 54.

effects as much as possible by maintaining a research journal to record reactions and bias for a later type of “self-analysis”.<sup>483</sup>

While the researcher requires some levels of creativity to produce conceptual categories when analysing the data, these categories must not be forced by pre-determined ideals from prior theories within the subject area; instead, they must inductively emerge from the data.<sup>484</sup>

Reflexivity within Grounded Theory seeks to provide a means to mitigate the researcher’s own interpretation of the data. Yet, there is warning not to stifle the creativity needed in order to analyse the data and to produce theory, risking instead only producing a description of the phenomenon without theoretical understanding and explanation.<sup>485</sup>

A number of practices were undertaken throughout the empirical and analytical processes to promote reflexivity and examine my own beliefs, judgments, and practices and how these may have influenced the research. By way of example, during the ethnography and the recording of observation data in the ethnographic diary, each double-page spread in my notebook was structured to note the observational data on the left-hand page, with the right-hand page dedicated to my own comments, questions for further exploration, and initial understandings of the observations; Appendix C provides an example page from the Ethnographic Diary. This simple process sought to ensure that the documented observations were placed within the context of my own understanding at the time, rather than retrospectively at the end of the ethnography and the development of local authority

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<sup>483</sup> Corbin, J. and Strauss, A. (1990) *Grounded Theory Research: Procedures, Canons, and Evaluative Criteria*: p. 55.

<sup>484</sup> McGhee *et al.* (2007) *Grounded Theory Research: Literature Reviewing and Reflexivity*

<sup>485</sup> *Ibid.*

practices over the six-month period. This provided an appropriate method of self-analysis put forward by Corbin and Strauss in undertaking Grounded Theory research.<sup>486</sup>

Additionally, a crucial aspect to recognise under research reflexivity was the rapport and relationships built with local authority participants over the course of the ethnography and subsequent interviews. The development of excellent working relationships, and in some cases friendships, provided clear benefits to the research: greater access to local authority documents as well as understandings of local authority practices and policies; invitations to participant events and contributions to presentations outside of the scheduled ethnographic placement; and the continued provision of local authority information following the conclusion of the ethnography and the interviews through shared information on the progress and development of local authority practices, policies, and future plans.

It is also crucial to reflect on the impact of building excellent rapport with local authority participants on the critical analysis of my research. During the six-month ethnography and the continued contact with local authority participants, I was fully immersed within the culture of the local authority regarding their underpinning attitudes and approaches to local housing policy and practices. Despite the benefits of this discussed above, an inevitable limitation of such close contact consequently created difficulties in stepping back to examine the policy and practices impartially. To take one example, during the ethnography I was present in an internal meeting with housing and planning participants discussing the proposal of local policies to promote the delivery of affordable housing, during this meeting council participants commented on the imperative of affordable housing delivery to house those most in need, recounting that during the last week, three homeless individuals had died on

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<sup>486</sup> Corbin, J. and Strauss, A. (1990) *Grounded Theory Research: Procedures, Canons, and Evaluative Criteria*

the streets in Bristol. This underpinning reasoning for promoting such policies is not evident from an analysis of local housing policy but carried impact in decision making. It would have been unlikely for this research to gain such crucial insight through less immersive methods of data collection that would be unable to build close rapport and connection with the culture of Bristol City Council.

This understanding is commonly depicted as conducting research as an 'insider' with regards to being incorporated into the culture under investigation through shared characteristics, roles, or experiences.<sup>487</sup> It is of fundamental importance to reflect on the direct role the researcher plays in both data collection and analysis. There is no doubt that the example above acknowledges the inevitable ways in which I was influenced by the research experience, and the implications for the findings presented from this research. Yet, I believe that any limitations that this had for the objectivity of the research were substantially outweighed by the benefits of first-hand insight into local authority operation in providing richer data.

Being an 'insider' enabled greater acceptance not just with Bristol City Council participants but with external participants that were attending meetings with local authority staff. Had the introductions given by Paul Smith when meeting new people not been unequivocal in his support for the research, and given the complexity in accessing such a closed-knit sphere, undertaking such research with the depth, quality, and access granted to me would not have been possible. While critiques surrounding insider research point towards lack of reliability and bias in the findings portrayed, particularly from a positivist standpoint,<sup>488</sup> the

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<sup>487</sup> Morrow, S. (2005) 'Quality and Trustworthiness in Qualitative Research in Counselling Psychology' *Journal of Counselling Psychology*, vol. 52, iss. 2, pp. 250-260.

<sup>488</sup> Corbin Dwyer, S. and Buckle, J. (2009) *The Space Between: On Being an Insider-Outsider in Qualitative Research*

combination of insider research alongside Strauss and Corbin's particular Grounded Theory approach which endorses more heavily the reflexive role of the researcher in enabling the participants lived reality to be examined and revealed in order to generate theory grounded in the empirical data.

### *4.3.3. Data Analysis*

In most qualitative empirical research, data are analysed after the fieldwork has been completed. The researcher can organise their collected data and begin systematically coding their data using thematic analysis or discourse analysis. In contrast, Grounded Theory analyses the data without pre-defined categories of explanation simultaneously alongside continued data collection to deliver concurrent iteration of analysis and data collection. Data analysis in Grounded Theory has a number of well-defined processes according to Strauss and Corbin, beginning with coding, categorising, and comparing data, progressing to conceptual ordering, and finally to theorising from the data.<sup>489</sup> Concurrent with this whole analytical process is continued theoretical sampling to guide the collection of further data using analytical insights gained throughout the data collection processes. This creates flexibility within the research process to alter the direction of the research where analysed information directs further investigation.<sup>490</sup>

Once the first pieces of data are gathered, it is continuously analysed through qualitative textual coding exercises which are grounded in the data and not devised from previous

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<sup>489</sup> Corbin, J. and Strauss, A. (2015) *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory*

<sup>490</sup> Tucker, T. (2016) *Grounded Theory Generation: A Tool for Transparent Concept Development*



predictions or literature. For this research, the first step in analysing the ethnographic data was completed through the reflexive process of dedicating each right-hand page in the ethnographic diary to recording my initial comments, thoughts, and questions arising from that data. Further, the ethnographic diary was digitalised at the end of each week with my reflexive comments where the formal coding process began using NVivo qualitative data analysis software. Coding in Grounded Theory methodology is not a simple part of analysis similar to other types of qualitative research,<sup>491</sup> it is the fundamental foundation of the analysis.<sup>492</sup>

The data-driven codes develop inductively through thematic analysis of the data; first from the earliest data collected, and continually revised, expanded, and refined as more data was collected throughout the research. Thematic coding generates codes linked by common subjects or ideas to develop a framework of thematic analysis aligned with the overall research aim and ethnographic research question.<sup>493</sup> Once coded, the data in these codes can be compared within each coding category, and also between categories of similar description.

Beyond the basic coding exercise in Grounded Theory is the process of conceptual ordering. This process is accomplished through an emerging set of coding processes which conceptualise the data according to their shared similarities and topics, utilising the description of those elements to explain the created concepts.<sup>494</sup> Coding the categories into concepts of similar actions are used as the basis for further theoretical observations to illuminate issues, guiding the researcher to consciously take notice of their implications.<sup>495</sup>

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<sup>491</sup> Walker, D. and Myrick, F. (2006) *Grounded Theory: An Exploration of Process and Procedure*

<sup>492</sup> Corbin, J. and Strauss, A. (1990) *Grounded Theory Research: Procedures, Canons, and Evaluative Criteria*

<sup>493</sup> Boyatzis, R. (1998) *Transforming Qualitative Information: Thematic Analysis and Code Development*

<sup>494</sup> Corbin, J. and Strauss, A. (2015) *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory*

<sup>495</sup> Corbin, J. and Strauss, A. (1990) *Grounded Theory Research: Procedures, Canons, and Evaluative Criteria*

The conceptual ordering of categories of data highlight the discoveries from the empirical research, subsequently forming the three findings chapters presented in this thesis in Chapters Five to Seven.

Finally, following the conceptual ordering of the data into categories is the generation of theory. As the central aim of Grounded Theory,<sup>496</sup> generating theory is significant in aiming to explain the phenomenon, and providing concepts and hypotheses for subsequent research.<sup>497</sup> To progress from conceptual ordering to theory generation where multiple conceptual categories emerge, themes are methodically developed based on their shared concepts and properties to form a core concept which incorporates wider understandings to form a theory grounded from the data which seeks to explain aspects of the phenomenon under investigation.<sup>498</sup> The generated theory is not be regarded as a “perfected product”, but a continuously developing means of explanation;<sup>499</sup> if new data arises which counters the generated theory, it is can never destroy it, merely replace it with a better theory.<sup>500</sup>

#### *4.3.4. Grounded Theory Process and the Generation of Theory*

Generating theory in the Grounded Theory process is the final stage of the methodological process outlined above. This final methodological section details this empirical and analytical process to evidence the development of the Grounded Theory. It is important to recognise that Glaser and Strauss uphold the generation of theory as “an ever-developing entity, not as

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<sup>496</sup> Glaser, B. and Strauss, A. (1967) *The Discovery of Grounded Theory: Strategies for Qualitative Research*

<sup>497</sup> Corbin, J. and Strauss, A. (2015) *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory*

<sup>498</sup> Hallberg, L. (2006) *The “Core Category” of Grounded Theory: Making Constant Comparisons*

<sup>499</sup> Corbin, J. and Strauss, A. (2015) *Basics of Qualitative Research: Techniques and Procedures for Developing Grounded Theory*: p. 32.

<sup>500</sup> *Ibid.*

perfected product”,<sup>501</sup> and therefore the processes highlighted below seek to illustrate how theory has developed throughout the process through continued iteration, and would continue to develop through any continued research in this area.<sup>502</sup>

### *Gathering Data*

Empirical data collection was conducted through the three methods discussed previously. This began with a six-month ethnographic placement at Bristol City Council shadowing Cabinet Member for Housing, Councillor Paul Smith. This placement provided observational and participatory data relating to the practices of the local authority in housing and planning and their objectives within local government. The ethnographic data was documented through an ethnographic diary recording conversations, interactions and actions between participants, as well as undertaking document analysis of internal local authority papers. These data provided an exceptional insight in what the local authority was undertaking, and how they were undertaking it.

In addition to the ethnographic placement, the four in-depth semi-structured interviews were conducted with local authority participants following the conclusion of the ethnography. These provided the unique opportunity to reflect upon and question ethnographic observations, while also exploring participants’ opinions, experiences, and expertise from various departments of the local authority in greater depth. Additionally, where the ethnography largely gathered data related to *what* and *how* the local authority operated, the

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<sup>501</sup> Glaser, B. and Strauss, A. (1967) *The Discovery of Grounded Theory: Strategies for Qualitative Research*: p. 32.

<sup>502</sup> Charmaz, K. (2011) *Grounded Theory Methods in Social Justice Research*

interviews provided a unique opportunity, otherwise missed, to gather data underpinning the practices of the authority participants, asking the *why* questions to these practices and approaches, further enriching the empirical data. Finally, through building rapport and relations with local authority participants access was provided to internal local authority documents – both publicly available and confidential – to undertake document analysis through the coding and categorising processes outlined below.

### *Coding & Categorising*

As stipulated in Grounded Theory methodology, upon the collection of the first data through the ethnography, the analytical coding process began, taking two principal forms. First, the ethnographic diary was structured to provide space for initial reflections on the data. These reflections ranged from my own comments, initial understandings of the observations, and questions for further exploration formed the basis for the initial coding categories. Second, the ethnographic diary was documented electronically to enable greater depth of analysis through NVivo software. This data was coded using a thematic coding system in which codes developed inductively over the course of the data collection, and were continually revised, expanded, and refined as more data was collected throughout the research.

In parallel with the coding process was continued comparison between and within coding categories. This iterative process strived to ensure the coding categories continued to support data as it emerges from through the data collection. This resulted in constant reviewing and development of coding categories, sub-categories, and interrelated codes. The final codes developed from this process were:

- Affordable housing delivery
  - Council House Building
  - Local Housing Company
  - Partnership Grant Funding
- Austerity
  - Capacity to deliver
  - Expertise
  - Austerity politics
- Planning Balance between Competing Objectives
- Development Proposals
  - Private Sector
  - Build-to-Rent
- Grenfell Tower Fire
- Homelessness
  - Street homelessness
  - Temporary Accommodation
  - Innovative Solutions
- 3 Levers
  - Land
  - Money
  - Planning System
- Planning System
  - Criticisms – Slow/Obstruction
  - Local policies
  - Joint Spatial Plan
  - Competing National Interests
  - Quantification & Viability
- Political Targets
  - Delivery
  - Balanced Communities

Not all of the coded data categories were relevant to the objectives of the research. For example, the ethnographic placement took place shortly after the disastrous fire at Grenfell Tower in North Kensington, and as a local authority with tall residential social housing blocks, there was significant consideration of local authority fire safety during the ethnography. While this provided exceptional data and insight into the immediate responses of a local authority following the tragedy at Grenfell Tower, these findings are outside of the objectives of this research and so had limited benefit in forming the subsequent conceptual core themes.

### *Theoretical Sampling*

Grounded theory necessitates continued data collection and analysis in order to reach a point of data and theoretical saturation. This was conducted through theoretical sampling and continued data collection of the ethnographic research for the duration of the placement, and principally through the use of semi-structured interviews with key local authority participants following the placement's conclusion, and through document analysis of internal authority decision-making processes. Theoretical sampling in this way provides the ability to purposively explore emerging areas of interest in the current data by sampling new participants which provides relevant information to the current emerging core conceptual themes while ensuring the final developed theory is grounded in the data.

### *Developing Core Concepts*

Running concurrently with the continued analytical coding, data collection, and theoretical sampling was the formation of conceptual core themes. Based on the coding classification above, three core themes emerged which encompassed the dominant and relevant codes: i) Local authority capacity, ii) Local authority interventions in the housing market, and iii) Local authority resistance to national planning and policy governance. Each of these core concepts corresponds to achieving the authority's identified local housing priorities, predominantly increasing the supply of affordable housing.

The first core concept concerns the illustration and consequences of limited local authority capacity in planning and development. Incorporating such findings as concentrating on bringing development forward feasible development while struggling to progress master-

planning development sites, complex development sites, and conflicts surrounding stalled sites and local planning policies. The second featured the underpinning objectives of the local authority interventions in the housing market is to increase the supply of affordable housing in a market dominated by private development, deprived of a focus on affordable housing supply. Finally, this core concept encompassed the local resistance to national approaches to defining and specifying affordable housing delivery, running parallel to the local authority's continued affirmation for increasing affordable housing supply, while pursuing the supply of genuinely affordable housing within the city given local market contexts. The presentation of these three core conceptual themes formed the previous substantive findings Chapter Five to Seven.

### *Generating Theory*

At the conclusion of this process is the generation of an integrated and comprehensive theory abstracted from empirical data that explains Bristol City Council's approach to housing production in Bristol. In consideration of the overarching aim of this research – to examine how planning law, policy, and local practice shape housing production in Bristol – the generated theory provides an explanation of the local authority's approach; as Glaser and Strauss state, it is theory because it explains or predicts somethings.<sup>503</sup>

Through the development of the Grounded Theory process resulting in the three core concepts of local capacity, local intervention, and local approach to affordable housing policies, the developed Grounded Theory underpins these core concepts through laying the

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<sup>503</sup> Glaser, B. and Strauss, A. (1967) *The Discovery of Grounded Theory: Strategies for Qualitative Research*

conceptual exploration of these themes as an interrelated whole. The Grounded Theory generated from this empirical research is that in each of the practices and policies of Bristol City Council in operating as a developer and in the governance role as the local planning authority, the council operating in the grey spaces of planning law, policy, and practice in order to advocate and advance its own housing objectives.

The term grey spaces is used to mean the authority is not in violation of any specific national planning policies, but is bypassing the characteristics, motivations, and intentions underpinning the application of these policies. This grey spaces discourse is developed and evidenced in each of the following three chapters relating to those core conceptual categories – local authority capacity in chapter five; local intervention in the housing market in chapter six; and local approach to affordable housing policy in chapter seven – before being amalgamated in the final conclusion chapter.

#### 4.4. Ethical Considerations

This research was conducted in line with the Socio-Legal Studies Association statement of principles of ethical research practice,<sup>504</sup> and in accordance with the University of Bristol's ethics policy and procedure guidelines.<sup>505</sup> An application for ethical approval was submitted to the University of Bristol's Law School Research Ethics Committee on 12/06/2017. Following review by the committee and subsequent revisions, the application was approved on

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<sup>504</sup> Socio-Legal Studies Association (2009) *Statement of Principles of Ethical Research Practice (January 2009)*

<sup>505</sup> University of Bristol (2015) *Ethics of Research Policy and Procedure (v.6 22/05/2015)*



22/06/2017. The approved participant information sheet, and participant consent form are enclosed in this thesis as Appendix A and B, respectively.

Informed consent, confidentiality, and the right to withdraw are considered as a tripod of good ethical principles which guide the conduct of ethical social science research. These three principles are the fundamental basis for any research which interacts with participants.<sup>506</sup> Their importance is paramount and, as such, are positioned in mind through this research. To provide an account of each of these principles and additional relevant ethical concerns and, importantly, the methods employed to mitigate their effects.

Informed consent refers to the participants providing consent to take part in the research, through an informed and voluntary means.<sup>507</sup> In order to provide *informed* consent, participants must understand the nature of the research which is being conducted. To achieve this, participant information sheets were provided for each participant which stated the purpose of the research, how the collected data was to be used, any risks and benefits for them, and the researchers contact details (see appendix A). By providing these participant information sheets prior to the data collection, participants were provided the opportunity to clarify any questions they may have, consent to participate in the research, or withdraw their consent to participate.

Consent for the ethnography was sought through verbal confirmation and the offering of research information sheets. If a participant chose not to take part in the research, the individual's actions or conversation, with the researcher or any other person (whether that person had consented or not) were not recorded in the ethnographic diary. Although this

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<sup>506</sup> Israel, M. and Hay, I. (2006) *Research Ethics for Social Scientists*

<sup>507</sup> Israel, M. (2015) *Research Ethics and Integrity for Social Scientists*

eventually was prepared for, during the ethnographic placement these course of actions were not needed. Prior to commencing the interviews, participants were required to confirm written consent through a participant consent form which confirms their consent in taking part in the research, permitting the use of their data in this thesis or subsequent publications, and grants permission to audio-record the interview. These participant consent forms were classed as confidential data and were stored securely and privately throughout the research process.

Returning to the tripod of ethical principles, this research will strive to anonymise all participants involved in this research, both within the ethnography and the interviews in attempts to maintain confidentiality. In attempts to prevent identification of individuals or employers, both ethnographic and interview data will be subject to strict anonymisation through labelling generic titles in place of names regardless of the participants position (for example, Local Authority Participant #1).

The final leg of the ethical tripod is the right to withdraw, permitting participants with the ability to withdraw from the research up until the data is analysed. The participant's right to withdraw is not superseded by their signing of the participant consent form. This capability is described on the participant information sheet and the participant consent form to ensure the participants fully understand their rights within this research. If a participant chose to withdraw from the research, any data they had provided up until the data had been analysed was removed from the research and destroyed. Akin to the previous mitigation practices, this course of action was not needed throughout the research process.

With specific regards to the chosen data collection methods, both ethnography and semi-structured interviews raise few ethical concerns not already safeguarded within the tripod of

ethical principles. As the participants were employees of the local authority, there were no anticipated vulnerabilities as it is anticipated all participants will be aged over 18 years old and able to provide their own consent to participate in the research. Furthermore, this research design proposes no elements of covert research; participants will be made fully aware of the purpose of the research prior to any data collection.

The interviews will be conducted with the use of a voice recorder in order to remove the need for constant notetaking throughout the data collection. These audio files were transcribed into text documents upon completion and the audio files were permanently deleted. Again, the transcribed data was subject to strict anonymisation processes in striving to prevent discovery of individuals through identifying characteristics, using generic titles in place of names.

There are, however, two ethical considerations which need to be addressed. First, the ethnographic placement with the council could raise questions over whether employees will feel pressured to participate in the research. To safeguard against this, all individuals involved in any way were made aware of my position and my research prior to any inclusion. Upon being made aware of my presence and research interests, employees were freely invited to take part in the research through gaining verbal consent. If they chose not to take part, their actions and any comments or conversations they have with myself or others – whether participating in research or not – were not recorded within the ethnographic diary.

Secondly, the nature of the ethnographic placement in combination with the work conducted by Bristol City Council may raise ethical concerns over contact with commercially confidential data, principally demonstrated by the access to internal local authority documents. Banakar and Travers described how ethnography, but also applicable for semi-structured interviews,

raises ethical concerns when researching closed or sensitive settings.<sup>508</sup> This closed or sensitive setting can include, in the case of this research, commercial confidentiality. While it was not envisioned that commercially confidential data would constrain my research, to mitigate the potential effects of breaching commercial confidentiality, a non-disclosure agreement was signed with the local authority which permitted the publication of such sensitive information following approval by Bristol City Council.

Furthermore, my access to meetings with commercially confidential data was decided by the involved participants on a case-by-case basis, but no issues arose where I was forbidden to attend in the researcher capacity. There was only one incident of commercially sensitive information being discussed that required me not to take ethnographic notes during the period of the placement. This was in relation to a wider regional authority planning meeting discussing the proposed Joint Spatial Plan. Where any access to commercially confidential data is permitted, any confidential data gathered will be subject to the full anonymisation process to remove identifying characteristics in line with the non-disclosure agreement.

#### 4.5. Conclusion

This chapter has outlined the methodological and analytical framework which underpinned this research project. Firstly, it set out the overarching research aim and specific research objectives, which specify that this thesis is centred around an investigation into how planning law, policy, and local practice shape housing production in Bristol. Secondly, this chapter has positioned this project within its broader academic context – a socio-legal law in context

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<sup>508</sup> Banakar, R. and Travers, M. (2005) *Law, Sociology and Method*

approach. Thirdly, it set out the Grounded Theory methodology which will inform the choice and use of methods within the project. Fourthly, it detailed the specific methods of data collection which were employed, including ethnographic observations, semi-structured interviews and document analysis. Fifthly, it reflected upon the approach that was taken to the process of data analysis, and the ways that this stage was influenced by the broader methodological and analytical approach that was taken. Finally, the chapter has discussed the specific ethical considerations that arose during the process of designing and conducting this research project.

Having outlined the contextual foundations to this thesis in Chapters One, Two and Three, and the methodological and analytical approach in this chapter, this thesis will now progress to outlining the findings of this research, across Chapters Five, Six, and Seven, before drawing this context together with these findings within the final concluding chapter, Chapter Eight.

## Chapter Five: Local Authority Capacity

The first findings presented by this research concerning the provision of housing in the city is the ways in which Bristol City Council has made use of the regulatory grey spaces provided in the national planning framework to manoeuvre flexibly, but compliantly, in order to prioritise their own housing objectives. There are three principal reasons that the local authority is operating in the grey spaces: i) the lack of local authority capacity to deliver housing; ii) the barriers created by the extent and impact of stalled sites within the city; and iii) the tensions between inherited local planning policies from previous administrations in light of a desire to deliver increased development density, height, and consequently affordable housing provision. This chapter first presents these principal motivations to operate in the grey spaces, before Chapter Six illustrates how these grey spaces are used in practice in the direct delivery of new homes, while Chapter Seven demonstrates the application of grey spaces in local planning policy regarding affordable housing, characteristically resisting the position of the national planning framework.

Having set out this landscape, this chapter considers the limited capacity in which the authority is operating, illustrating the impact of such constraints, and explaining why it is necessary to develop and exploit the identifiable grey spaces in order to increase the provision of affordable homes. It examines the impact and effects of local authority austerity on the local governance within the planning framework with relation to masterplanning, stalled sites, and the effects on the Council's ability to engage with both inherited local planning policy and conflicts with innovative practices emerging in the sector. This limited capacity is experienced as both constraints within administrative capability, and financial

resources to undertake and conclude requisite planning requirements in reviewing local planning policies; inspiring the local planning authority to operate within the grey spaces.

The effects of austerity are not the only reason grey spaces have developed. Underpinning the local planning policies and practices is the demonstrated commitment to achieving the council's own political priorities and local housing objectives. These fundamentally conflict from those intrinsically prioritised by the national planning framework, notably the provision of homes for Social Rent, rather than homes for Affordable Rent or affordable homeownership as championed by the NPPF. These local political priorities, and their implications for the development of grey spaces, will be considered in the following Chapters Six and Seven.

This chapter now considers the impacts and effects of austerity on local planning and the Council's restricted ability to achieve its political goals through the local planning system. It is the lack of financial resources that makes the Council's ways of operating so significant. The limitations caused by financial austerity include: i) constraints on the ability to masterplan and disregarding complex sites; ii) the impact of, and inability to, resolve stalled sites; and iii) the shortcomings in resolving conflict with inherited local planning policies and the lack of capability to respond with local policy to emerging housing sectors not considered in the local plan.

### 5.1. Lack of Capacity to Deliver

Since the Conservative-Liberal Democrat coalition in 2010, the detrimental impact of a decade of austerity politics on frontline public-sector services has been consistently

recognised by a range of participants including academics and professionals, politicians, and mainstream media. Any number of examples can be evidenced; the impact of austerity in the NHS in reorganising and reducing staff levels;<sup>509</sup> national and local cuts of £4bn to children's social care is devastating local authority's early intervention measures;<sup>510</sup> and central government funding for police services fell by 19% between 2010/11 and 2015/16.<sup>511</sup> In contrast to austerity policies impacting the NHS, for example, the effects of austerity policies on a local authority's development management has not been subject to the same political or media interest, operating with a relatively low profile. Prior research identifies that while austerity policies targeted many different elements of the public-sector, local government experienced the largest proportion of cuts overall.<sup>512</sup> As one participant identified, the relatively unknown impact of austerity politics on local government, and local authority planning in particular, raises its own issues;

“You'll see people protesting austerity outside of the council holding placards that say, 'save our parks' or 'save our libraries'; no one is saying 'save our planners'”.

*Local Authority Participant (Ethnographic Diary, w4d4m1)*

While the most recent political consensus is that austerity politics is coming to an end, the concurrent impact on local authority services cannot be understated. Austerity policies targeting public spending has impacted every aspect of local authority's housing role. It has affected the management of council-owned stock through basic functions such as collecting

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<sup>509</sup> Pownall, H. (2013) *Neoliberalism, Austerity and the Health and Social Care Act 2012: The Coalition Government's Programme for the NHS and its Implications for the Public Sector Workforce*

<sup>510</sup> Action for Children (2017) *Turning the Tide: Reversing the Move to Late Intervention Spending in Children and Young People's Services*.

<sup>511</sup> HMICFRS (2017) *PEEL: Police Efficiency (Including Leadership) 2017*

<sup>512</sup> Gray, M. and Barford, A. (2018) *The Depths of the Cuts: The Uneven Geography of Local Government Austerity*



rental payments,<sup>513</sup> impeding their ability to undertake wider, resource-intensive, planning functions,<sup>514</sup> diminishing local authority capability of progressing direct delivery of council developments,<sup>515</sup> and crippling their capability to release land for development on large complex sites which require a considerable infrastructure investment, or likewise for micro-sites which are perceived as inefficient in achieving larger housing targets.<sup>516</sup> As one local authority participant stated during the ethnography, “austerity is not just cutting lollypop ladies from school crossings; but it is removing our capacity to deliver new homes wherever they are needed.”<sup>517</sup>

Nationally, austerity cuts to local planning authorities have forced these functions to focus on front-line planning services; namely, development management through the determination of planning applications. Research by the RTPI found that between 2009-10 and 2017-18, local authority spending on planning staff in local authorities fell by £66m nationally. Further, these cuts were disproportionately split between development management staff with an income-generating element to their work (27% lower spend), and strategic policy staff (73%) with principal responsibilities for the development of local plans including gathering the supporting evidence base, producing supplementary guidance, and informing colleagues about new Government policy.<sup>518</sup> Consequently, the RTPI found, this has resulted in a local planning authorities becoming increasingly dominated by short-term development

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<sup>513</sup> Ethnographic Diary, w4d4m1.

<sup>514</sup> Ethnographic Diary, w2d1m1.

<sup>515</sup> Ethnographic Diary, w5d4m2.

<sup>516</sup> Ethnographic Diary, w4d4m1.

<sup>517</sup> Local Authority Participant, (Ethnographic Diary w3d3m1)

<sup>518</sup> RTPI (2019) *Resourcing Public Planning: Five Stories About Local Authority Planning in England and Recommendations for the Next Chapter*

management with lesser focus on strategic planning roles resulting in less certainty for developers, less strategic spatial solutions to social issues, and worse place outcomes.<sup>519</sup>

For Bristol City Council, national austerity policies continue to have significant impacts on the operation of the council's services. The headline figure is a £108 million budget gap between April 2018 and April 2023.<sup>520</sup> This deficit is calculated between the council's expected income from council tax, business rates, and government funding (+£366m) and the council's anticipated expenditure for children social care, adult social care, waste collection and disposal, and other crucial council services (-£474m). The council's corporate strategy document states that the budget deficit is due to rising inflation, increasing demand on local authority services, and further cuts in central government funding over the next five years.

Despite facing a significant financial deficit, Bristol City Council's approach to the extensive issues caused by the limited supply of affordable homes were safeguarded on the local political agenda and budget. Bristol's corporate strategy maintained the key commitment to deliver 2,000 new homes, of which 800 affordable, in Bristol each year by 2020.<sup>521</sup> A demonstration of the importance of this commitment to providing new homes is evidence through the allocation of £220m in funding from the Council's budgets within the corporate strategy 2018-2023. Taken in the context of the wider budget deficit, it is clear the political driver to fulfil the manifesto target remains strong.

There is, of course, also a key geographic element to austerity policies and their impact on local authority services. As a general consideration, the need for local authority services is

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<sup>519</sup> RTPi (2019) *Resourcing Public Planning: Five Stories About Local Authority Planning in England and Recommendations for the Next Chapter*

<sup>520</sup> Bristol City Council (2017) *Tough Times High Hopes: Corporate Strategy and Budget Consultation Information Booklet*

<sup>521</sup> Bristol City Council (2018) *Corporate Strategy, 2018-2023*

concentrated in and immediately surrounding urban centres, and it is often these authorities which receive the greatest grant funding from central government in order to deliver these services. In tandem with the fact that local authority spending has suffered acutely under the government's austerity politics, deepening and extended cuts result in some local authorities expected to lose 60% of their incomes.<sup>522</sup>

Research undertaken by Gray and Barford<sup>523</sup> examines the disproportionate impact of changes in local authority spending between 2009-10 and 2016-17 and found that, in parallel to the previous narrative on the impacts felt by Bristol City Council in their overall budget, the change in spend on local authority services for Bristol fell by almost a third between 2009-10 and 2016-17. Drawing comparisons to other urban centres across the Core Cities group begins to build a picture of the challenges facing local authority capacity. The level of reduction in service spending experienced by Bristol was -32% over this seven-year timeframe, putting the authority in the top 25% of all authorities in terms of cuts to service provision. Manchester (-38%), Birmingham (-34%), and Newcastle (-33%) all experienced cuts greater than Bristol, while Leeds (-28%), Liverpool (-27%), and Nottingham (-23%) all reduced their spending by levels below Bristol but all still in the top half of cuts experienced by authorities across the country. The only outlier of the Core Cities group is Sheffield, whose reduction in spending was only 10% between 2009-2010 and 2016-17, an impact that is in the bottom 10% of authorities across England in terms of spending cuts.<sup>524</sup>

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<sup>522</sup> Gardner, A. (2017) 'Big Change, Little Change? Punctuation, Increments and Multi-Layer Institutional Change for English Local Authorities Under Austerity' *Local Government Studies*, vol. 43, no. 2, pp. 150-169.

<sup>523</sup> Gray, M. and Barford, A. (2018) *The Depths of the Cuts: The Uneven Geography of Local Government Austerity*

<sup>524</sup> *Ibid.*

Furthermore, given this scale of change in local authority spending across the country, consideration must also be given to the services areas most predominantly effected by the cuts. The largest reductions in local authority spending were felt in the discretionary services they provide, ultimately resulting in many authorities providing the minimum level of service required by law. Gray and Barford found that the service area of Planning and Development Services, often associated by the political right as the exemplar of the bureaucratic state,<sup>525</sup> experienced the greatest proportionate reduction, accounting for a loss of over half (-53%) of funding; or £1,180 million in real terms. Such significant reductions have adverse effects beyond just the presumed impact on an authority's capacity to deliver new housing, their ability to undertake strategic planning objectives in developing new planning policy, or the requisite focus on delivery scale in order to achieve government targets, but also threatening the very environmental fabric of society in managing and maintaining publicly accessible green spaces; particularly important in urban centres.<sup>526</sup>

Drawing deeper comparisons between Bristol and other cities on the impact of austerity policies on planning and development services provide an enriched understanding of the difficulties facing Bristol regarding a lack of capacity to delivery. Specifically, for Bristol's planning and development services, the impact of austerity on revenue expenditure over the past decade is evident. In 2010-11,<sup>527</sup> the council spent £13.4m across planning and development services, with £1.7m on planning policy expenditure, and £1.0m on

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<sup>525</sup> Gray, M. and Barford, A. (2018) *The Depths of the Cuts: The Uneven Geography of Local Government Austerity*

<sup>526</sup> Whitten, M. (2019) *Blame It on Austerity? Examining the Impetus Behind London's Changing Green Space Governance*

<sup>527</sup> DCLG (2011) *Local Authority Revenue Expenditure and Financing, England: 2009 to 2010 Individual Local Authority Data*

development control. By 2019-20,<sup>528</sup> this total revenue spending had fallen by over a third to £8.8m. Planning policy expenditure had decreased to £0.7m, less than half the 2010-11 spend; while the income-generating services provided through development control returned a net income of £0.7m.

In contrast to Oxford and Cambridge, two considerably more affluent cities as measured by the latest Indices of Multiple Deprivation rankings,<sup>529</sup> the obstacle of local authority capacity within the planning service is less dominant. Firstly, for Cambridge City Council, the contrast between 2010-11 and 2019-20 is far smaller than that experience in Bristol. Where Bristol's overall expenditure for planning and development services fell by over a third, Cambridge's level of expenditure maintained at 85% of the level from a decade earlier.

Oxford is an entirely different situation. The 2010-11 expenditure data reveals a net income generated by Planning and Development services of almost £2.5 million; by 2019-20, this had risen to over £6 million. Underpinning this contrasting picture is substantial grant funding provided to Oxford City Council and the six neighbouring Oxfordshire authorities including Oxfordshire County Council through the Oxfordshire Housing and Growth Deal. The deal provides £215 million central government grant funding to unlock and accelerate the delivery of 100,000 new homes over a 15-year period to 2031 by supporting affordable housing and infrastructure provision, in addition to dedicated funding to strengthen local authority capacity to support new housing.<sup>530</sup> As a result, Oxford City Council were capable of expending over £1.1m in planning policy in the 2019-2020 financial year; 50% higher than

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<sup>528</sup> MHCLG (2019) *Local Authority Revenue Expenditure and Financing, England: 2019 to 2020 Budget Individual Local Authority Data*

<sup>529</sup> MHCLG (2019) *English Indices of Multiple Deprivation (IMD2019)*

<sup>530</sup> MHCLG (2018) *Oxfordshire Housing and Growth Deal: Delivery Plan.*

Bristol's spend in the same area, and almost three times higher than Cambridge City Council's expenditure.<sup>531</sup>

While the significance of Bristol's financial commitment to achieving the local authority housing target is convincing, throughout the ethnographic placement local authority participants regularly identified consequences of austerity policies impacting on the Council's ability to deliver; particularly noting a lack of capacity.<sup>532</sup> As such, this section continues to seek to demonstrate how the recognised lack of capacity within Bristol City Council is impacting upon their ability to deliver in three prominent areas due to a lack of resources within the local authority; i) the lack of master-planning substantial redevelopment areas; ii) the difficulties of delivering large complex development sites; and iii) contrasting difficulties in delivering small development sites.

### *5.1.1. Master-Planning of Development Areas*

Master-planning or strategic site planning are both recognised practices for drawing together a clear strategy for the physical, economic, and social transformation of an area to deliver coherent and coordinated development, particularly where multiple developers are employed to deliver various aspects or locations of the site.<sup>533</sup> They aid in identifying the positive and negative impacts on local communities and businesses; increased traffic on local infrastructure, and increased population on education, healthcare, and local retail provisions; to name just some examples. As the local planning authority, councils across the country play

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<sup>531</sup> MHCLG (2019) *Local Authority Revenue Expenditure and Financing, England: 2019 to 2020 Budget Individual Local Authority Data*

<sup>532</sup> Ethnographic Diary, w1d3m1.

<sup>533</sup> DCLG (2008) *Devising and Delivering Masterplanning at Neighbourhood Level: Some lessons from the New Deal for Communities*

a key role in the strategic planning of urban regeneration by connecting and creating partnerships between regional development agencies, private-sector developers, and urban regeneration companies as well as local communities.<sup>534</sup> The strategic master-planning work is generally undertaken within the local authorities strategic planning teams which, as presented previously, has been disproportionately impacted by austerity cuts to local government.

Yet, despite this recognised importance, the barriers to local authority master-planning for significant redevelopment areas were among the most prominent findings in relation to the authority's capacity to deliver. The capacity restraints associated to the size and expertise of the council's planning teams, impacting the amount of work undertaken by the team in producing plan-led policy frameworks including the current local plan review. Development management services were also recognised as being impacted by a lack of capacity through determining applications for planning permission, external submissions for infrastructure funding, and undertaking strategic masterplanning for large redevelopment sites.

“For me, the market is very healthy, so to get good, experienced, planners it just doesn't work within our pay grades, and our pay grades are dictated by a local authority and the way the local authority values and scores things. So, my problem is I can get lots of graduates because we're fairly competitive at that level, but as soon as I wanted experienced people I don't. They move to the private-sector or I can't appoint that level of experience.”

*Local Authority Participant (I #4)*

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<sup>534</sup> Commission for Architecture and Built Environment (2004) *Creating Successful Masterplans: A Guide for Clients*

Although master-planning by the local authority is rare, an example of ongoing strategic planning for large-scale regeneration in Bristol is the Bristol Temple Quarter Spatial Framework, a 70-hectare area surrounding Bristol Temple Meads train station earmarked for employment-led regeneration to deliver 17,000 jobs over the next twenty-five years.<sup>535</sup> The development is a key political target of Bristol City Council, and a flagship development for inspiring further brownfield regeneration in the city.<sup>536</sup> The redevelopment proposes a variety of uses to develop “a new city quarter ... to live, work, enjoy leisure time and build upon Bristol’s strengths as a world class city”.<sup>537</sup> The local authority is working with a range of public and private-sector partners with plans to deliver 240,000m<sup>2</sup> of residential, commercial, retail and leisure use, comprehensive redevelopment and modernisation of the existing train station, a new £300 million University of Bristol campus, considerations for a 12,000-seated capacity arena, alongside infrastructure improvements for roadways, pedestrian and cycling improvements.<sup>538</sup>

Playing a key role in the redevelopment of the sites, the council developed a spatial framework for the area, employing numerous consultations with participants and local communities to promote “an integrated place-making approach that puts sustainable urban design at its core”.<sup>539</sup> The spatial framework demonstrates the steps taken towards building the necessary partnerships, and will be adopted by the Local Enterprise Partnership while carrying material weight in determining planning applications.<sup>540</sup> Yet, this was only made

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<sup>535</sup> Bristol City Council (2016) *Bristol Temple Quarter Enterprise Zone: Spatial Framework – October 2016*

<sup>536</sup> Ethnographic Diary, w7d1m1.

<sup>537</sup> Bristol Temple Quarter (2017) *Vision*

<sup>538</sup> Bristol Temple Quarter (2017) *Key Projects*

<sup>539</sup> Bristol City Council (2016) *The Spatial Framework: Shaping a New City Quarter*: p. 7

<sup>540</sup> Bristol City Council (2016) *The Spatial Framework: Shaping a New City Quarter*: p. 7



available through external revenue funding provided by the government's housing accelerator, Homes England.

This example highlights some of the values from strategic planning for areas of substantial redevelopment. Yet it is a rare example of strategic planning, following that the redevelopment site gained considerable renown from its city centre location, impact of development, and scale of public involvement. In contrast, the limited capacity of local authority planning can have adverse impact for local communities where the cumulative effects of development are overlooked. One example was submitted by a local resident's association to local authority participants highlighting the impact of multiple developments within a neighbourhood on local infrastructure and service provisions.

Seven individual developments have been developed or granted planning permission along a one kilometre stretch of A-road in Totterdown, an inner-suburb of Bristol, since 2015. Each individual major residential development exercised only minor planning conditions which were recognised and discharged during the planning process. Yet, this local resident's group expressed their concerns for the lack of considering adverse impacts arising from the collective impact of multiple developments;

“development in the area will be considered on a piecemeal basis with little awareness of the cumulative impact. If this was one single site it would be expected to address a wider range of issues.”<sup>541</sup>

The association highlighted their concerns of the detrimental impact on local infrastructure to support the local community following the total development of over 1,100 residential

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<sup>541</sup> TRESA (2017) *East Bristol Funnel: Impacts of Large Developments by Arnos Vale*: p. 5.

units, predicting an arrival of between 2,200-2,800 residents and 500-1,500 personal vehicles. The resident's association appealed that if these developments were instead submitted as a single development site, there would be greater expectation for addressing a wider range of planning issues such as transport infrastructure, impact upon air quality, and healthcare and education provision.<sup>542</sup> They stressed that they were not objecting to any single development, but rather they encouraged development within the area to provide much needed regeneration and to create wider socio-economic benefits for the existing local community. They perceived the consequences arising from piecemeal development as producing poorly considered and unmitigated detrimental impacts. From the perspective of the resident's association, the collective development needed master-planning by Bristol City Council to allow for the consideration of the cumulative impacts, rather than as piecemeal developments.

The difficulties and failures of piece-meal development on local neighbourhoods are recognised and understood by the authority who identified that any development cannot be considered in isolation. Bristol's local plan demonstrates a dedication to undertaking master-planning to manage and promote cohesive redevelopment, and to work with local communities in the preparation of strategic planning frameworks to deliver high-quality urban design.<sup>543</sup> Further, the recently implemented Urban Living SPD, adding supplementary details to the local plan, identifies that spatial frameworks are used to co-ordinate individual development briefs, public realm plans, design codes, and, importantly, that spatial

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<sup>542</sup> TRESA (2017) *East Bristol Funnel: Impacts of Large Developments by Arnos Vale*

<sup>543</sup> Bristol City Council (2011) *Bristol Development Framework: Core Strategy*

frameworks should be formally adopted by the planning authority to ensure consideration of wider socio-economic impacts are given weight during the planning process.<sup>544</sup>

Yet, the capability of the local authority to undertake this resource-intensive activity for large scale redevelopment was repeatedly recognised by local authority participants as being limited by the resource capacity internal to Bristol City Council.<sup>545</sup>

“Master planning is a very labour-intensive activity. We have a very good urban design team, so they have the skills, but they can only do so much at one time.”

*Local Authority Participant (I #5)*

The limitations on master-planning were recognised as resource-based adversely impacting the size and expertise of the planning team to undertake simultaneous master-planning. In exploring this theme, the capacity issue is unsurprising given the reductions in local authority levels of staff over the last decade. Through an FOI request to the local authority, a local Bristol media outlet discovered that Bristol City Council employs 3,000 fewer staff than it did 10 years previously; from 9,234 in March 2008 to 6,217 in April 2018.<sup>546</sup> The reductions in staffing levels are the result of the financial position of the council and central government funding under austerity policies. Since 2010, the council has been required to make savings totalling some £276m.<sup>547</sup>

The council’s current budget for 2019/20 is the 9<sup>th</sup> year of austerity and cuts in funding and, from 2020 onwards, council funding for local provision of services is almost entirely

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<sup>544</sup> Bristol City Council (2018) *Urban Living SPD: Making Successful Places at Higher Densities*

<sup>545</sup> Ethnographic Diary, w2d1m1; w5d4m3; w7d1m1; w9d5m1.

<sup>546</sup> BristolLive (2018) *This is How Many Staff Bristol City Council Has Cut in the Past 10 Years*

<sup>547</sup> Bristol City Council (2019) *Full Council – 26<sup>th</sup> February 2019: 2019/20 Budget Report*

dependent on local authority incomes through council tax, business rates, and other revenue funding streams.<sup>548</sup> While this impact is unfavourable to council finances through no longer receiving central government grant funding, the position of self-reliance provides Bristol City Council with greater certainty and assurance as to the future arrangements of its funding, a position that is not commonplace across authorities in England.<sup>549</sup>

As a consequence of these impacts, local authority participants identified that there were two justifiable courses of action available regarding their role in master-planning; either to undertake master-planning cooperatively with private-sector partners to utilise their available resources,<sup>550</sup> or to buy-in external consultations to undertake strategic master-planning at the local authority's expense.

“It is also working with private developers ... getting them to do their own master-planning, but putting it in a framework, so what we put our investment in is beyond the local area.”

*Local Authority Participant (I #5)*

“What I end up doing is buying in lots of consultants where they are paying them the right salary; which isn't very good for investing in the long-term ... In the short-term, we have to buy it in. So, in the long-term we're not investing in our own staff and we don't have the experience we need.”

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<sup>548</sup> Bristol City Council (2019) *Full Council – 26<sup>th</sup> February 2019: 2019/20 Budget Report*

<sup>549</sup> New Policy Institute (2016) *Sustainable Local Government Finance and Liveable Local Areas: Can we Survive to 2020?*

<sup>550</sup> Ethnographic Diary, w3d4m5.

While these positions contribute to mitigating potential detrimental impacts where the local authority is unable to undertake strategic planning because of a lack of capacity, it can be critiqued for missing opportunities to invest in greater levels of experienced planning staff and generate a source of income through planning's fee earning capacity. Where the local authority's budget requires self-dependent from 2020 onwards, the planning service has the potential to generate an income to cover their own departmental expenses, while also potential to contribute to the council's overall financial position. Achieving this would require initial revenue investment to increase the planning service's capital through the expansion of planning teams, including increased expertise from experienced town planners. While generating additional income, investment in local planning services would further improve the local planning system, increasing the speed of planning application decisions, and subsequently improving the delivery of housing within the city.

### *5.1.2. Disregarding Complex Development Sites*

A second visible impact of the lack of capacity to deliver is the difficulties in bringing forward complex development sites. Constrained funding in the local authority planning system also means that it is not possible to deliver complex sites that require significant investment of time, expertise, and resources to unlock the sites prior to development.<sup>551</sup> Current local planning documents prioritise brownfield regeneration sites which are deliverable without

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<sup>551</sup> Ethnographic Diary, w2d1m1.

prior extensive infrastructure work as the necessary infrastructure already exists. Where development sites are complex and require significant investment, these sites are often disregarded from local planning policies and in local authority practices which formally identify the sites for potential development. This practice exists through a combination of two factors: firstly, the local authority does not have the financial resources or capacity to unlock these sites, and secondly, local authorities face severe penalties for failing to reach new housebuilding targets.

The barriers to complex sites are fundamentally concerned with the lack of existing infrastructure to support large-scale residential development; transport infrastructure, education and healthcare provision, and land remediation works to remove pollutants before housing can be delivered are paramount for successful, integrated, delivery of new housing. Consequently, unlocking these sites requires substantial investment. Considering the financial position of the local authority following a decade of austerity politics, the investment needed is simply beyond their current financial capacity. Further, proposals for external infrastructure funding require internal resources to prepare and submit bids while the council is already operating at maximum capacity. Even where the private-sector is bringing sites forward for development, and where the private-sector would typically have the necessary resources to resolve such barriers, development is impeded by concerns of viable – meaning profitable – development.

The attention to focus delivery on the metaphorical low-hanging fruit is understandable given the pressures exerted on the local planning authority through national planning policy to ensure that new homes targets are achieved. The increasing quantification of housing delivery from national planning policies has placed significant emphasis on the importance of

measuring the success of local planning authorities through the number of new homes delivered. The Housing Delivery test was introduced by the revised NPPF as a quantitative measurement to assess the delivery of new housing in a local authority. It measures the number of new homes delivered against the number of new homes required – using either the adopted housing requirement, or the minimum local housing need figure – over a rolling three-year period and penalises local planning authorities where delivery falls below certain thresholds.<sup>552</sup>

These penalties can be severe. Where the test calculates a delivery of less than 95%, the local authority must prepare an action plan to assess the causes of the under-delivery and actions to increase delivery over future years.<sup>553</sup> Where housing delivery falls below 85%, a 20% buffer must be added to the identification of specific deliverable sites for the five-year supply of housing land in order to improve the prospect of achieving future supply.<sup>554</sup> Finally, falling below 75% housing delivery results in policies being deemed out-of-date and applies the presumption in favour of sustainable development which directs decision-makers to approve applications for planning permission – without the same levels of detailed considerations by local planning officers or planning committee – unless the adverse impacts of development significantly and demonstrably outweigh the benefits when assessed against the cumulative policies of the NPPF.<sup>555</sup>

“I’m also responsible for getting the numbers out here too, and what we’re marked on isn’t quality, it’s the numbers ... if we don’t get the numbers, we start to get

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<sup>552</sup> MHCLG (2018) *Housing Delivery Test Measurement Rule Book*

<sup>553</sup> MHCLG (2019) *National Planning Policy Framework*

<sup>554</sup> *Ibid.*

<sup>555</sup> *Ibid.*

penalised, start to lose the choice over delivery. Then we might get the total housing numbers, but we won't get the right kind, in the right kind of places. So there's a challenge, so it's also important to get the numbers out to give us the control, if we can be clear that we are delivering the right numbers it will actually give us more control than if we focus too much on just delivering the right kinds of housing, we won't get enough numbers out."

*Local Authority Participant (I #5)*

These penalties against the local planning authority are increasingly severe, with the detrimental impact of national planning policies overriding locally agreed planning policies. This impacts upon every aspect of development control, from the locations of proposed developments to the types of housing delivered. Even though Bristol's current housing delivery measurement is 99% over the past three years,<sup>556</sup> the potential impact compels the council to focus on delivering achievable sites within the current capacity of the local authority while complex sites requiring substantial infrastructure investment are overlooked within local plans. Ultimately, planning officers within the council are reluctant to include such sites in site allocation policies as the resources, preparation, and delivery of these sites would take decades to achieve, far beyond the scope of quantifiable housing metrics.<sup>557</sup>

The local authority constrained capacity and the centralised pressures for housing delivery cannot be separated. The combination of these two factors has a simplified consequence of potential development sites being identified, but the complexity and necessary investment either results in the dismissal of the site, or such slow progress that its reliability cannot be

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<sup>556</sup> MHCLG (2019) *Housing Delivery Test: 2018 Measurement*

<sup>557</sup> Ethnographic Diary, w7d1m1.



relied upon under the local plan which operates over a five-year period. These failures of the local planning system's capacity are evident even under the most motivated of administrations with political drive to delivery more housing.

*Case Study: Western Harbour*

This latter case can be demonstrated through an example of a large, complex, mixed-use development currently proposed in central Bristol which has been identified with the potential to deliver a new city quarter, over 2,000 new homes, and retail and office spaces. The development area encompasses the Cumberland Basin area of central Bristol, the main western entrance to Bristol's floating harbour. Its current use is a plethora of road networks, built in the 1960s, which serves a major A-road into the city centre from the South and West of the city.

Bristol City Council first explored the redevelopment in 2017 where it commissioned private-sector consultants to demonstrate the current inefficient layout of the transport network and investigate the potential of replacing the ageing and outdated road networks with new simpler transport network to unlock additional development potential at an estimated infrastructure cost of £40 million.<sup>558</sup> The proposed redevelopment was revealed to the public in the Mayor's State of the City address in late 2017, exemplifying the ambitious development proposals to increase the delivery of housing in Bristol.<sup>559</sup>

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<sup>558</sup> Ethnographic Diary, w7d1m1

<sup>559</sup> BristolLive (2017) *Bristol Mayor Marvin Rees' State of the City Address in Full*

In 2018, local authority plans were still being formulated for the area, yet the proposed redevelopment featured in a Bristol City Council prospectus seeking investment from the private sector. Alongside the Bristol Temple Quarter Enterprise Zone, previously detailed in this chapter, the Western Harbour redevelopment is highlighted as a “significant opportunity” for 15-20 hectares of prime land with the potential to deliver 3,500 homes, and an estimated GDV of £1 billion.<sup>560</sup> The State of the City address 2018 included an update on the progress on Western Harbour, “planning work is now under way for the replacement of the ageing and outdated roads and bridges with a new transport layout that will include the moving of the bridge or possibly even replacing it with a tunnel.”<sup>561</sup>

In March 2019, the proposed redevelopment was included in the Local Plan review as a draft development allocation which seeks to deliver a reconfigured transport network including new walking and cycle routes, at least 2,500 homes and 500 student rooms, and a mix of workspaces, retail and leisure developments, and community facilities.<sup>562</sup> Most recently, the local authority undertook public consultation on a range of transport network options which would unlock the development site in the first of a series of assessments that need to be undertaken within the area.

This case study of the Western Harbour development may seem to contradict the arguments presented in this section regarding the local planning authorities lack of capacity to deliver complex developments sites requiring substantial investment. Yet, since first exploring the proposed development in 2017, it is still at planning stage with little tangible progress in advancing development as no funding has been secured, either from public or private

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<sup>560</sup> Bristol City Council (2018) *City Leap Prospectus*: p. 24.

<sup>561</sup> BristolLive (2018) *In Full: Marvin Rees' Annual State of the City Address*

<sup>562</sup> Bristol City Council (2019) *Bristol Local Plan Review: Draft Policies and Development Allocations*

investment. Even where there is motivated support by the current administration, the lack of capacity within the local planning authority demonstrates the difficulties of progressing complex development sites. Similarly, the level of progress on this proposed redevelopment is not a direct critique of Bristol City Council's ambition for large-scale regeneration projects across the city – the Temple Meads Enterprise Zone is evident of that – but rather, is indicative of the wider issues of local authorities in an era of austerity.

## 5.2. Stalled Sites

With the council facing significant pressures to deliver targeted levels of housing from national planning metrics along with the council's own political targets, the importance of delivering sites which have been granted planning permission is paramount for the council to achieve its housing targets.

Following the submission of planning permission to the local planning authority, planning officers, or councillors if an application is determined by planning committee, possess powers in directing and facilitating development through its decision-making process. Once a development has been approved for planning permission and the legal agreements signed, the powers available to the council to materially progress the delivery of the site are all but lost.<sup>563</sup> Where planning applications are approved, and development fails to materialise in the anticipated timeframe, this raises problematic situations for the local authority through two fundamental reasons; firstly, once approved, the proposed development is assumed in contributing to the local authority's housing targets over the appropriate timeframe; and

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<sup>563</sup> McAuslan, P. (1980) *The Ideologies of Planning Law*

secondly, the development site which is approved for development remains empty, providing no social or financial benefits through council tax on residential developments, or business rates on commercial developments. These situations are commonly referred to as stalled sites.

The extent of stalled sites in Bristol is substantial. Local authority participants revealed that over 6,000 residential units are currently approved by the local planning system, with expectations that less than half of these sites will materialise.<sup>564</sup> The current level of stalled sites would deliver more than years' worth of local authority housing delivery targets.

“there is still an issue that there are sites with permission or allocated that aren't moving. Do we ever really understand why? There's probably a whole range of reasons, not necessarily that people are land banking, sitting on vacant sites, but low value uses of schemes chugging along without any really prospect. Or contamination or expensive to establish, whatever. Or the owners are just sitting on them. It's that sort of stuff for me, really.”

*Local Authority Participant (I #4)*

There is an inherent relationship between stalled sites and the perception of private-sector land speculation. Land speculation, or land banking, is the process by which land is purchased and subsequently acquires planning permission to uplift its value in order to dispose of the land for profit. There were comparable perspectives from local authority participants on the relationship between stalled sites and land banking;

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<sup>564</sup> Ethnographic Diary, w9d3m2; w9d5m1

“For me, a stalled site is a developer owning it, put a pre-app or an application in, and then does nothing. That’s a stalled site. That’s where it’s stalled, it’s owned, but they’re not enabling its development. They’re holding it to see what the market does. That’s land banking. I see a relationship between stalled sites and land banking. ‘I’m just waiting for the economy to pick up’.”

*Local Authority Participant (I #5)*

“Stalled sites are normally just land banking which is a consequence of economic greed and a failed planning system which allows for it”.

*Local Authority Participant, (Ethnographic Diary, w3d1m2)*

Both of these local authority participants recognised a direct relationship between stalled sites and land banking. While there is established literature on the issues produced by private-sector housebuilding companies land banking to secure profit through land appreciation,<sup>565</sup> the most predominant issue here is the local authority practices to resolve stalled sites and progress residential development within the city to achieve housing targets.

### *5.2.1. Compulsory Purchase Powers*

Local authority participants identified that stalled sites could be progressed through acquiring ownership of the site through compulsory purchase powers; yet also regarded how this option is currently restrained by the considerable investment of time and finances needed to

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<sup>565</sup> For an analysis of debates, see White, P. (1985) *Land Availability, Land Banking and the Price of Land for Housing: A Review of Recent Debates*

achieve this. In this way, the constrained capacity of local government is impeded by wider austerity policies limiting their capability to undertake local authority action.

Compulsory purchase powers available to local authorities are varied in their application and purpose. These powers range in use from the development or regeneration of an area to improve the economic, social or environmental well-being;<sup>566</sup> purchasing empty homes to bring them back into residential use;<sup>567</sup> or the provision of public facilities, such as the purchase of land to provide road infrastructure pursuant to the Highways Act.<sup>568</sup> For each of these variations of compulsory purchase powers, Bristol City Council has demonstrated the political will over recent years to use compulsory purchase powers to bring forward necessary development.

Regarding the development or regeneration of an area under the Town and Country Planning Act, Bristol City Council employed compulsory purchase powers for a redevelopment project in Hartcliffe, South Bristol, to deliver a flagship retail store, community spaces and public landscaping, and the creation of over 300 jobs.<sup>569</sup> More recently, the council approved the use of compulsory purchase powers to support the mixed-use development of an expansion to Bristol's principal city centre shopping centre. This requires the compulsory purchase of existing retail spaces for demolition and comprehensive mixed-use redevelopment of 102,480m<sup>2</sup> of mixed-use retail, commercial, leisure, and hospitality; as well as up to 150 residential units, car parking, access and public realm works.<sup>570</sup>

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<sup>566</sup> Town and Country Planning Act 1990, s. 226(1)

<sup>567</sup> Ethnographic Diary, w7d3m1

<sup>568</sup> Highways Act 1980

<sup>569</sup> Compulsory Purchase Association (2017) *Compulsory Purchase: An Effective Tool for Local Authority*

<sup>570</sup> Planning Application Ref. No: 16/06594/P

The local authority has also demonstrated its willingness to use compulsory purchase powers to bring empty homes back into use within the city. Bristol City Council have been successful in bringing an average of over 600 empty homes each year back into residential use since 2012/13;<sup>571</sup> halving the number of long-term vacant dwellings over a 5-year period.<sup>572</sup> While compulsory purchase powers are small part of this success and are considered as a final option due to the time and resources required to undertake the legal process, 23 compulsory purchase orders have been employed over the last five years to bring empty homes back into use.

Finally, compulsory purchase powers have been used to acquire land for the provision of new infrastructure projects. Two CPOs were issued in November 2013 and May 2014 by Bristol City Council under the Highways Act 1980 to acquire the land for the construction of the South Bristol Link road as part of the MetroBus project,<sup>573</sup> a rapid public transport system across Bristol and the surrounding local authorities.

While these examples demonstrate the local authority's political will to employ compulsory purchase powers for a variety of regeneration and improvement projects over recent years; using them to acquire stalled sites is problematic. This is chiefly because government guidance which details the use of compulsory purchase powers requires the local authority to demonstrate in detail how the land is to be used through a Statement of Reasons for making the order.<sup>574</sup> As stated in the MHCLG guidance dated 2019, "[t]he more comprehensive the justification which the acquiring authority can present, the stronger its

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<sup>571</sup> Ethnographic Diary, w7d3m1

<sup>572</sup> MHCLG (2019) *Table 615: All long-term vacant dwellings by local authority district, England, from 2004*

<sup>573</sup> Compulsory Purchase Association (2017) *Compulsory Purchase: An Effective Tool for Local Authority*

<sup>574</sup> DCLG (2004) *Compulsory Purchase and Compensation: Compulsory Purchase Procedure*

case is likely to be”.<sup>575</sup> Consequently, doing so requires an extensive investment of time and resources by the local authority, as well as coordination with central government for approval by the relevant Government Minister. Therefore, for Bristol City Council to implement compulsory purchase powers to acquire stalled sites, the local authorities housing delivery teams must coordinate to demonstrate a detailed justification for implementing the powers; a requirement which, as argued in the previous section, is dependent upon the local authority’s capacity to deliver.<sup>576</sup>

The MHCLG have made a number of changes to improve the compulsory purchase system in recent years to make the process “clearer, faster, and fairer for all”<sup>577</sup> through statutory changes under the Housing and Planning Act 2016.<sup>578</sup> Furthermore, the Housing White Paper advances the proposal to speed up the delivery of housing by “sharpening local authority tools”. The report demonstrates its intentions to further empower local authorities compulsory purchase powers with specific regard to stalled sites, stating;

“We propose to encourage more active use of compulsory purchase powers to promote development on stalled sites for housing. The Government will prepare new guidance to local planning authorities following separate consultation, encouraging the use of their compulsory purchase powers to support the build out of stalled sites.”<sup>579</sup>

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<sup>575</sup> MHCLG (2019) *Guidance on Compulsory Purchase Process and The Criche Down Rules*: para. 13.

<sup>576</sup> Ethnographic Diary, w5d4m3

<sup>577</sup> DCLG (2016) *Consultation on Further Reforms of the Compulsory Purchase System: Government Response to Consultation*: para. 3.

<sup>578</sup> Housing and Planning Act 2016, Part 7

<sup>579</sup> DCLG (2017) *Fixing our Broken Housing Market*: p. 42.



Two years on from the Housing White Paper, the most recent compulsory purchase guidance published by the MHCLG has implemented little material changes to local authority enabling powers.<sup>580</sup> The root of the problem is that undertaking compulsory purchase is a resource-intensive activity and with the levels of stalled sites so substantial in the city, the local authority simply does not have the capacity to implement them in their current form. Yet participants identified that a suitable compulsory purchase framework already exists. If compulsory purchase powers better reflected those compulsory purchase powers available to Homes England, the added flexibility and comprehensive nature would benefit Bristol City Council in taking steps towards tackling stalled sites.

“There are big macro-reasons why those sites are stalled, and we will not have the ability or resources to unlock those; we haven’t got enough money, we haven’t got enough powers”

*Local Authority Participant (I #6)*

Whereas the local authority must demonstrate detailed intentions for the land which remains in their ownership, Homes England’s compulsory purchase powers are, comparatively, more wide-ranging and accommodating so long as they meet the objectives of the governments housing accelerator. Homes England can use compulsory purchase powers to acquire land for housing in support of private and public-sector bodies so long as it meets the purposes set out below, that it is in the public interest to do so, and that it is consistent with national and

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<sup>580</sup> MHCLG (2019) *Guidance on Compulsory Purchase Process and The Crichel Down Rules*

local planning policy frameworks.<sup>581</sup> The objectives are set out in section 2 of the Housing and Regeneration Act 2008, which states the aims are;<sup>582</sup>

- (a) to improve the supply and quality of housing in England,
- (b) to secure the regeneration or development of land or infrastructure in England,
- (c) to support in other ways the creation, regeneration or development of communities in England or their continued well-being, and
- (d) to contribute to the achievement of sustainable development and good design in England

While Homes England CPOs still require authorisation by the Secretary of State, and they are expected to resolve any major planning difficulties or other impediments, they need not demonstrate detailed development proposals before using compulsory purchase orders on a site. This greater flexibility is because Homes England often work in collaboration with private-sector investment and development, and therefore the assumption of predetermining the use of land for subsequent development by the private-sector is counterproductive.<sup>583</sup> If this greater flexibility was applied to local authority compulsory purchase powers, this would allow councils to acquire stalled sites with less investment of time and resources, presenting more opportunities for development either through direct local authority delivery, or releasing land back to willing private-sector developers to deliver greater levels of new housing.

In summary, current compulsory purchase powers are complex, resource-intensive, and impractical for the local authority to administer. Further increasing local authority powers to acquire stalled sites, in line with compulsory purchase powers of Homes England, would

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<sup>581</sup> MHCLG (2019) *Guidance on Compulsory Purchase Process and The Cichel Down Rules*

<sup>582</sup> Housing and Regeneration Act 2008, s. 2(1)

<sup>583</sup> MHCLG (2019) *Guidance on Compulsory Purchase Process and The Cichel Down Rules*

provide the ability for enhanced intervention in the private market following the granting of planning permission where current local authority intervention is currently diminished. The Housing White Paper recognises the planning system is failing to provide the tools for local authorities to stimulate development on sites with approved planning permission, and as such, the extension of local authority powers akin to those of Homes England would empower the local authority's role in delivering developments.

### 5.3. Local Planning Policies in Practice

Finally, implementing a local approach to housing is increasingly difficult due to the limited resources available to the local planning authority. These issues are particular emphasised when considering the wider pressures of achieving housing delivery targets imposed by central government. The two previous sections present examples of the practical limitations of the planning system. In addition to these practical capacity issues is further restrictions relating to conflict between the operation of old local planning policies established by previous local authority administrations, and the direction, approaches, and political targets of the new local authority administration.

This research found that this conflict creates challenges for developing and introducing new approaches to delivering housing within the city, and also for local councillors and planning officers in determining planning applications in line with established local planning policies. This section will demonstrate how this conflict in local planning policies has impacted on the delivery of housing through inherited supplementary planning documents, and through the conflict of local planning policies with innovative methods of housing delivery whereby the

local authority's capacity to undertake extensive processes to alter or repeal local planning policies requires strategic planning capacity that is just not possible.

### *5.3.1. Inherited Local Planning Policies*

As well established, the starting point in determining applications for planning permission is local planning policies set out in the local plan and associated supplementary planning documents which conform to national planning policies prepared and published by central government. Yet, where a new administration enters local government following a local election, contradiction may arise between those local planning policies established by a previous local plan through the political direction of previous administrations, and with the political targets and policies of the current administration pledged in local party manifestos during local elections. Where these inherited local planning policies oppose the current political drivers, local authority participants face difficulties in influencing the planning system to reflect their political targets and direction.<sup>584</sup> This local planning policy-based conflict can be evidenced through the contradictory relationship between Bristol City Council's Supplementary Planning Document on Tall Buildings,<sup>585</sup> and the political targets of the current administration in achieving its target of 2,000 homes – 800 affordable – new homes per year by 2020.

The Tall Buildings SPD was adopted in 2005 to provide clear guidance to influence future development of tall buildings, with particular consideration on the design and location of tall buildings within Bristol. It sought to provide a number of assessment criteria for the

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<sup>584</sup> Ethnographic Diary, w6d1m3

<sup>585</sup> Bristol City Council (2005) *Supplementary Planning Document 1: Tall Buildings – Adopted January 2005*

development of tall buildings – defined as buildings in the region of 9+ storeys (but dependent on the site location and surrounding urban design) – to critically assess the impact of tall development through the planning system. Applicants for planning permission with a proposal for a tall building thus must demonstrate how these criteria provide a positive, sustainable, and necessary contribution to the skyline, environment, and infrastructure of the city,<sup>586</sup> to name but a few criteria involved.

In comparison to other urban centres across the Core Cities Group, the lack of tall buildings is noticeable. Commercial property experts Colliers International demonstrated that the tallest building in Bristol is significantly lower than their counterparts in Birmingham, Leeds, or Manchester (19 storey building in comparison to 28, 32, and 47 storey buildings; respectively).<sup>587</sup> As one participant stated, “Bristol has been traditional suburban in its development, 3-4 floors. Bristol needs more tall buildings in the city centre”.<sup>588</sup> By placing restrictions through an assessment criteria on the development of tall buildings in Bristol over the past 13 years, and although the restrictive impact of the SPD will undoubtedly not be the sole cause of the lack of tall buildings, its authority as a supplementary planning document is significant in contributing to this.

Bristol’s Tall Buildings SPD reflected the policy discourse at national level at the time it was introduced. Recommendations found by the Urban Affairs Sub-Committee which reported in 2002 that the contribution of tall buildings to the strategic target of urban renaissance were actually very limited. The report determined that tall buildings do not necessary achieve higher densities than mid or low-rise development, that they do not provide any unique

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<sup>586</sup> *Ibid.*

<sup>587</sup> Colliers International (2017) *Tall buildings in Bristol are shorter than those in other English Cities*

<sup>588</sup> Local Authority Participant (Ethnographic Diary, w2d1m2)

advantages regarding energy efficiency, mixed-use, or encouraging public transport which cannot be achieved through alternative high-density buildings, and that they more often reflect desires to demonstrate power, prestige, and status.<sup>589</sup> As such, the SPD reflected these recommendations and was positioned to state that tall buildings were only one of several ways of increasing residential density, and that they should be clustered together in key areas of the city. Consequently, a rather restrictive approach to developing tall buildings in the city was adopted in local planning policy.

In the years since then, national planning policy research and guidance has shifted, reflecting the need for greater residential densities, particularly in central urban areas. The revised NPPF, for example, initiated a need for greater consideration of increasing residential densities in order to optimise the use of land and that, where appropriate, local authorities should take flexible approaches in applying guidelines and policies to daylight where they would otherwise inhibit making efficient use of a site so long as the development would deliver acceptable living standards.<sup>590</sup> While density does not always equal increased height, the finite nature of city centre land requires greater consideration of how minimum densities are achieved; increased development height is among the most straightforward ways of doing so.

The SPD continued to operate throughout multiple statutory local plans since 2005. The 2011 Core Strategy document, which is the centrepiece of the current local plan, states that “existing supplementary planning documents for the city centre such as SPD1 ‘Tall Buildings’

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<sup>589</sup> House of Commons (2002) *Transport, Local Government and the Regions Committee: Tall Buildings. Sixteenth Report of Session 2001-02, Vol. I*

<sup>590</sup> MHCLG (2019) *National Planning Policy Framework*

... will continue to be used to guide development proposals in the city centre.”<sup>591</sup> However, its position now, more so than for previous administrations since its adoption, is detrimental to the current political objectives. The election of the current administration and elected mayor in May 2016 has since changed the local political direction. Rather than restricting the development of tall buildings within the city, they are being encouraged. The manifesto pledge of the current administration is to substantially increase the levels of housing delivered in the city, and with the political ambition to ‘build up’, the disposition of the SPD is contradictory to the approaches, targets, and discourse of the current administration. In the Mayor’s first annual ‘State of the City’ address, he demonstrated the political will for delivering height across the city centre;

“I want Bristol’s skyline to grow. Years of low-level buildings and a reluctance to build up in an already congested city is a policy I am keen to change. Tall buildings built in the right way, in the right places, and for the right reasons communicate ambition and energy.”<sup>592</sup>

However, the difficulty faced by the current administration is that this ambition is contradictory to the current local planning documents, where planning applications must be determined in accordance with the local plan, including the incumbent SPD 1. This creates conflict between the current policies of the local planning system, and the political targets that the local authority campaigned, and was elected on, to deliver.

The conflict between local policies and the local political discourse generates further problems in communication to the private sector. Where private-sector developers engage in

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<sup>591</sup> Bristol City Council (2011) *Bristol Development Framework: Core Strategy*: p. 38.

<sup>592</sup> Rees, M. (2016) *State of the City 2016*

pre-application advice with local authority planning officers to discuss the proposed development, the formal advice given by officers has to reflect the adopted policies in the local plan, not the widely publicised ambition of the local authority leadership. This has the potential for applications for planning permission to fall through the crack between formally adopted planning policies, and informal – or in draft – policies which better reflect political targets.<sup>593</sup>

Furthermore, to repeal or replace a SPD takes considerable investment of resources and time involving a formal period of public consultation for proposed new policy or guidance. As previously illustrated in this chapter, changes to strategic planning policies fall to the strategic side of the local planning officers, which have been at the forefront of local government austerity cuts to the planning system since the start of the decade. Due to the time required for drafting the SPD, undertaking public consultation and analysis of responses, and internal debate within the council between local political parties, it has taken more than two years after the local authority election which brought in the current administration to repeal the Tall Buildings SPD. It was replaced with an Urban Living SPD which, in contrast, seeks to encourage high density development including the use of tall buildings, where appropriate within the city. The Urban Living SPD presents local policies in accordance with the political drive and ambition of the administration, stating that “the City is seeking to encourage tall buildings, built in the right locations and to a high quality of design”.<sup>594</sup>

This example of the Tall Buildings SPD demonstrates how inherited local planning policies can generate conflict between local political ambition and the local planning system which

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<sup>593</sup> Ethnographic Diary, w2d3m2

<sup>594</sup> Bristol City Council (2018) *Urban Living SPD: Making Successful Places at Higher Densities*: p. 1.



ultimately decides the determination of planning applications. Participants in the council recognised that to change the system through relatively minor modifications to local planning policy is resource intensive, time-consuming, and difficult; repealing and replacing one planning policy that is supplementary to the local plan is a process that has taken over two years. In consideration of local elections which operates on a four-yearly cycle, this extensive period of time whereby councillors and officers are conflicted between current local plans and political agendas is detrimental to their efforts, operation, and ultimately, housing delivery. Coupled with the lack of capacity within the local planning authority, the difficulties facing the local planning authority to shape the planning system to deliver the housing the city needs in line with the political ambition and drive of the incumbent local authority are substantive.

### *5.3.2. Conflicting with Innovation*

Functioning along the difficulties of inherited local planning policies is the static nature of local planning policies and emerging conflicts with innovative housing delivery methods. These innovative methods include a range of approaches outside of the traditional scopes of housing delivery: long-term pension fund investors proposing long leasehold arrangements utilising local authority land to deliver housing while providing inflation-linked rental incomes back to the council; pioneering, community-led housing delivery models within self-build and community-build models; or private-sector delivered build-to-rent schemes providing purpose built private-rented accommodation to the open rented market. These three examples are just some innovative approaches proposed to local authority participants during the ethnographic placement.

At its foundation, the local planning system is static. It reflects the needs and demands of the local area, and the political will and direction of the local planning authority at the time it was adopted. The city, the governance of the local authority, and approaches to housing schemes have changed significantly since Bristol's Local Plan was implemented in 2011. There is innovation in housing delivery in the public and private-sectors, but the policies in the local plan are comparably inflexible; they are required to be decisive, evidence-based, and certain when assessed by the planning inspectorate to be formalised. Yet consequently, restrictive local planning policies are an obstacle to innovative methods of housing delivery.

Further, while local planning policies can be amended to enable and support innovative approaches as they develop, this requires a wealth of strategic planning capacity that is, as previous illustrated, absent from many local authorities planning departments. As such, Bristol's adopted local plan represents an unbending set of planning policies that have changed little since its adoption in 2011.

This creates complexities in the delivery of non-traditional housing, and innovative approaches which do not conform with existing planning policies. Build-to-rent is one example. The build-to-rent sector is centred on purpose-built rented accommodation by private-sector developers backed by institutional investors and maintained and managed by the developer or private-sector partner. It is one tenure of housing delivery which has grown significantly in recent years. Recent estimates place the number of build-to-rent homes at almost 120,000,<sup>595</sup> with a further 27,500 units within the planning systems across the country.<sup>596</sup> The new sector is expected to continue growing, with central government

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<sup>595</sup> Planning and Building Control Today (2018) *Build-To-Rent Homes Increase by 30% in a Year*

<sup>596</sup> British Property Federation (2017) *Unlocking the Potential of Build to Rent*

recognising its importance, and investing £1 billion in the build-to-rent programme to support its continued growth.<sup>597</sup>

The advantages of build-to-rent are numerous. It provides fit for purpose, new build housing to communities whose needs and priorities are not met by the traditional private delivery of housing for sale. For tenants, build-to-rent provides long-term security of tenure – with tenants usually offered longer tenancies for three years or more – and greater certainty in annual rent increased not tied to local market rents; whereas private market rents have seen increases in parts of Bristol up to 20% between 2013/14 and 2016/17.<sup>598</sup> The attraction for investment by pension-fund institutional investors provides a stable, long-term income stream from private rents which have seen increases in England on average by 2% each year since 2010.<sup>599</sup>

For local authorities, build-to-rent offers flexibility in the calculation regarding the affordable housing that the tenure provides. The affordable housing provision, typically in the form of Housing for Affordable Rent, can easily be determined at either the maximum of 80% of local market values to deliver more units, or by increasing the discount applied to the affordable housing in return for fewer units to ensure the provision provides greater, genuine, affordability in the heated property market. Further, there can be greater certainty for the local authority in achieving maximum affordable housing delivery when evidenced by viability assessments. In the traditional model for housing for sale in the private market, viability assessments are submitted alongside applications for planning permission, providing

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<sup>597</sup> DCLG (2015) *Accelerating Housing Supply and Increasing Tenant Choice in the Private Rented Sector: A Build to Rent Guide for Local Authorities*

<sup>598</sup> Bristol City Council (2017) *Bristol Housing Market in 2017 – A Summary*

<sup>599</sup> ONS (2020) *Index of Private Housing Rental Prices, UK: Monthly Estimates*

anticipated costs and estimates of sale values. In build-to-rent developments, viability assessments can be revisited after completion of the development to accurately assess these costs, and where development costs were lower, or rental values higher, the affordable housing matrix can be adjusted as these units are not sold off-plan to private house buyers. This ensures viability assessments reflect the true development costs and revenue values, and therefore true affordable housing provision.

Additionally, there is flexibility regarding the affordable units offered and a local authority's changing need. For example, if there is greatest need for 2-bedroom affordable housing at the time of completion, but subsequent demographic changes years later demonstrate increased need for 1-bedroom properties in the future, then, fundamentally, these could be swapped with the developer because build-to-rent properties maintain in the developers ownership in perpetuity.<sup>600</sup> Whereas in traditional residential development for sale, the opportunity to renegotiate with the developer is lost because the units are sold in the private market. The possibility for such flexibility would be dependent upon the agreements made between the local authority and developer, but the potential for such agreements is possible in the build-to-rent sector.

Nevertheless, the launch of build-to-rent in the private market has revealed substantial difficulties. Foremost, national planning policy has struggled to recognise build-to-rent. The former NPPF, adopted in 2012, did not recognise build-to-rent as an emerging sector, with no identification of build-to-rent schemes in the planning policies. The first recognition at national policy level was in the Housing White Paper in February 2017 which set out government support for the build-to-rent sectors to increase housing supply, and a means to

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<sup>600</sup> Ethnographic Diary, w5d1m3

improve choice, quality, diversity, and security in the private rented sector.<sup>601</sup> The revised NPPF, published in 2019, has since implemented a handful of planning policies guiding the delivery of private build-to-rent schemes. Consequently, as Bristol's Local Plan was established in 2011, there is no recognition of build-to-rent development, providing no guidance or policies for aspiring developers in the city.

Ultimately, build-to-rent has the potential to provide a positive contribution to the private rented housing market in Bristol, particularly where traditional housing for sale has failed to progress on constrained sites facing difficult viability issues. Yet, without local authority capacity and resources in an era of austerity to undertake the necessary strategic planning responsibilities to revise local planning policies, providers of build-to-rent are faced with uncertainty over local planning policies and decision-making processes.

#### *Case Study: Build-to-Rent Development at ND6*

The difficulties of progressing these advantages from build-to-rent into housing delivery through the local planning system has been problematic. This case study explores the narrative of Bristol's first build-to-rent development, a vacant brownfield site in central Bristol named ND6. The site was acquired by Legal & General property group in July 2016 along with its adjacent sister site, ND7, to develop 255 build-to-rent units, and commercial and retail spaces.

The site has a varied planning history. The application for build-to-rent apartments was submitted in August 2017 for the construction of three residential buildings varying in height

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<sup>601</sup> DCLG (2017) *Fixing Our Broken Housing Market*

from 6 to 11 storeys, comprising of 120 private rented units, and 524m<sup>2</sup> of flexible commercial floorspace.<sup>602</sup> Previous outline applications for planning permission had been granted in 2016 to deliver a 7-storey building with 9,800m<sup>2</sup> of internal office space; and in 2013, a 5-7 storey building delivering 78 residential flats and 440m<sup>2</sup> retail unit was granted.

The determination of the planning application by Bristol City Council took almost a year. The key issues impacting the length of determination was the complexity of the build-to-rent model raising fundamental questions on the delivery of affordable housing measured against the Local Plan. Local planning policies expect 40% on-site affordable housing in the Inner East area of Bristol. Yet, this policy in the local plan is in expectation of developments for sale on the private market, not for units developed exclusively for the private rented sector.

The application for planning permission stated that, of the 120 private rented sector units to be delivered, either 12 affordable units (10%) would be provided at 80% of local market rents, or 4 affordable units (3.3%) at local housing allowances levels – approximately 40-50% discount of market rents;<sup>603</sup> in addition to almost £1m provided through the Community Infrastructure Levy. A number of viability assessments produced by GVA, a commercial real estate firm, were submitted in support of the planning application and the proposed levels of affordable housing.

The site was to be determined by the local authority's planning committee in June 2018 instead of council planning officers following call-in powers exercised by a local authority councillor. The officers report to planning committee recommended approval, citing the viability evidence as explanatory for the below policy compliant affordable housing levels. In

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<sup>602</sup> *Planning Application Ref. No: 17/04673/F*

<sup>603</sup> *Planning Application Ref. No: 17/04673/F*

reaching a decision, the committee determined that the proposed scheme should deliver 23 affordable units at the local housing allowance level and was granted permission subject to securing s.106 agreement stipulating this increased level of affordable housing. The developer was not willing to enter a s.106 agreement at this level of affordable housing and appealed the decision to the planning inspectorate for consideration of the level of affordable housing to be provided.

In the appeal decision, the planning inspector noted the publication of the revised NPPF in February 2019, eight months after the local authority decision.<sup>604</sup> The revised framework reformed the definition of affordable housing to include affordable housing for rent at 80% of the market value, stipulating this as the expected form in this context.<sup>605</sup> Additionally, Planning Practice Guidance was updated to reflect the recognition of the growing build-to-rent market. It included a suitable benchmark for the delivery of on-site affordable housing at 20% of the total units delivered, with these affordable rents determined at 80% of the market value.<sup>606</sup>

At the heart of the appeal was the viability assessments calculation of affordable housing at local housing allowances levels, and the lack of consistency in the valuation of build-to-rent schemes. The inspectorate identified the irregularity between PPG guidance benchmark for 20% affordable housing and the local authority's practice for housing for Affordable Rent to be calculated in line with local housing allowance (approximately 40-50% discount) in order to provide genuine affordability and address the affordable housing needs in Bristol. As the revised NPPF was not published when the planning application was determined by the

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<sup>604</sup> The Planning Inspectorate (2019) *Appeal Decision: APP/Z0116/W/18/3210502*

<sup>605</sup> MHCLG (2019) *National Planning Policy Framework*

<sup>606</sup> MHCLG (2018) *Planning Practice Guidance: Build to Rent*

planning committee, the inspector confirmed that the viability assessments conducted by the developer were justified and carried substantial weight in determining the developers proposed level of affordable housing.<sup>607</sup>

The inspector ruled in favour of the developer's appeal and determined that the scheme was granted planning permission with the requirement to deliver 4 affordable housing units if calculated at local housing allowance level. This would be supplementary to a viability review before the letting of the 25<sup>th</sup> market residential unit to ensure that the correct level of housing for Affordable Rent was delivered, measured against the true development costs and rental values attained. Construction began in the July 2017, with expected completion by year end 2020/21.

While the inspectorate decision is focused on a specific development in Bristol and particular issues surrounding the valuation of a build-to-rent scheme delivering affordable housing, its route through the local planning process illustrates wider difficulties in bringing forward innovative development within a stagnated local planning system. That inertia is not a failure of ambition or opposition to innovative delivery methods, but it is a consequence of limited local authority capacity to review, assess, and implement planning policies for the delivery of market and affordable housing in the city.

#### 5.4. Capacity to Operate in the Grey Spaces

A core aspect of the chosen methodology process of Grounded Theory is the creation of core concepts which lead to the generation of a theory of explanation or understanding from the

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<sup>607</sup> The Planning Inspectorate (2019) *Appeal Decision: APP/Z0116/W/18/3210502*



empirical data convened during this research. The topics presented in this chapter begin to demonstrate and discuss these core concepts as joint thematic findings emerging from the empirical research. Taking the three chapters together, however, allows for a collective assessment of understanding Bristol's approach to local housing pressures and their responses in maximising affordable housing delivery.

As continued to be evidenced throughout the following two findings chapters, the local planning policies and practices in which Bristol City Council operate to resist the direction and impetus of national planning governance through acting and functioning in the grey spaces within the national planning framework. This comprises of grey spaces provided through ambiguous language within planning policy, those provided by legislation empowering greater autonomy in local governance, and also those grey spaces forged by the authority in determining and achieving their own priorities and objectives.

The thematic findings presented in this chapter lay the first foundation in building this Grounded Theory. Yet, the substance of this first category of findings is Bristol City Council's lack of capacity to undertake the core planning roles in master-planning, or those overlooking complex development pursuant to pressures to demonstrate new build housing growth and outputs; the inability in undertaking strategic compulsory purchase in order to take ownership and unlock housing development also features heavily, comparing the restricted local authority powers to the expansive powers possessed by Homes England, the governments housing accelerator; and, finally, the complexity and conflict of inherited local planning policies and subsequent conflict with innovation in enabling local planning policy to evolve in accordance with new, democratically elected, local administrations. Each of these

complexities crystallise the challenges facing the local authority in achieving its housing delivery goals.

On multiple occasions, Bristol City Council demonstrate flexibility to operate in pursuit of their housing goals, often in conflict with the intended planning policies put forward by central government. In contrast, the capability to operate in these grey spaces is greatly restricted by the lack of capacity. Restricted first by the precise procedures of central-local governance within the planning framework, and second, by the experienced and continued impacts of austerity on local authority finances.

The 'red tape' and expansive bureaucracy of the planning framework is a commonly cited argument for its dismantle, particularly by centre-right advocates. At times this is presented as power-hungry local councillors gatekeeping the richly sought-after planning permissions, preventing angelic developers from providing the necessity of an Englishman's castle to those in need.<sup>608</sup> In others, excessive locally-determined restrictions are the cause for growing inequality between homeowners and renters through the latter's lack of options to step onto the housing ladder, in turn accessing the financial benefits associated with homeownership.<sup>609</sup>

The focal point of these arguments concentrates on the perceived role of local authorities in restricting and decelerating the planning permission process which is governed by the local development plan. However, local authorities too can be understood to be suffering at the hands of the bureaucratic planning framework for the local plan is fundamentally a mirror

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<sup>608</sup> Adam, R. (2020) 'Root and Branch Reform of the Planning System' in *Planning Anew: A Collection of Essays on Reforming the Planning System for the 21<sup>st</sup> Century*.

<sup>609</sup> Airey, J. and Doughty, C. (2020) *Rethinking the Planning System for the 21st Century*.

that must adhere to the policies and provisions laid in within the national planning law and policy. The meticulous prerequisites, legal and policy requirements, and supplementary obligations for determining the suitability of local plans are extensive; the quantity of legislation, case law, and government planning policy, all of which are pertinent to local plan making is, frankly, unquantifiable.

It is no wonder that the average timeframe for delivering a new local plan is astonishingly high. Planning Inspectorate data monitoring the progress of local plans reveals that from the stage of formally publishing the draft local plan for public consultation, to the formal adoption of the local plan within the council is over 92 weeks, or 21.25 months.<sup>610</sup> It's worth noting that this timeframe doesn't allocate any time prior to the public consultation of the draft local plan where the authority would most likely be internally discussing the committing resources to the drafting of a local plan. The fastest, Fareham Borough Council, saw their local plan progress in 2010/11 through the requisite stages to formal adoption in 234 days (33 weeks, just over 7.5 months); whereas the slowest completed plan, Cambridge City Council, commenced their statutory 6-week publication for consultation in July 2013, and not until October 2018 was the plan formally adopted by the council – amassing a remarkable 1,917 days, equivalent to 274 weeks, or a touch over 63 months.<sup>611</sup>

Placed within the context of local government elections predominantly held every 4 years,<sup>612</sup> the challenges facing local authorities to produce, consult, submit and adopt a local plan

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<sup>610</sup> Planning Inspectorate (2021) *Strategic Plan Progress*

<sup>611</sup> *Ibid.*

<sup>612</sup> Unlike general elections, local authority elections in England are irregular depending on the location and the type of local government – the following sets out the national election rotation depending on the council type:

- For District Councils: 129 hold all seat elections every four years, 56 elect in thirds three years out of four, and 7 elect half their seats every two years.

reflecting their local manifesto promises, within a timeframe that allows them to deliver housing and make their mark within the planning system is nigh impossible. The consequences for the planning system are unsurprising. CPRE research found only around 40% of local plans were able to be considered 'up to date', with the majority of local plans not reviewed within the last five years.<sup>613</sup> This further risks creating a never-ending conveyor belt of outdated, unreliable, and restrictive local plans that do not reflect the direction and objectives of the most recently elected local administration, unable to fulfil the basic necessity of the foundational cornerstone of the English planning framework that has existed since the first Town and Country Planning Act 1947, the principle that decisions to determine planning applications are made in accordance with an adopted local plan.

These restrictive issues are only exacerbated by the decline of resources and capacity within local authority planning and development services following over a decade of austerity policies most acutely targeting local government with the largest cuts resulting in some authorities losing over half their budgets, compelling inevitable cuts to service provision, governance restructures, and reforming public service provision across England.<sup>614</sup> While local authorities bore the brunt of public sector austerity, the planning and development

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- For Unitary Authorities: 38 hold all seat elections every four years, and 17 elect in thirds three years out of four.
  - For County Councils: All 27 elect in full every four years.
  - For Metropolitan Borough Councils: 33 elect in thirds three years out of four, and 3 elect in full every four years.
  - For London Borough Councils: All 32 elect in full every four years.

<sup>613</sup> CPRE (2020) *What's the Plan? An Analysis of Local Plan Coverage Cross England*

<sup>614</sup> Gardner, A. (2017) *Big Change, Little Change? Punctuation, Increments and Multi-Layer Institutional Change for English Local Authorities Under Austerity*

services within local government experienced the full impacts of budget cuts through the greatest proportionate reductions across service areas.<sup>615</sup>

Given this assessment of the restrictive planning system combined with the substantial impacts of austerity on Bristol City Council's planning and development services, it is no wonder that the capacity barriers presented in this chapter are felt so deeply and identified by participants in so many different ways. The lack of capacity to undertake master-planning produces adverse impacts on communities right across the city through poor considered accumulation of piece-meal development. The future of complex development sites remains uncertain owing to top-down pressures to deliver new homes which in turn reflect the national short-termism of planning policy that measures success overwhelmingly through quantifiable metrics. Inadequate powers and capability to resolve stalled sites result in delayed schemes, uncertainty in the local community, and forgone economic benefits; all despite the council's political will and motivation to deliver progress and momentum within the development sector. Facing complexities and conflict to inherited local planning policies or emerging areas of innovation only exploit the already severe pressures and lack of capacity that exist which impede and inhibit private-sector housing delivery.

As a result, the authority is forced to operate within the grey spaces of the stringent planning framework as best exemplified through Bristol City Council's use of guidance Practice Notes to disseminate their ambitions and aspirations to the sector. Planning guidance which are not statutory recognised within the planning decision process, are not material to planning application decisions, and have no grounds for enforcement or appeal. The Affordable

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<sup>615</sup> Gray, M. and Barford, A. (2018) *The Depths of the Cuts: The Uneven Geography of Local Government Austerity*

Housing Practice Note itself recognises that it is an interim measure, published to provide guidance to developers during the period of the local plan review and prior to the adoption of the subsequent revised plan.<sup>616</sup> Yet, local plan review is still ongoing, with examination not expected until 2023, some five years after the “interim measure” was introduced.

Where Bristol City Council is able to operate within the grey spaces of the national planning framework, it champions its locally determined housing objectives and, as the following two chapters will continue to demonstrate, where the authority is provided greater flexibility in these grey spaces, these areas are where the authority is maximising this autonomy to deliver on its housing priorities through conventional and innovative models of delivery, financial subsidy, and individualised policy interpretation.

### 5.5. Conclusion

This chapter has demonstrated the limitations of the planning system in practice, as experienced by the local authority in an era of austerity at the national level. It has sought to respond this specific element of planning practice to the overarching research aim which examines how planning law, policy, and practice shape housing production in Bristol. Whereby it has demonstrated that the local authority’s capacity to deliver is critical in this practice. It is wide-ranging and detrimental in its consequences, impacting upon every operation of the local planning authority.

The inability to undertake sufficient master-planning is a direct consequence of the local authority’s reduced capacity to delivery. Local residents perceive that they suffer the adverse

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<sup>616</sup> Bristol City Council (2018) *Affordable Housing Practice Note – April 2018*

consequences of cumulative development most directly through increased use on local infrastructure. While there is the desire that the private-sector will fulfil this process and provide their own master-planning for cumulative or large-scale developments, this is disregarding the foundational issue that local planning services are under-invested which impacts the ability to undertake their operations, while failing to fully benefit from an income generating service.

The lack of capacity also directly impacts on the disregarding of complex sites. Under such substantial pressures to satisfy national planning policy metrics under the Housing Delivery Test, the most complex sites that lack current infrastructure to provide housing are disregarded by local planning participants through inability to provide the investment necessary to unlock the sites.

There are also indirect consequences from a reduced capacity within the local authority which demonstrate the limitation of the planning system in practice. The complex rules which govern the legal powers of compulsory purchase orders prevent the local authority from acquiring stalled development sites in the private sector. The substantial extent of stalled sites in Bristol not only impacts the delivery of much needed housing, creating communities, and more affordable housing. Local authority participants call for the reforming of compulsory purchase powers in line with Homes England powers to acquire stalled sites and resell the land to a willing developer to deliver housing the planning system has determined.

Finally, this chapter has demonstrated how inherited local planning policies which differ from the political drivers and motivation of the current local authority administration creates difficulties for officers and councillors, and for the local authority to achieve its housing goals, while diminishing housing delivery through outdated local policies. It has explored how the

emergence of innovative methods of housing delivery is impeded by the stationary nature of local planning policies, with particular impact on new housing models which are not recognised by local policies while national policy guidance is evolving at faster rates creating disparity between national and local planning policies. Both of these points illustrate how the local authority's lack of capacity to implement changes, particularly from the strategic planning side, is impeding its motivations and ambition to deliver increased levels of housing within the city.



## Chapter Six: Interventions in the Housing Market

The previous chapter illustrated how the substantial impacts of years of austerity policies have given rise to Bristol City Council's use of regulatory grey spaces in order to deliver their housing objectives. This chapter continues the rhetoric of local authority operation within these grey spaces, but instead focuses on how these spaces are used for the direct delivery of new homes. The provision of new affordable homes is a principal finding from the empirical research at Bristol City Council, demonstrating the importance, political emphasis, and policy commitment of the local authority to the provision of new affordable housing in Bristol.

The next two chapters speak directly to this importance of affordable housing. This chapter focuses on the local practices and processes for the delivery of affordable housing through the role of Bristol City Council as a direct provider of affordable housing. It begins by substantiating the recognised need for affordable housing provision, and the requirement for council intervention to achieve this. Subsequently, it sets out three methods of direct intervention in the local housing market to deliver more affordable homes: i) the traditional approach of council housebuilding through the Housing Revenue Account (HRA); ii) establishing a local housing company to provide an innovative means of delivery; iii) enabling greater affordable housing delivery through the council's partnership grant funding programme. Each approach is exemplified by case studies of development sites across Bristol and demonstrates how the use of grey spaces has enabled the authority to operate flexibly in the regulatory and policy spaces.

### 6.1 Why the Need for Local Authority Intervention

Affordable housing need was recognised by participants across the local authority structure as of paramount importance, from the Mayor responsible for the strategic governance of the local authority, to elected councillors, and planners and housing officers. From a strategic policy perspective, Bristol City Council's commitment to affordable housing is evident from the manifesto pledge to deliver 2,000 homes, of which 800 affordable, a year by 2020. Taking into consideration the levels of affordable completions over recent years before the administration entered office in 2016 where an average of 262 affordable homes were delivered annually accounting for 20% of new housing completions,<sup>617</sup> this political target is as ambitious as it is confident.

From an individual perspective through conducting interviews with local authority councillors and officers at Bristol City Council, a diverse range of rationales for local practices and policies advocating for increase the supply of affordable housing were evident. Some offered underpinning strategic socio-economic approaches;

“ ... the successful functioning of a city needs to have a complete range of housing types and tenures. If there isn't enough affordable housing, we won't then sustain a healthy economic market and ultimately the city wouldn't function.”

*Local Authority Participant (I #4)*

This participant's identified need for affordable housing speaks to the wider sustainability of the city and local communities. Research and government policy recognise the fundamental

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<sup>617</sup> Bristol City Council (2018) *Communities Scrutiny Committee Report – November 2018*

role of suitable housing in providing inclusive communities which offer equality of opportunity and sufficient services for all.<sup>618</sup>

On a similar theme, other participants illustrated the need for affordable housing based on the notable social benefits – health, community wellbeing, and demand for service provision – from directly increasing the supply of secure, affordable housing. As prior socio-economic research has shown, social housing has long been recognised as possessing a unique socio-economic role in society where affordable, safe, and permanent housing provides an enveloping positive impact beyond simply providing shelter.<sup>619</sup> Consequently, the following participant advocated for the important of affordable housing based on this theme;

“On a health and wellbeing front, where people have access to homes that are ‘decent’, then health and wellbeing factors are better addressed and the impact on the council in terms of the need to support through social services is reduced, impact on health services is reduced, and communities become more self-sustaining. It’s such an integrated relationship that it’s difficult to pull those strands out. But the council as a whole will make better use of our limited resources if we have good affordable homes in place across the city. It’s a social economy issue, housing benefits everything.”

*Local Authority Participant (I #5)*

Fundamentally, the desire for Bristol City Council to deliver increased levels of affordable housing was strongly motivated by the recognised need and demand for sub-market housing within the city. The numbers speak volumes: over 9,000 households on the Bristol Housing

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<sup>618</sup> Maliene *et al.* (2008) *Sustainable Communities: Affordable Housing and Socio-Economic Relations*

<sup>619</sup> Mulroy, E. and Ewalt, P. (1996) *Affordable Housing: A Basic Need and a Social Issue*

Register,<sup>620</sup> over 400 individuals sleeping rough on the streets of Bristol,<sup>621</sup> and a further 535 households in temporary accommodation, a three-fold increase between 2012 and 2017.<sup>622</sup>

“The market effects the available affordable homes to buy, because the market is pushing house prices up, and up, and up. This affects the rentable value, and whilst we can seek to control rental levels, the rentable values are also being pushed up, and that’s taking it well away from affordable levels. Particular sectors of the community, where their income just doesn’t support purchasing homes or higher rental costs, can only enable them to get into social housing or supported housing in some form through the housing association sector.”

*Local Authority Participant (I #5)*

“There is a horrific housing crisis, so as a city we have a huge demand [for homes], which is increasing in terms of inward population ... we’ve got lots and lots of demand, and not so much supply. Therefore, the rules of economics mean the prices to rent and buy are significant, and to lots of people those prices are unaffordable, significantly unaffordable.”

*Local Authority Participant (I #6)*

With clear political targets from senior local authority executives driving the delivery of affordable homes in the city local authority participants recognised that continuing reliance

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<sup>620</sup> Ethnographic Diary, w3d3m2

<sup>621</sup> Bristol City Council (2018) *Homelessness Review 2018*

<sup>622</sup> MHCLG (2019) *Households in Temporary Accommodation: April 2018 to March 2019, England*

on the private-sector through s.106 planning agreements to deliver the necessary levels of truly affordable homes has failed, and will continue to fail, to delivery these political housing targets.<sup>623</sup> While the private-sector is undoubtedly the largest provider of new housing in the city – delivering 1,875 new homes in 2016/17<sup>624</sup> – it’s clear that the delivery of affordable housing is not a priority, as demonstrated by its delivery of only 66 affordable homes through s.106 agreements with a further 133 affordable homes were delivered by Bristol City Council and housing associations.<sup>625</sup> As one participant identified:

“It’s not in private-developers interests to supply affordable housing, it’s not a great model to rely on private housebuilders to supply social housing, it’s not their business. They’re profit-orientated, market-focused, commercial businesses. Social housing isn’t what they’re set up to do, they’re being required through the planning system and that means that from the very beginning, it’s not in their interest to provide affordable housing. So, they’ll do everything they can, either explicitly or through the way their business model is set up, to minimise how much affordable housing [they deliver].”

*Local Authority Participant (I #4)*

The local authority administration emphasised the need for affordable housing delivery supported and evidenced by a calculated quantitative metrics. The West of England Joint Spatial Plan (JSP) was prepared by the four regional councils – Bristol City Council, North Somerset Council, South Gloucestershire Council, and Bath and North East Somerset Council – to set out the strategic planning policies and sustainable development locations across the

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<sup>623</sup> Ethnographic Diary, w9d5m1

<sup>624</sup> Bristol City Council (2017) *Bristol Residential Development Survey 2017*

<sup>625</sup> Bristol City Council (2018) *Communities Scrutiny Committee Report – November 2018*

region between 2016-2036. The strategic policies in the JSP are supported by evidenced-based need assessment for affordable housing provision, which considers the current unmet need and the projected future need through demographic forecasts. The JSP identified affordable housing delivery as a significant priority for the four local authorities, and Bristol City Council in particular, because of the quantity of scale and the low rates of past delivery. The plan identifies an affordable housing need of 32,200 new homes over the 20-year plan period, reflecting the commitment by the four local authorities to maximum affordable housing across the West of England.<sup>626</sup> For the city of Bristol individually, this identified need was calculated at 18,800 affordable homes.<sup>627</sup>

Given the political and evidenced-based need for affordable housing, local authority leadership recognised the need to input resources and into developing a range of strategic approaches and practices to intervene in the housing market, through practices and local policies operating in the grey spaces of planning law and policy. This incorporates local approaches to intervening through three areas: i) the direct provision of affordable housing through the traditional council-housing route of the Housing Revenue Account; ii) establishing a local housing company to develop land owned by the council with greater operational and financial flexibility to work with private-sector partners to deliver affordable housing offset by providing housing for sale; and iii) operating a Partnership Grant Funding Programme to utilise grant funding to private registered providers to increase affordable housing delivery in private-sector residential developments. The three strategic approaches structure the remainder of this chapter and demonstrate the culmination of efforts to deliver increased

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<sup>626</sup> WoE Authorities (2017) *West of England Joint Spatial Plan: Publication Document*

<sup>627</sup> Bristol City Council (2018) *Affordable Housing Practice Note – April 2018*

levels of affordable housing, with greater acceleration, than has been delivered in the city for decades previously.

## 6.2. Traditional Local Authority Housebuilding

During the peak of local authority housebuilding in the 1970s – where local authorities across the country built over a third of new homes each year<sup>628</sup> – Bristol City Council was the largest provider of new homes in the city. The financial year of 1980/81 was the final year where the local authority delivered more new homes than the private sector; 590 homes were completed by Bristol City Council while only 210 were completed by the private sector with a further 180 homes were completed by housing associations. Since 1981, these number of local authority completions have declined to exceptional low levels. In total almost 25,000 new homes were completed over the near forty-year period, while less than 4% of them were delivered by Bristol City Council; 930 new homes from a total of 24,620.<sup>629</sup>

As illustrated in Chapter Two, the substantial decline of local authority housing delivery since the start of the 1980s corresponded with government's new approaches, operating through restrictive political and fiscal policies, which decisively shifted housebuilding from the public to the private sector. Thatcher's Conservative government brought about swift policies which revoked council housebuilding in attempts to cut public expenditure resulting in a pronounced crash of local authority delivery.<sup>630</sup> Financial controls limiting the levels of local authority housebuilding first introduced under Thatcher continued under the successive

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<sup>628</sup> DCLG (2018) *Table 213 House Building: Permanent Dwellings Started and Completed, By Tenure, England*

<sup>629</sup> MHCLG (2019) *Table 253: Housebuilding: Permanent Dwellings Started and Completed, by Tenure and District, 2018-19*

<sup>630</sup> Malpass, P. (2000) *Housing Associations and Housing Policy: A Historical Perspective*

Conservative government of John Major, then under New Labour's governments of Tony Blair and Gordon Brown, and also under the Conservative-Liberal Democrat coalition and Conservative majority government of David Cameron; spanning some 40-year period. It was not until momentous changes in 2018 under Theresa May that saw positive steps taken for local authority housebuilding through the financial restrictions limiting the levels of local authority borrowing under the HRA cap were abolished – presented in detail at Chapter Two, section 2.1 – providing a relative space for local authorities to pursue their own agenda in the provision of housing for the first time in nearly half a century.

Research by Local Government Association (LGA) – the national membership body for local authorities operating to improve, promote and support local authorities – found a significant number of surveyed councils (89%) had greater appetite for council housebuilding following the removal of the HRA borrowing cap. Further, the most common motivations to do so were to meet their overall demand for strategic housing need for different communities (98% surveyed), reducing homelessness and need for temporary accommodation (81%), and supporting regeneration and economic growth (76%).<sup>631</sup>

Similar to finding by the LGA, the immediate removal of the HRA cap was reported by participants at Bristol City Council as having transformational effect on the council's capability to develop strategic approaches for significantly increasing the delivery of affordable housing. It also provides the opportunity to accelerate the council's new build development programme which had been restricted not by availability of developable land, or by ambition, but by the financial capability of the local authority to finance simultaneous local authority

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<sup>631</sup> LGA (2019) *Housing Revenue Account Cap Removal: Survey Results*



development across the city. In discussing the changes to the HRA cap, local authority participant stated:

“[It is] the best thing ever ... It’s absolutely bloody brilliant. Bristol is in a unique situation in the fact that we already had an established programme, a development team available, we also own a lot of land, and we own a lot of stock. So, lifting the HRA cap won’t be as transformational for every local authority, but for us, given our circumstances, it’s an incredible tool to unlock.”

*Local Authority Participant (I #6)*

While the abolition of the HRA cap provides important additionality of affordable homes and acceleration to the council’s housing delivery programme, it also serves as a vital demonstration of the local authorities’ priorities to the wider private-sector market in affordable housing delivery. Exemplifying that the practices of the local authority coincide with the political target for increased affordable housing delivery.

“the council sees itself in a developer role in that, to increase its own housing stock ... I think, there has been a shift in Bristol from a focus before making sure the stock we had was fit for purpose and well invested in, to one that is perhaps less focused on that but is more about housing delivery; that has been a shift which has happened. Possibly as the issue has become more acute, or political challenging, **we can’t be seen not to be playing a proactive role ourselves if we’re making noise at everybody else that they should be doing more.**”

*Local Authority Participant (I #4 – Emphasis added)*

Linked to this perception of taking a more proactive role in affordable housing delivery is the local authority’s distinctive understanding of local housing need. As the local planning

authority with responsibilities for plan-making and decision-taking – the two fundamental pillars of the local planning system – and, crucially, the statutory obligation to house those determined most in need, Bristol City Council is in the principal position to recognise and understand the needs for affordable housing better than other housing participants within the city. As one participant stated; “we have the ability to build the right types of homes in the right places because we understand the need better than anybody else.”<sup>632</sup>

Local authority participants also highlighted a range of financial and social benefits at macro and micro-levels from increasing local authority housing delivery on developable sites owned by the local authority. These range from providing additionality in affordable homes and acceleration of housing delivery,<sup>633</sup> to the financial business case benefiting the local authority and generating wider social wellbeing benefits for local communities.

Firstly, and most simply, by increasing the delivery of affordable homes on local authority owned land through the now unrestricted HRA, the council is increasing direct delivery of affordable housing in addition to those provided by the private sector through s.106 agreements, or by private registered providers. Although the council could have released the land to either the private-sector or registered providers during this time of limited capacity for direct housing delivery, this fails to provide the additionality of affordable homes for the following reasons.

If discharging the land to the private sector, it is reasonable to assume that their capacity to deliver is substantially greater than the local authority housing development team, and so they would progress the development of the site quicker than the constrained local authority.

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<sup>632</sup> Local Authority Participant – Interview #6: p. 5.

<sup>633</sup> Ethnographic Diary, w7d3m3; w9d4m2

Yet, while private-sector development would provide greater acceleration of delivery, the sector's delivery of affordable housing has previously been minimal due to their commercial orientation as profit-led organisations, as already presented at the start of this chapter. Furthermore, disposing of the land to the private sector forfeits the powers of ownership which are crucial for progressing development, risking the consequence of development sites becoming stalled for financial, operational, or speculative land banking reasons, as highlighted in Chapter Five. Consequently, marketing land to the private-sector would most likely deliver greater acceleration of market homes, if sites do not become captive for speculative gain, but comparatively less affordable homes than local authority-led development.

In contrast, as the business models of private registered providers are positioned to deliver affordable housing and operate with greater capacity than the local authority, residential development by private registered providers of local authority-owned land would deliver similar levels of affordable housing with greater acceleration. However, if the local authority discharges public land to private registered providers for development of affordable homes, registered providers are consequently not competing for development sites on the private market. Therefore, discharging public land to private registered providers provides acceleration of affordable housing, but no additionality in comparison to local authority development. Land owned by the local authority – of which there are 100 hectares, roughly half of the available developable in the city – is identified as the key to maximising affordable housing delivery through council-led development. As eloquently put by one ex-local authority councillor, “Land is the most significant factor, it is the family silver”.<sup>634</sup>

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<sup>634</sup> Ethnographic Diary, w1d3m1

Secondly, there is a beneficial business case benefiting the local authority finances from increasing housing delivery through the HRA. Local authority development can be flexible in the tenures it delivers, both affordable homes and homes for sale on the private market. Under the provisions of the Housing Act 1985,<sup>635</sup> local authorities are permitted to develop a mix of tenures including the sale of market homes and utilise the market income to offset costs in providing higher levels of affordable housing than would otherwise be viable. Furthermore, local authority participants identified a range of financial benefits for the council.

“In terms of new homes bonus, for every new home – that’s an income. We’re obviously reducing people in temporary accommodation and at risk of homeless which we know creates a significant burden in terms of the pressures on broader local authority costs ... So, there is an upfront capital costs balanced out by a long-term revenue saving, and we’re creating council tax [income].”

*Local Authority Participant (I #6)*

Under the government’s New Home Bonus scheme, local authorities are incentivised through treasury grant funding to build more new homes, residential conversions and bringing back long-term empty homes into use, with an additional financial incentive for the provision of affordable homes. Between October 2017-18, Bristol City Council was awarded £1.4m in New Homes Bonus for the provision of 1,759 new homes including 159 affordable homes, putting them in the top 40 of local authorities with the largest New Homes Bonus payments that year.<sup>636</sup>

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<sup>635</sup> Housing Act 1985, s. 9

<sup>636</sup> MHCLG (2019) *New Homes Bonus Final Allocations 2018 to 2019*

Increasing the supply of affordable homes contributes towards alleviating the pressures on local authority services and expenses for households in temporary accommodation. Temporary accommodation is provided as an interim solution for statutory homeless households until suitable permanent affordable housing is available. In June 2017, the number of households living in temporary accommodation was 585,<sup>637</sup> with over half of these households (53%) living in this insecure accommodation for more than six months.<sup>638</sup> The costs of this provision in 2016-17 was £5.75m and, while a proportion of this cost is offset by housing benefit payment (£4.60m), the provision incurred a net loss to Bristol City Council of £1.15m.<sup>639</sup>

The benefits outline here – increased supply of affordable homes alongside financial and social benefits – are clearly valuable for the local authority. The abolition of the HRA cap provides Bristol City Council with increased capability to operate with an increasingly local agenda in the provision of housing. Further, it is evident of the beginning of a changing relationship between central and local government, providing greater autonomy and financial independence through removing regulatory barriers and constraints. While it may take years for the local authority to fully operate in the residential development sector created by the lifting of the HRA cap, the changes may have an immediate impact on the inherent approaches provided for local authorities in planning to contribute to resolving their local housing crisis.

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<sup>637</sup> Bristol City Council (2018) *Homelessness Review 2018*

<sup>638</sup> *Ibid.*

<sup>639</sup> *Ibid.*

*Case Study: Alderman Moores Development Site*

To demonstrate the local practices arising from the lifting of the HRA cap, the Alderman Moores case study of a single development site shows how Bristol City Council is delivering more affordable housing than for decades previously while providing additional benefits to the council through increased scale of local authority housebuilding. Although the site was planned and submitted for planning approval before the announcement of the financial changes to the HRA account, it serves to demonstrate the local authority ambition, drive, and future potential for local authority-led housing delivery within the city. This case study is selected here as the first large-scale local authority residential development in Bristol since the 1980s, and the first of its kind through funding affordable housing delivery through the development and sale of on-site market homes.

The development site is in the suburb of Aston Vale in South Bristol and was previously an underused allotment space declared surplus by Bristol City Council in 2008. The land is owned by Bristol City Council and is allocated within the ringfenced HRA. The site is allocated in the local plan and designated for residential development reflecting the sustainable location close to retail and commercial amenities and employment, with access to new public transport infrastructure through the city's MetroBus scheme.<sup>640</sup>

In November 2017, the local authority's housing delivery team in partnership with contractor Willmot Dixon submitted a full planning application for the development of 133 new homes.<sup>641</sup> The development consists of 53 homes for social rent ranging in size from 1-bedroom flats to 3-bedroom houses, as well as 80 homes for market sale comprised of 2-

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<sup>640</sup> Bristol City Council (2014) *Site Allocations and Development Management Policies*

<sup>641</sup> *Planning Application Ref. No: 17/06559/FB*

bedroom flats and 2-3 bedroom houses. The level of affordable housing is above policy compliance for the local area as stated in the local plan (30%) calculated at 40%. Planning permission was granted by Planning Committee in April 2018, and development began onsite in January 2019 and is due for completion in Spring 2021.

While it is notable as the largest local authority housing delivery since the 1980s, the scheme's real significance is the funding of affordable homes through the development and sale of housing for sale on the private market. Delivering this mix of affordable and market homes provides financial and social benefits for the local authority in addition to the completion of a significant number of much needed affordable homes.

Firstly, the costs of development of affordable housing are offset by the delivery of homes for market sale. A cost-benefit analysis, submitted by the local authority for scrutiny by full cabinet, reveals that the total cost of delivering the development is £24.14m, accounting for both affordable and market homes.<sup>642</sup> The analysis forecasts that sales from the 80 market homes is expected to return a net income of £19.4m, thus requiring a total residual investment from the HRA of £4.74m. Consequently, the development and sale of market homes offsets approximately 80% of delivery costs. In attempts to further reduce the capital investment required from the HRA, Bristol City Council authorised the use of £2.9m from right to buy receipts, lowering the overall net costs to £1.84m.<sup>643</sup>

Moreover, the cost-benefit analysis identifies that the development could alternatively be cost neutral, or even turn a profit for the local authority, if the provision of affordable housing was lowered to a policy compliant level of 30%. While there are clear short-term benefits

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<sup>642</sup> Bristol City Council (2018) *Cabinet Supplementary Information – 4th September 2018*

<sup>643</sup> *Ibid.*

from a local authority development that delivers a profit back to the city council – namely, providing opportunities to reinvest capital into more sites, increasing the delivery capacity of the local authority, or for maintaining existing housing stock – the long-term benefits of increasing affordable housing is deemed by local authority participants as outweighing these financial benefits; further demonstrating that the delivery of affordable homes is the clear priority of Bristol City Council.

Secondly, there are social benefits from delivering a mix of tenures from local authority development by contributing to the local authority’s aim to create balanced communities through a local mix of tenures across the whole city. Achieving balanced communities, a local planning policy discussed in greater detail in the following chapter, has immediate and enduring benefits;

“We are creating communities that are viable and sustainable, and that means there are less long-term impact on the local authority in terms of some of those social costs that can hit us. We also make sure we are creating mixed and balanced and sustainable communities where people want to live and choose to live.”

*Local Authority Participant (I #6)*

This development is the first of its kind in Bristol and demonstrates how Bristol City Council is intervening in the local property market which has previously been heavily dominated by the private sector. By employing new and innovative practices to local authority housebuilding through combining the delivery of housing tenures, the local authority is capitalising on the increased autonomy and fiscal responsibility provided by central government to translate that into locally led development in accordance with their ambition and drive to achieve their goals for affordable housing. Further, this case study is indicative of the possible beneficial



outcomes from implementing local approaches whereby Bristol City Council is identifying the available resources and courses of action to achieve their political and housing goals.

### 6.3. Local Housing Company

“What is important if you really want to drive delivery is that you’ve got flexibility, that you can respond to different circumstances, different conditions. I think the value of having a local housing company is that provides that flexibility and agility that you would need to drive the programme of delivery. I think that in that sense it’s a really positive tool to be able to use.”

*Local Authority Participant (I #6)*

Bristol City Council has been exploring alternative avenues to intervene in the private sector dominated housing market to increase affordable housing delivery where achieving this through the traditional HRA route is unfeasible. The local authority determined that the most appropriate and beneficial avenue to implement was to establish a local housing company – fully owned by the council – for residential development on land owned by them. Although the lifting of the HRA cap has had transformational impact on the processes by which Bristol City Council can operate to deliver more affordable housing, this alternative avenue provides further benefits through offering an additional delivery mechanism and further increasing capacity for the local authority to deliver increased levels of affordable housing with little reliance, if any at all, on the private-sector.<sup>644</sup>

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<sup>644</sup> Ethnographic Diary, w5d3m3

In September 2018, Bristol City Council cabinet approved the decision to establish Bristol's local housing company, Goram Homes – named after one of the two mythical giants credited with creating the Avon Gorge cut through the limestone hills in which Bristol is built upon. Goram Homes was established with Bristol City Council as the sole shareholder, providing ultimate ownership in the company. Following the formal creation of the company, the local authority earmarked two potential sites for residential development by Goram Homes in joint venture with private-sector partners; the Romney House site in Lockleaze, North Bristol, and the Baltic Wharf site on Spike Island in the centre of the city, both sites are owned by Bristol City Council.

Furthermore, the five-year strategic business plan was approved by the local authority cabinet in January 2020. It outlines the company mission and objectives, governance structure, and development activity and financial projections. Most relevant, Goram Homes' corporate mission is: "investing in the homes and communities for the people of Bristol", measuring its success through three objectives: i) to increase the supply of new homes built across Bristol, ii) to build quality homes and create communities where people want to live, and iii) to operate commercially and provide financial returns to the local authority as the sole shareholder.<sup>645</sup>

Goram Homes operates outside of the HRA by providing financial loans from the council's general fund to the local housing company. The local authority has access to public borrowing through the Public Works Loan Board, which is then on-lent directly to the housing company at commercial rates as required by State Aid regulations.<sup>646</sup> This financial arrangement

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<sup>645</sup> Goram Homes (2020) *Goram Homes: 2020-2025*: p. 3.

<sup>646</sup> Hackett, P. (2017) *Delivering the Renaissance in Council-Built Homes: The Rise of Local Housing Companies*

provides intermediate access to public funding for the housing company, while also generating further income for the local authority from a margin on the money on-lent to the housing company due to the necessity to on-lend at commercial rates.<sup>647</sup> The local authority can also provide local authority land to the housing company so long as the authority receives the market value.<sup>648</sup> Through these operating parameters the local housing company utilises its subsequently acquired financial and land ownership positions to increase certainty in the provision of affordable housing, providing financial benefits for the company and the local authority, and offer opportunities to drive the largest public house building programme in the city since the 1980s.

Bristol City Council is not among the first local authority in the country to establish a fully-council owned local housing company. There is no official register of local authority owned housing companies, but indicative estimates from national research assess that one third of local authorities in England have currently established one, with predictions that by 2020 over half of local authorities will be operating one.<sup>649</sup> The incentives for councils establishing local housing companies includes a range of factors which reflect the ambitions of Bristol City Council: to deliver affordable, temporary, or private rented housing; providing a mix of housing tenures that meet local housing need; to provide flexible and controlled methods of housing delivery; and to generate long-term income streams to support authority finances.<sup>650</sup>

These reasons and incentives which motivate Bristol City Council in establishing a local housing company have been echoed by other authorities across the country. Morphett and

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<sup>647</sup> Bristol City Council (2018) *Cabinet Supplementary Information – 4<sup>th</sup> September 2018*

<sup>648</sup> Bristol City Council (2018) *Cabinet Supplementary Information – 4<sup>th</sup> September 2018*

<sup>649</sup> Hackett, P. (2017) *Delivering the Renaissance in Council-Built Homes: The Rise of Local Housing Companies*

<sup>650</sup> Bristol City Council (2018) *Cabinet Member Briefing: 12<sup>th</sup> February 2018 – Confidential*

Clifford's survey of local authorities across the country found similar themes in the underpinning rationales for council housebuilding: to contribute towards local housing need, particularly need for specialist housing that has not been provided by the private market; responding to increasing demand for homelessness services; and to generate additional income to support future housing supply, and local authority finances more widely.<sup>651</sup>

Further, a big advantage of delivering new homes through a local housing company is the flexibility and diversity of tenure they are able to deliver. They can provide a range of homes across tenures, ranging from social rent, affordable rent, market rent, to affordable homeownership, market sale, or even housing for temporary accommodation, or housing for specialist tenures such as elderly care or student accommodation. Furthermore, through operating as commercial developers in partnership with the local authority, they can respond to the gaps in provision in tandem with the opportunities that allow them to prosper, whether that is funding, public land ownership, or the governance agreements and objectives that underpin their operation.<sup>652</sup>

For Bristol City Council, the local housing company provides an additional string to the bow, granting an improved position to ensure homes are delivered at a timely pace with greater flexibility and greater controls outside of the planning system. Furthermore, the housing company provides access to both public investment through Homes England grant funding for affordable housing, and access to private investment and expertise through joint ventures with private-sector developers to deliver additionality and acceleration of affordable and market housing in Bristol.<sup>653</sup> Additionally, there are financial benefits from increasing housing

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<sup>651</sup> Morphet, J. and Clifford, B. (2018) *Progress and Current Trends in Local Authority Housing Provision*

<sup>652</sup> Gibb, K. (2018) *Funding New Social and Affordable Housing: Social Housing Policy Working Group Paper*

<sup>653</sup> Bristol City Council (2018) *Housing Company Update – July 2018 – Confidential*

delivery through the housing company generating capital income from private market sales, and revenue income from rented social housing and council tax.<sup>654</sup>

A local housing company in Bristol is particularly beneficial due to the significant role the local authority plays through its ownership of substantial amounts of land allocated for residential or mixed-use development. As part of the local plan, the site allocations policy identifies land to deliver 8,000 homes of which over half of the land is owned by the local authority.<sup>655</sup> Yet the local authority is incapable of progressing these sites through the HRA due to its limited capacity. Alternatives to local authority development through a local housing company require the disposal of council-owned sites to the private-market which risks undermining local planning policies for levels of affordable homes through viability assessments, or risks contributing to private-sector land banking through sacrificing ownership and control of development where powers as the local planning authority are minimal.

Recent completions data in Bristol support concerns arising from disposing land to the private sector. Of the 1,994 homes completed in 2016-17, 95% were completed by the private sector. Of these, over 95% (1,809 units) were market dwellings, while less than 5% (92 units) were affordable homes through s.106 planning obligations.<sup>656</sup> Further, at the time of the ethnography, some 6,000 residential homes had been granted planning permission with no start-on-site commencing; the overwhelming majority of these granted homes on privately-owned land.<sup>657</sup> Consequently, where local authorities disposes of land to the private-sector,

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<sup>654</sup> Bristol City Council (2018) *Cabinet Member Briefing: 12<sup>th</sup> February 2018 – Confidential*

<sup>655</sup> Bristol City Council (2017) *Bristol City Council's Housing Delivery Plan, 2017 – 2020*

<sup>656</sup> Bristol City Council (2017) *Bristol Residential Development Survey 2017*

<sup>657</sup> Ethnographic Diary, w9d3m2

they are sacrificing their powers to progress development and only limited powers as the local planning authority to prevent land banking by the private-sector.<sup>658</sup>

Bristol City Council thereby recognised the need for intervening in the private market and for greater capacity for delivery by themselves outside of the constraints of the HRA. Establishing a local housing company offers both that intervention and capability for increasing development while also offering greater flexibility for the local authority to respond to market conditions:

“It is being seen as an important vehicle; we are identifying sites that will go through the local housing company. It’s adding another option, another route, for delivery. I think it’ll be used for larger sites; it’ll have certain criteria; certain sites will work for it and other won’t. We’ll start testing that as we start putting things through these different routes.”

*Local Authority Participant (I #4)*

The creation and implementation of a local housing company is fundamental to the local authority in providing flexibility to drive affordable housing delivery through intervening in the housing market. The Housing White Paper acknowledged and applauded the best practices arising from local housing companies working cooperatively with private-sector partners to bring forward residential development.<sup>659</sup> The introduction of local housing companies fits more broadly with the rhetoric and policies from central government than the other two methods of intervention proposed in this chapter. As such, it is an excellent example where local and national interests converge, with the introduction of local housing

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<sup>658</sup> Ethnographic Diary, w1d4m1

<sup>659</sup> DCLG (2017) *Fixing Our Broken Housing Market*

companies achieving the objectives of both levels of government; for local authorities, they provide a flexible method of delivering affordable housing, and for central government, they continue to promote homeownership through local authorities – once the bastions of social housing – entering the private market to increase the delivery of homes for sale on the private market.

### *Case Study: Romney House*

This case study is examining the progress and projected outcomes of the Romney House development, which is currently further along the development process with expected completion in 2022. The Romney House site was allocated for residential development in the adopted local plan in 2014 but has failed to come forward through both the constrained capacity of the local authority or by the private sector during this time. The Romney House site formed part of a secondary school which closed in 2004 and has since been used as a temporary traveller site, council officers, and finally established as emergency temporary accommodation for street homelessness with charity partner St. Mungos.

Outline planning permission was submitted in February 2018 for the residential development of 268 dwellings comprised of both houses and flats.<sup>660</sup> The site delivers 187 dwellings for market sale, 62 homes for Social Rent, and 19 shared ownership units; totalling an affordable housing level of 30%, in line with the affordable housing policy major developments in this area of Bristol. The application for outline development was granted in November 2019

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<sup>660</sup> *Planning Application Ref. No: 18/00703/P*

following consideration of the make-up of the site and increasing the agreed level of affordable housing provision to 55% of the total units provided.

The site will be developed through a joint venture with private-sector partner Galliford Try. Both parties bring benefits through the joint venture's partnership, the housing company contributes the land and finances through fiscal borrowing from the local authority and disposal of the land from the local authority to the local housing company. While the private-sector partner provides the human resources and expertise currently beyond the capacity of the local authority and the local housing company, while also contributing to finances to the development to mitigate key risks surrounding financial exposure of the local housing company.<sup>661</sup>

#### 6.4. Partnership Grant Funding Programme

The final intervention by Bristol City Council into the local housing market lies not within their position as a direct provider of new affordable homes, as has been the case for the two methods of intervention thus far presented, but through their governance role as the local planning authority. This third local intervention utilises the local political motivation and commitment to increasing the levels of affordable housing through the support of the £220m financial pledge in council funding to increase affordable housing provision through an innovative Partnership Grant Funding Programme. This programme aims to capitalise on the dominance of private-sector residential development within the city by offering grant funding to local private registered providers to work in partnership with these developers to increase

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<sup>661</sup> Bristol City Council (2018) *Cabinet Supplementary Information – 4<sup>th</sup> September 2018*



the supply of affordable homes. As recent completions data highlights, the private sector develops over 90% of new residential homes in Bristol so tapping into their established and accelerated development frameworks, even if only marginally, provides an exceptional opportunity for gaining acceleration and additionality of affordable housing delivery for minimal human resource investment.<sup>662</sup>

The Partnership Grant Funding Programme was established in the Bristol City Council Housing Delivery Plan 2017-2020 to significantly increase the supply of affordable housing in a cost-effective manner.<sup>663</sup> The programme operates through allocating grant funding to members of Homes West – an umbrella organisation representing social housing providers in Bristol – to bring forward development or additional affordable homes from within private-sector developments. The financials for the grant funding programme once more evidence the commitment by the local authority for affordable housing; an allocated £54m over five years to deliver an estimated additional 1,000 affordable homes.<sup>664</sup>

The benefits emerging from the programme are clear: it delivers additionality after the planning system maximises the number of affordable homes through local policy requirements; it works in collaboration with other public funding for affordable housing such as funding available from Homes England; and it provides the local authority with greater control of the types of affordable homes delivered. The latter point was emphasised as a significant benefit for the local authority in achieving their local planning priority of balanced communities;

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<sup>662</sup> Bristol City Council (2018) *Bristol Residential Development Survey Report 2018*

<sup>663</sup> Bristol City Council (2017) *Bristol City Council's Housing Delivery Plan, 2017 – 2020*

<sup>664</sup> Ethnographic Diary, w1d2m1

“ ... [the] £54m affordable housing grant funding programme allows us to work collaborative with partners to identify innovative funding solutions to bring forward the right type of affordable accommodation; by that I mean policy compliant and true social rented housing, rather than the broader types of ‘affordable’. Which is obviously significant.”

*Local Authority Participant (I #6)*

In the first two years of operation, Bristol City Council has granted a total of £13.1m to deliver 302 affordable homes in the city, demonstrating the programme to be the single most cost-effective measure for increasing affordable housing supply.<sup>665</sup> Coupled with similar grants available through Homes England for affordable rent and shared ownership (97 dwellings funded between October 2017 and March 2018),<sup>666</sup> the programme has been extremely successful in providing additionality and accelerating the delivery of affordable homes with minimal capacity resources from the local authority.

“What is coming out of that very strongly is the relationship with Homes England, and our ability to match grant subsidy to unlock schemes that couldn’t afford any affordable housing through the viability process of the planning system to provide additionality. That is a really powerful thing.”

*Local Authority Participant (I #6)*

However, the critique of the programme is that the partnership funding is outside the scope of the planning system and as such it is at the discretion of private-sector developer to engage

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<sup>665</sup> Bristol City Council (2019) *Affordable Housing Funding Policy 2019*

<sup>666</sup> Homes England (2018) *Schemes Confirmed by Homes England*

with. It cannot be imposed upon them by the local planning authority when determining planning applications, only encouraged. Numerous local authority participants recognised this as the principal weakness of the programme, and believed that the planning system should further support local initiatives and approaches in achieving its drivers.<sup>667</sup> Others noted that such initiatives could feature in the local plan review to enhance the position of the local authority in reaching housing goals.<sup>668</sup>

“The new policy approach we’re saying is that ‘you do whatever you can through viability; 20%, 15%, whatever it is’, but the new approach is that you must, must, accept public subsidy up to policy compliant so you should be designing for policy compliant, we won’t make you pay for policy compliant if you can demonstrate you can’t through viability, but you should accept public subsidy. I think it’ll be interesting to see how that works through, to what extent we force that issue.”

*Local Authority Participant (I #4)*

#### *Case Study: Blackberry Hill Hospital*

“The best example of the grant funding is probably Blackberry Hill where we had schemes for no affordable housing, but because we’ve got something to the table to contribute to unlock in partnership with Homes England, we can start to make the economics of those viability issues work to bring forward affordable housing. It’s an

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<sup>667</sup> Ethnographic Diary, w3d4m1

<sup>668</sup> Ethnographic Diary, w3d1m2

incredibly powerful tool. It's also the quickest way we can do it, it takes such a long time to lead into build, so when we looked at putting together the housing delivery panel, it was very clear that the grant funding programme was a quick win.”

*Local Authority Participant (I #6)*

The success of the Partnership Grant Funding Programme can be evidenced through a case study of the recent planning applications for the Blackberry Hill Hospital site in Fishponds, North-East Bristol. The former NHS hospital was declared surplus to requirements by the North Bristol NHS Trust in 2007. 21 acres of the site was disposed of by the NHS trust to the Homes and Communities Agency (now Homes England) in 2009, consisting of the historic original Grade II listed buildings dating back to the 19<sup>th</sup> century. The site is allocated for residential mixed-use in the local plan, with recognition of redevelopment respecting the heritage of the listed buildings and structures.<sup>669</sup>

Private-sector developer Galliford Try was procured for the redevelopment in partnership with the Homes and Communities Agency and, in September 2016, the first application for planning permission was submitted to Bristol City Council for the regeneration and new development of 305 residential units, 510m<sup>2</sup> of commercial floorspace, 280m<sup>2</sup> of community space, and associated landscaping and access works.<sup>670</sup> This application contained no provision of affordable housing, justified through a viability assessment produced on behalf of the developers by GVA. The viability assessment determined that a provision of policy compliant affordable housing for the local area (30%) combined with a pre-determined profit of 20% GDV – an industry standard – would result in a negative land value, thus a willing land

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<sup>669</sup> Bristol City Council (2014) *Site Allocations and Development Management Policies*

<sup>670</sup> *Planning Application Ref. No: 16/05376/F*

owner would not dispose of the site.<sup>671</sup> Alternatively, the viability assessment draws comparisons to developments within the greater Bristol area and proposes that if no affordable housing was calculated into the GDV, this produced a positive land value of over £5m – circa. £325,000 per net developable acre.<sup>672</sup> While still significantly below a threshold land value which is produced from comparisons to other developments in Bristol – similar developments average in the region of £1m per net developable acre – due to the costs of the scheme in delivering a mixed-use development, the financial inefficiency of converting listed buildings, and the provision for commercial space.<sup>673</sup>

As the site was under ownership of the Homes England, the proposed exclusion of any affordable housing was met by fierce resistance from Bristol City Council, local communities, and local media. For example, Acorn – a national community activist group with a branch in Bristol – and the Bristol Cable – a local media co-operative – campaigned and petitioned for the inclusion of affordable housing on the site and for the local authority to publish the developments unredacted viability assessment.

The application for development coincided with the local authority's creation of the Partnership Grant Funding Programme, providing the local authority with capacity to negotiate with the developer, the Homes England, and the selected provider of social housing, Sovereign Housing Association. Following negotiations utilising the council's Partnership Grant Funding Programme, the developers submitted a revised planning application addressing the concerns raised by participants, the local authority, and local residents

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<sup>671</sup> GVA (2016) *Viability Report – Blackberry Hill Hospital*

<sup>672</sup> *Ibid.*

<sup>673</sup> *Ibid.*

regarding the levels of affordable housing. A letter submitted in support of the revised application by the developers stated,

“While there appears to be overall support for the redevelopment and regeneration of the site, concerns focused on the ... Lack of affordable provision. Given the significant level of concern around the lack of affordable provision on the site, Galliford Try Partnerships and the HCA have sought to find a solution to delivering an element of affordable on the site.”<sup>674</sup>

The solution agreed was to increase the residential density of the site while slightly lowering the commercial space delivered, combined with grant funding by Bristol City Council, Homes England, and the registered provider Sovereign Homes. The revised application proposed to deliver a total of 346 residential units, an increase of 41 units, of which 100 will be provided as affordable homes (29%).<sup>675</sup> The affordable homes are funded in the following way:

- Through increasing the residential density and total amount of new units, the developer’s viability assessment supports the provision of 20 affordable units, 15 social rent and 5 shared ownership.
- Homes England grant funding for a further 20 Shared Ownership homes.
- Bristol City Council’s Partnership Grant Funding Programme combined with funding put forward by Sovereign Housing Association supports to delivery of 60 homes for Affordable Rent at LHA levels below the maximum 80% of market rent.

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<sup>674</sup> GVA (2017) *Blackberry Hill Hospital, Manor Road, Fishponds, Bristol – Planning Application Ref. No: 16/05376/F*

<sup>675</sup> *Planning Application Ref. No: 16/05376/F*

The total funding provided for these additional 100 affordable homes is £6.7m: Homes England contributing £1.7m; Sovereign Housing Association provides £2.8m through their recycled capital grant funding; and the local authority grant is £2.2m, less than £37,000 per unit.<sup>676</sup> In comparison to the estimated cost of local authority direct provision of affordable homes at £150,000 per unit,<sup>677</sup> the grant funding programme clearly provides a cost-efficient approach to increasing the levels of affordable housing in the city.<sup>678</sup>

The Blackberry Hill Hospital site case study demonstrates the success of Bristol City Council in significantly increasing the levels of affordable housing beyond those capable of being delivered through the planning system in isolation. The intervention of Bristol City Council in the housing market through the Partnership Grant Funding Programme evidences the significant supply benefits from public finance investment where the private sector dominates the housing market. The grant funding programme goes beyond the limitations of the planning system regarding viability and affordable housing delivery to increase affordable housing supply while contributing to creating balanced communities through cost-effective on-site affordable housing delivery. As one local authority participant stated during the ethnography, “Let the planning system produce what it can, then we use partnerships to provide more.”<sup>679</sup>

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<sup>676</sup> Bristol City Council (2017) *Cabinet Member Briefing – 28<sup>th</sup> September 2017 – Confidential*

<sup>677</sup> Ethnographic Diary, w2d2m1

<sup>678</sup> Bristol City Council (2019) *Affordable Housing Funding Policy 2019*

<sup>679</sup> Local Authority Participant (Ethnographic Diary, w1d1m2)

### 6.5 Intervention through Grey Spaces

The empirical findings presented in this chapter demonstrate the methods by which Bristol City Council is intervening in the private sector dominated housing market to deliver more affordable homes. The council have demonstrated their commitment to the delivery of council housing through the traditional approach of the housing revenue account, complimented by more innovative methods namely establishing a local housing company, and through their own partnership grant funding programme. These approaches operate in the grey spaces of planning policy and local governance to maximise the available resources of Bristol City Council in the efforts to deliver new affordable homes.

Increasing the delivery of new affordable homes by the traditional route of council HRA housebuilding is the first example of Bristol operating within these grey spaces. This commitment was apparent throughout the research with Bristol City Council citing HRA housebuilding as a central channel to increasing levels of new affordable housing in the city. Their commitment to accruing capacity to deliver council homes followed their local election pledge in 2016, and not until 2018 was the HRA borrowing cap abolished. For this research, this meant the findings on HRA housebuilding could be seen through two lenses: first, the ethnographic research conducted in 2017 emphasised the need for HRA housebuilding and the preliminary actions of the council in initial activities to do so. In contrast, the follow-up interviews with participants were conducted after the HRA cap announcement, providing the opportunity for participants to reflect upon and assess the impact of the policy change and shift in direction.

As a result, Bristol City Council could first be seen to be operating in the grey spaces of government policy by taking the preliminary exploration to enable HRA delivery. The



announcement to abolish the HRA borrowing cap – in response to wider political pressures by local authorities and housing and public finance organisations<sup>680</sup> – resulted in the council's approach to HRA housebuilding transcending from those initial grey spaces into legitimised practices, supported and further enabled by central government policy change.

Secondly, the process of establishing a local housing company, Goram Homes, to deliver new housing akin to a private developer is also a clear example of Bristol operating in the grey spaces of government policy. The means to deliver through a local housing company was made possible by the combined effects of two pieces of legislation, the Local Government Act 2003 and the Localism Act 2011. The former permitted local authorities to set up companies for commercial trading purposes, and the latter allowed authorities to undertake commercial activity to generate a profit.<sup>681</sup>

It is fair to presume this opportune approach to local housebuilding was not an intention of the localism legislation given the wider housing context of when these powers were introduced: the lack of grant funding for council housebuilding, severe restrictions on borrowing through the HRA in a time of austerity politics, and the increased incentivising of right to buy through greater discounts.<sup>682</sup> As noted in this chapter, local authority housebuilding was relatively unattractive and unfeasible where HRA borrowing had already been maximised and authority housing stock was diminishing faster than it could be replaced.

It is this constrained financial and restricted policy context in which local authorities with appetite to provide increased council housebuilding have explored the legislative grey spaces

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<sup>680</sup> CIPFA (2016) *Investing in Council Housing: The Impact on HRA Business Plans*

<sup>681</sup> Local Government Act 2003, s. 95 & Localism Act 2011, s. 4.

<sup>682</sup> Morphet, J. and Clifford, B. (2019) *Local Authority Direct Delivery of Housing: Advice for Planners on How to Support Local Authority Led Housing Delivery*.

offered by the Localism Act in local housing companies.<sup>683</sup> What it offered councils across the country was the opportunity to deliver much needed council homes outside the government-imposed financial borrowing restrictions associated with the HRA.<sup>684</sup> For Bristol City Council, it grants this unrestricted delivery through increased capability and capacity to begin strengthening local authority housebuilding, while also providing potential long-term funding which can be reinvested to continue to delivering more housing across the city. It is this crucial transformation of the local authority financial context through enabling unconventional local economic approaches which underpins the operating of local housing company in the grey spaces.<sup>685</sup>

Local authority housing companies are also operating in the grey spaces of government housing policy. The right to buy has been a cornerstone of government housing policy for the last 30 years, receiving continued political support as recent as 2012 through commitments to expand and incentivise greater discount on social housing sales.<sup>686</sup> To the frustrations of local authorities and the detriment of council housing stocks, the right to buy offers tenants of council-owned housing the potential to purchase their property at discount rate. Yet, as local housing companies are being established as independent commercial organisations, fully-owned by the council, but run autonomous of council operations – as is the case for Bristol City Council. That being the case, the homes delivered by local housing companies across the country are currently not subject to the policy; providing relief from the statutory processes hindering future stock levels where social housing is needed indefinitely.

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<sup>683</sup> Christophers, B. (2019) *Putting Financialisation In Its Financial Context: Transformations in Local Government-Led Urban Development in Post-Financial Crisis England*

<sup>684</sup> Barnes, S. (2016) *More Than a Third of Councils Set Up Housing Companies*

<sup>685</sup> Christophers, B. (2019) *Putting Financialisation In Its Financial Context: Transformations in Local Government-Led Urban Development in Post-Financial Crisis England*

<sup>686</sup> Murie, A. (2016) *The Right to Buy?: Selling Off Public and Social Housing*

Operating in this specific grey space of housing policy may be time limited. It has only been retrospectively that central government policy has recognised the role and potential benefits of local housing companies in driving affordable housing delivery. The Housing White Paper, published in 2017, was the first government policy paper to identify this range of innovative approaches employed by local authorities. Yet, it also makes explicitly clear that it won't allow authorities to circumvent the right to buy policy through local housing companies. Stating, "we want to see tenants that local authorities place in new affordable properties offered equivalent terms to those in council housing, including a right to buy their home". While no policy action has yet to be delivered from the white paper proposals, it is clear that the policy-avoidance regarding local housing companies and the right to buy is on the governments radar.

Third and finally, Bristol City Council's own partnership grant funding programme is evident of their operating within grey spaces by virtue of dedication of their own funding to their housing priorities, not those of central government. Central government's increased emphasis in recent years on affordable homeownership over other forms of affordable housing is apparent: i) The revised NPPF added a new policy expecting at least 10% of homes delivered to be for affordable homeownership; where Bristol's policy compliant affordable housing level is 30%, this expectation results in a third of all affordable homes to provide affordable homeownership options. ii) The government Help to Buy Equity Loan scheme lends first time buyers up to 25% of the new build purchase price to enable access to homeownership that would otherwise be reliant on a 95% mortgage offer; with some £22bn already invested. iii) The Shared Ownership and Affordable Housing Programme (SOAHP) 2016-2021 has made available a further £2bn, with over half of the total number of homes

delivered as Shared Ownership. iv) Finally, and most recently, the preliminary First Homes scheme will provide 30% discount off market values to enable first time buyers to access homeownership, currently supported by a £150m pilot.

In contrast, the practices by Bristol City Council to enhance the supply of affordable rented homes through independent grant funding is dichotomous with the approaches and rhetoric of central government. This council-run programme focuses not on affordable homeownership, as it the clear target of the government funding, but on boosting the supply of affordable rented homes, either as housing for Social Rent or Bristol City Council's locally-determined Affordable Rent; presented in the next chapter. This is particularly poignant given the financial context of austerity in which the authority, and particularly housing development within the council, are operating. The allocation of £54m over five years to deliver additional socially rented and Bristol's affordable rented housing demonstrates a substantial financial and political commitment to their own housing priorities.

As such, the grant funding programme could not be described as operating in the proverbial 'white spaces' given this contrast with central government approach. Neither could it be described as operating in the 'black spaces' given the authorities is not contravening planning or local governance policy or legislation in doing so. It is capable of operating as a commercial entity, pursuant to the Localism Act, in providing grant funding to deliver its priorities. Consequently, the grey spaces discourse provides an understanding of the local approaches of Bristol City Council in achieving its own housing objectives through this programme.

## 6.6. Conclusion

By drawing together this data, this chapter has built upon current understandings about the constraints on the capacity of local authorities to delivering homes, which were discussed in Chapter Five. Within this context, this chapter has demonstrated the prominence of affordable housing in the ways in which Bristol City Council is responding to these constraints. It has discussed three important methods which Bristol City Council utilises in order to maximise the delivery of more homes - specifically affordable homes. Firstly, the chapter assessed the extent to which Bristol City Council is making use of the more traditional means of housing delivery – the direct provision of social housing through the HRA. Secondly, the chapter examined a specific way in which Bristol City Council has been able to transcend the remit of the HRA by establishing a local housing company. Through this mechanism, it has been demonstrated that Bristol City Council has been capable of specifically gearing housing delivery towards the production of affordable homes. Thirdly, the chapter has considered the ways that Bristol City Council has been able to influence the production of new homes through the Partnership Grant Funding Programme, beyond the remit of the planning system. Through this method, Bristol City Council are able to provide financial contributions to housing associations which will offset the costs of providing affordable housing.

Taken together, this chapter has explored the critical importance for Bristol City Council of using these three methods creatively as part of a concerted approach in order to maximise the delivery of affordable homes. This finding will provide a foundation for the next and final findings chapter, which will discuss the ways that Bristol City Council is also using these mechanisms to interpret national planning policy in a way that supports this aim of delivering affordable homes.

## Chapter Seven: Local Approach to Affordable Housing Policies

Working in tandem with the previous chapter, this chapter continues the focus on affordable housing delivery and Bristol City Council's provision of affordable homes through operating in the grey spaces of planning law, policy, and practice. The previous chapter focused on the local practices and processes to for affordable housing delivery through Bristol City Council's role as a direct provider of housing. It explored the practices and approaches Bristol City Council is employing to intervene in the private housing market to deliver increased levels of affordable housing. Demonstrating the substantial endeavours undertaken by the council to maximise the delivery of affordable housing in the city through council-led development, and through steering and capitalising upon private-sector delivery to deliver increased levels of affordable housing.

In contrast, this chapter demonstrates the implementation of a distinctively local approach to affordable housing through local planning policies and practices associated with the governance role of Bristol City Council as the local planning authority. Through this role, the council is capable of manipulating the grey spaces of national planning policy through the technical specificities of affordable housing as a policy umbrella term. It considers the contrasting *types* of potential affordable housing and, more precisely, *how* the rental levels of these types of affordable housing are calculated. There are complex, subtle, and technical differences between the forms of affordable housing recognised by national planning policy, and those considered acceptable and beneficial to Bristol City Council. Ultimately, through this policy decision-making administrative role, this chapter demonstrates how the council is

delivering a local approach to affordable rented housing through operating in grey spaces which are resistant to the national planning framework.

The first half of this chapter demonstrates how the council is employing a distinctively local approach to genuinely affordable housing within the city. It explores the local approaches to the types of affordable housing and how they are calculated to establish priorities of delivery, engaging with how affordability is defined, and recognising where affordable homeownership is limited in its capability to resolve the issues faced by the local authority. These local approaches are finally considered as a collective to demonstrate how they are operating inherently, and sometimes explicitly, in resistance to the national position for affordable housing which is increasingly concentrated on delivery of higher-priced housing for Affordable Rent, or affordable homeownership.

Subsequently, the second half investigates local planning policies and practices concerning the locality of affordable housing, and fundamentally its importance to delivering mixed, balanced, and inclusive communities. Further, it analyses how the council is resisting national planning policies for viability assessments, which facilitate the erosion of affordable housing provision in support of quantitative dominance, in favour of cooperative, beneficial, and transparent decision-making. Finally, it examines the operation of Bristol City Council within the grey spaces discourse, building upon the Grounded Theory findings presented in the preceding findings chapters.

### 7.1. Local Approaches to Affordable Housing Tenures

Through its core governance roles as the local planning authority in plan-making and decision-taking, Bristol City Council has employed distinctively local approaches to the types of affordable housing that is sought within the city and, where relevant, how these are defined. These local approaches do not explicitly conflict with national planning policy, but rather continue this demonstration of the authority operating within the grey spaces of national planning policy to achieve their locally determined housing objectives. Exploiting these loose regulations within national planning policy provides Bristol City Council with the scope to manoeuvre for their own benefit to achieve their established priorities, namely delivering genuinely affordable housing. These local approaches are applied to each of the three main types of affordable housing recognised in national planning policy, with each analysed in turn during this chapter: i) Housing for Social Rent; ii) Housing for Affordable Rent; and iii) affordable homeownership.

Under the umbrella term of affordable housing, the specific details for each of these three types are technical and, at times, unnecessarily convoluted. At its most basic level, affordable housing is defined in law under the Housing and Regeneration Act 2008 as low-cost accommodation or local cost homeownership that is set below market rates for people whose needs are not met by the private housing market if made available in accordance with policy rules.<sup>687</sup> The policy rules are contained under the NPPF as housing for sale or rent, for those whose needs are not met by the market, while complying with one of three types:<sup>688</sup>

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<sup>687</sup> Housing and Regeneration Act 2008, s. 68-71

<sup>688</sup> MHCLG (2019) *National Planning Policy Framework*



- Housing for Social Rent, where rental levels are calculated by the government's national rent formula.
- Housing for Affordable Rent, where rental levels are provided at least 20% below local market rents.
- Affordable homeownership, including a range of products:
  - Starter Homes are a specific initiative detailed in the Housing and Planning Act 2016<sup>689</sup> providing first-time buyers with a 20% discount on eligible homes.
  - Shared Ownership, providing buyers with the option to buy a proportion of a new home, with rent paid to the social housing provider on the remainder.
  - Equity loans, such as the government's Help-to-Buy scheme, provides a loan towards the purchase of a new-build property in return for a legal charge secured against the property that is paid over-time or upon disposal of the property.

Fundamentally, these different types of affordable housing differ from one another through what they provide – whether a rented tenure, or partial or full ownership – and through their methods of calculating rental payments or purchase price discount.

Each of these affordable housing types provides sub-market housing below market levels, whether for rent or ownership. However, the actual costs associated with each affordable housing product vary enormously for Bristol – more than another other city across the Core Cities Group – due to the consideration of local market factors in calculating the rental payments or ownership discounts in two of the three affordable housing products. This is due to the impact of calculating in accordance with local market rents. As Bristol is the most

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<sup>689</sup> Housing and Planning Act 2016, s. 2-3

expensive core city in the country, the application of local market factors results in disproportionately high Affordable Rent compared to other cities across England. This analysis is continually explored in detail throughout this chapter, but it is beneficial to briefly evidence how Social Rent and Affordable Rent vary so significantly here.

**Comparing Housing for Social and Affordable Rent across the Core Cities Group and Oxford & Cambridge**

|                          | Social Rent<br>National Rent Formula |           | Affordable Rent (pcm)<br>Up to 80% of market value |
|--------------------------|--------------------------------------|-----------|--|
|                          | Per week                             | Per month |  |
| Bristol                  | £80.30                               | £347.97   | £912.00  |
| Oxford                   | £106.10                              | £459.77   | £1,207.00  |
| Cambridge                | £101.27                              | £438.84   | £1,002.00  |
| Manchester               | £74.21                               | £321.58   | £658.00  |
| Leeds                    | £72.63                               | £314.73   | £619.00  |
| Birmingham               | £80.55                               | £349.05   | £579.00  |
| Newcastle                | £76.15                               | £329.98   | £539.00  |
| Sheffield                | £72.14                               | £312.61   | £503.00  |
| Nottingham               | £73.51                               | £318.54   | £526.00  |
| Liverpool <sup>690</sup> | -                                    | -         | £426.00  |

*Table 3: Comparing Housing for Social and Affordable Rent across the Core Cities Group  
Sources: MHCLG (2020) Table 702: Local Authority Average Weekly (Social and Affordable) Rents  
& VOA (2019) Private Rental Market Statistics – Table 2.7*

<sup>690</sup> There are no Social Rent values for Liverpool as it was one of 100 local authorities which closed their Housing Revenue Account and transferred their housing stock to housing associations in the 1990s under a policy called Large Scale Voluntary Transfer (LSV). Liverpool City Council announced it would be reopening its HRA in May 2019 allowing the local authority to build homes again.

Table 3, above, illustrates the levels of Social and Affordable Rent across the Core Cities Group and Oxford and Cambridge. Undertaking analysis between Bristol, the most expensive city in the Core Cities Group, and Nottingham, one of Core Cities Group with the lowest rents, illustrates the argument being made. There are clear similarities between the two Social Rent values with only 10% between the £318.54 and £347.97 per month for Nottingham and Bristol, respectively. Yet, in contrast, there is a substantial difference between the Affordable Rent levels for these two cities; an 80% increase between the rental values of £526 and £912 pcm. This startling disproportion is based upon the calculation of Affordable Rent in accordance with local market values which are significantly unaffordable. The impact of this disproportionately affects the Affordable Rent level in Bristol more than any other core city across England, while ultimately creating housing for Affordable Rent which is, on initial inspection, particularly unaffordable.

This analysis continues throughout this chapter, reflecting upon the impact of central planning policies directing the preference for, and calculation of, specific types of affordable housing. In resisting this, the chapter continues by demonstrating how Bristol City Council has implemented its own local practices and policies for identifying its preferences and calculations for affordable housing which deliver genuine affordability across the city. What the local authority deems 'genuine' affordable housing is illustrated under the next sub-heading which prioritises the delivery of housing for Social Rent. Subsequently, this chapter argues how the consideration of market factors in determining affordable housing in Bristol is erroneous. Rather, Affordable Rent must instead be calculated substantially below the upper limit of 80% of local market levels. Finally, the third sub-section illustrates how the local authority has taken a resilient position to the provision of affordable homeownership to

ensure the greatest benefit is taken from the limited provision available. As one local authority participants demonstrated through the following diagram, there are specific difficulties with delivering affordable housing when considering local market factors in Bristol;

“We know that there is a whole load of stuff above the line [*participant draws Figure 4, below*] which there is a need, but we don’t target for. So loose definitions like ‘key worker housing’, whatever that actually means, or other types of product which are more affordable [than market housing] but isn’t actually, genuinely, affordable. Some Shared Ownership can come under the line, but it’s often when the market is doing their products of ‘affordable’ and they’re offering more affordable homes, but it doesn’t actually mean what we mean, which is the social rent, and the definition in the NPPF.”

*Local Authority Participant (I #4)*

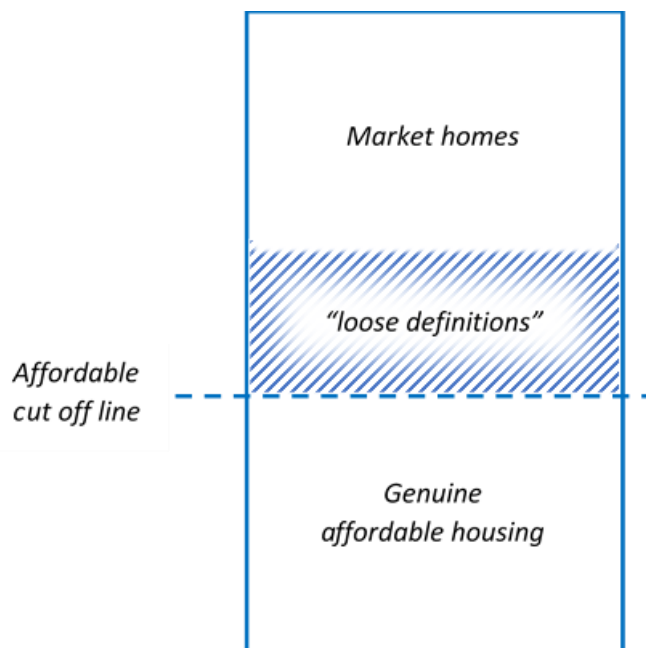


Figure 4: Local Authority Participant Diagram of Housing Need and Supply  
Source: Local Authority participant, I #4

In this quote, the participant's explanation through drawing of Figure 4 begins to demonstrate the local approaches to understanding the range of affordable housing products available, and those which are suitable and desirable in Bristol. The participant notes an example of 'key worker housing' falling under those loose definitions of affordable homes, this phrase is indicative of a range of affordable homes which are not in fact affordable housing products as they are not recognised in the regulations put forward by national planning policy. Further, this was perceived to be above the affordable cut-off line through these products not able to provide that genuine affordability required for those most in need.

#### *7.1.1. Prioritising Social Rent*

Social Rent is the traditional model of affordable housing provided by not-for-profit organisations, either local authorities or private registered providers, at sub-market rental levels. The exact rental levels of social housing is subject to central government regulation, with additional regulatory control over housing quality, terms of tenancies, and the provision of services and maintenance.<sup>691</sup> Bristol City Council's approach to the needs of genuine affordable housing can be no better exemplified by recent local planning practices demonstrating a clear priority for new affordable housing to be delivered as housing for Social Rent in contrast to each other type of affordable housing tenure.

At the centre of this local priority for Social Rent housing is the understanding of the genuine affordability that this tenure provides. This is substantial more affordable than any other type of sub-market housing, which is particularly significant for those whose needs are not met by

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<sup>691</sup> Adam *et al.* (2015) *Social Rent Policy: Choices and Trade-Offs*

wider private market housing. As one participant stated, the importance of housing for Social Rent is due to the limited provision of this housing by other entities;

“Social rented housing responds to that sector of the economy where no one else is really providing for ... providing for that social end of the market is where our prioritise lies. Not providing accommodation for those who can find it elsewhere. We’re maximising the use of limited resources we have.”

*Local Authority Participant (I #5)*

While the rental costs of social housing have fluctuated over recent years, it clearly remains the largest discounted affordable product for tenants. Maximum rental levels are calculated by the national rent regime which applies a formula to determine the target rent level based on relative earnings and property values, and the size of the property measured through the number of bedrooms.<sup>692</sup> The formula produces a standardised social rent for properties within a region so that, with all things being equal, smaller properties have lower rents. Government policies have continued to prioritise low social rents, most recently through the Welfare Reform and Work Act 2016<sup>693</sup> implementing a 1% reduction on social rents for four years.

As would be expected, the levels of Social Rent in Bristol are significantly below average market rents. The average social rent for all household sizes is £80.30 per week or £347.49 per month.<sup>694</sup> In comparison to market rental values in Bristol, social rent levels are on

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<sup>692</sup> MHCLG (2019) *Policy Statement on Rents for Social Housing*

<sup>693</sup> Welfare and Reform Work Act 2016

<sup>694</sup> MHCLG (2020) *Table 702: Local Authority Average Weekly (Social and Affordable) Rents, by District, England 1998-99 to 2018-19*

average (mean) 30% of the market rent of £1,140 pcm.<sup>695</sup> To provide context of the genuine affordability of social rent, similar comparisons can be drawn between Bristol and the other English cities in the Core Cities Group. Bristol's Social Rent at 32% of private market rents is the lowest ratio of social rent to private market rents across these English cities. Broadly similar are those of Manchester (where Social Rent is 40% of private market rents) and Leeds (41%). The remaining English Core Cities are Newcastle (50%), Birmingham (50%), Sheffield (52%), and Nottingham (53%).

While housing for Social Rent provides the most affordable form of rented tenure, it is now the smallest housing tenure in the city. The proportion of housing for Social Rent across the entire housing market has declined significantly, in both real and proportional terms. Data from the 1981 census shows that the social rented sector – including housing provided by both the local authority and private registered providers – housed some 230,000 people; counting for over a third of all households in the city.<sup>696</sup> By 2017, Bristol City Council's local authority stock was only 60% of its 1981 level (at 27,198 households).<sup>697</sup> Three decades of hugely restrictive social housebuilding combined with over 18,000 Right to Buy sales had fundamentally shifted the overall levels of housing for Social Rent in the city.<sup>698</sup> Local authority participants highlighted the ongoing struggle with increasing and even maintaining social housing supply while their efforts are hampered by the national Right to Buy policy pursuant to the Housing Act 1980 implemented by the Thatcher government. In discussing the impact of the Right to Buy policy, one local authority participant stated;

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<sup>695</sup> VOA (2019) *Private Rental Market Statistics – Table 2.7*

<sup>696</sup> Historical Census Data is available for query through ONS powered by Nomis

<sup>697</sup> MHCLG (2020) *Table 116: Dwelling Stock - Local Authority Stock, By District: England 1994 – 2019*

<sup>698</sup> MHCLG (2019) *Table 685: Annual Right to Buy Sales - Sales by Local Authority: 1979-80 to 2016-17*

“it’s a very significant factor. I believe we’re losing more affordable homes than we’re building and the right to buy restriction means we haven’t got the capacity or the ability to rebuild at the same rate of loss. So therefore, we’ve got a net loss.”

*Local Authority Participant (I #6)*

In contrast to the decline of the social housing stock available for those most in need, the demand for affordable housing, and in particularly housing for Social Rent due to its high levels of affordability, remain substantial. Measuring the demand for social housing through the number of households on the local authority housing register reveals that 12,181 households are in need of local authority or private registered provider housing in Bristol as of 31<sup>st</sup> March 2019.<sup>699</sup> This is an increase of over 2,000 households since 2017. Although, local authority participants regarded the housing waiting list as a poor indication of true affordable housing demand, stating;

“Why join a waiting list if you know you’re never going to get to the front of it. When we delivery more affordable housing we expect the housing waiting list to get bigger, because there is a more realistic chance of finding a home.”

*Local Authority Participant (Ethnographic Diary, w3d3m2)*

Therefore, it is more appropriate to use the housing waiting list as an indicator of social housing demand and the need for local authority intervention to provide increase supply of social housing, rather than as a precise measure of the amount required to fulfil demand.

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<sup>699</sup> MHCLG (2020) *Table 600: Numbers of households on local authorities' housing waiting lists, by district - England, 31 March 1997-2019*



With the clear benefits of housing for Social Rent providing genuinely affordable homes for those whose needs are not met by the market and clear indications of substantial demand from the local authority housing list, local planning practices and policies identify an explicit need for increasing the supply of homes for Social Rent. Accordingly, every single affordable home delivered by Bristol City Council since 2016-17 has been for housing at Social Rent, totalling 116 new homes.<sup>700</sup>

Further, under local planning policy BCS17 for affordable housing provision, the Bristol Local Plan states that the tenure split on affordable homes sought from private sector residential developments is 77% housing for Social Rent, with the remaining 23% provided under homeownership products.<sup>701</sup> This tenure split is determined from the evidence-based Strategic Housing Market Assessment (SHMA) which determines the future housing requirements over the plan period for the area. Most recently, the Affordable Housing Practice Note, which is supported by an updated SHMA published in 2015, identifies this required tenure split as 80% housing for Social Rent, and 20% for Affordable Rent and affordable homeownership products.<sup>702</sup> Consequently, the Practice Note – which is positioned to provide guidance for private-sector developers operating in the city – prioritises social rent as the first affordable housing product sought from developments by the private sector.<sup>703</sup>

This continually updated and maintained priority for housing for Social Rent reflects the understanding that it is the type of affordable housing in greatest need. Therefore, it is the

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<sup>700</sup> MHCLG (2019) *Table 1011: Additional Affordable Housing Supply, Detailed Breakdown by Local Authority*

<sup>701</sup> Bristol City Council (2011) *Bristol Development Framework: Core Strategy*

<sup>702</sup> Bristol City Council (2018) *Affordable Housing Practice Note – April 2018*

<sup>703</sup> *Ibid.*

responsibility of the local authority to prioritise its delivery in order to provide for those in greatest need, while also meeting the council's objectives for genuinely affordable social housing with the limited capacity and resources available to the local authority.

"[Question: Why housing for Social Rent?] Because social rented housing is the hardest type to deliver in terms of its affordability to build. Obviously there has been a massive shift recently in terms of Homes England grant funding programme and its affordability, but that has always been the hardest housing to provide, because it's the most unaffordability, in terms of the capital to build. Yet, it also meets the needs of our most vulnerable, so it's those two reasons really. That's why that focus is on there."

*Local Authority Participant (I #6)*

### *7.1.2. Defining Affordable Rent*

"I refuse to 'fix' the affordable housing problem by changing the definition of affordable housing".

*Local Authority Participant (Ethnographic Diary, w5d1m2)*

Housing for Affordable Rent is the second category within the national policy definition of affordable rented housing. As with housing for Social Rent, Bristol City Council has taken a decisively local approach. This is not through how it is prioritised as the case for Social Rent, but through local planning policies and practices which instead determine how it is defined and applied within the city. This section illustrates the underlying reasoning and procedures implemented under this local approach after briefly introducing housing for Affordable Rent.

Housing for Affordable Rent is a relatively new addition to the formally recognised types of affordable housing. While the current structure of housing for Social Rent was introduced in 2001 – where rents are established by a set formula overseen by central government – housing for Affordable Rent is comparatively much more contemporary. It was introduced in 2011 by the Conservative-Liberal Democrat Coalition Government, and shortly after was established in national planning policy through the NPPF in 2012.

Affordable Rent was introduced under the impetus of wider austerity policies to reduce centralised capital grant funding for the development of new social housing,<sup>704</sup> while recognising that the current levels of grant funding for new social housing were “unsustainable in the current economic climate”.<sup>705</sup> Under the Labour Spending Review before the Coalition government entered power in 2010, £8.4bn had been allocated for the provision of new social housing. The Coalition Government’s Spending Review in 2010, less than 6 months after entering office, reduced the level of capital grant funding to £3.9bn, or a 63% reduction in annual real terms on the previous spending review.<sup>706</sup> Concurrent to this, the October 2010 Spending Review also announced the intention to introduce a new type of ‘intermediate rent’ which would generate additional income for social housing providers to reinvest in affordable housing supply; this was to become the Affordable Rent product.

The introduction of housing for Affordable Rent was expected to increase the current levels of affordable housing supply through “continuing, but more modest, capital investment” from the Treasury.<sup>707</sup> To achieve this increased level of supply with substantially less capital grant

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<sup>704</sup> Lowndes, V. and Pratchett, L. (2012) *Local Governance under the Coalition Government: Austerity, Localism and the ‘Big Society’*

<sup>705</sup> HCA (2011) *2011-15 Affordable Homes Programme – Framework*: p. 3.

<sup>706</sup> Communities and Local Government Committee (2013) *The work of the Regulation Committee of the Homes and Communities Agency (HC 130)*

<sup>707</sup> HM Treasury (2010) *Spending Review 2010*: p. 29.

funding required filling the gap from a new source. Affordable Rent would achieve this through allowing providers of social housing to increase the rental levels above the levels directed by the government's formula applied under Social Rent. This would generate additional income for social housing providers to reinvest in the development of social housing through producing greater revenue streams, providing increased borrowing capacity, and consequently the ability to deliver increased levels of supply.<sup>708</sup> Thus, rental levels for Affordable Rent are not determined by the national rent formula but are instead calculated in relation to the local private rented market.

“Rented housing provided by registered providers of social housing, that has the same characteristics as social rented housing except that it is outside the national rent regime, but is subject to other rent controls that require it to be offered to eligible households **at a rent of up to 80% of local market rents.**”<sup>709</sup>

This calculation of up to 80% of local market rents is absolutely fundamental to understanding the Affordable Rent product, as well as the local approach to Affordable Rent implemented by Bristol City Council later in this section. Recognising the motivation underpinning the introduction of Affordable Rent is particularly important given how this rationale has shaped its definition and operation. Increasing rental levels for affordable housing in order to deliver increased supply while reducing state capital funding is fundamentally shifting the financial accountability for affordable housing away from central government and onto current social housing tenants, those who are already in greatest need.

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<sup>708</sup> Wilson, W. and Bate, A. (2015) *House of Commons Library: Affordable Rents (England)*

<sup>709</sup> HCA (2011) *2011-15 Affordable Homes Programme – Framework*: p. 19 – *Emphasis added.*

For Bristol City Council, this is of paramount importance considering the local market factors. The local planning policies and practices demonstrate an unwillingness to implement Affordable Rent defined at the maximum 80% of local market rents as this generates levels of affordable housing which are, given the calculation and local market factors, exceptionally unaffordability within the city. The extent of this unaffordability in Bristol can easily be demonstrated using average market rents published by the government's Valuation Office Agency.

The average local market rent in Bristol for 2018/19 was £1,070 pcm.<sup>710</sup> This is the highest average market rent across cities in the Core Cities Group, more than 20% higher than both the subsequent city, Manchester (at £839 pcm), and the national average in England of £829 per month. Calculating an affordable rent at 80% of the local market in Bristol results in a monthly Affordable Rent of £868 pcm – which is still higher than the national average for market rents.

Furthermore, drawing comparisons between the levels of housing for Affordable Rent, and housing for Social Rent portrays an interesting picture. The maximum Affordable Rent at 80% of local market rents is £868pcm. The level of Social Rent – calculated through the national rent regime – is £347.49pcm. Housing provided under the maximum Affordable Rent definition is almost 250% higher than equivalent housing provided under the Social Rent definition within the city of Bristol.<sup>711</sup>

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<sup>710</sup> VOA (2019) *Private Rental Market Statistics – Table 2.7*

<sup>711</sup> MHCLG (2020) *Table 702: Local Authority Average Weekly (Social and Affordable) Rents, by District, England 1998-99 to 2018-19*

Consequently, housing for Affordable Rent has the potential to be exceptionally unaffordable when compared to the traditional model of Social Rent, the cost of which is passed onto tenants of social housing who are, by their very need for social housing, in the greatest need.

As one local authority participant stated during the ethnography;

“the national policy for affordable housing calculated at the maximum 80% [of local market rents] just isn’t affordable in Bristol. We have about 600 families in temporary accommodation and I guarantee that none of them can pay £800 plus a month for ‘affordable accommodation’. Market rents are simply too high.”

*Local Authority Participant (Ethnographic Diary, w5d1m2)*

The unaffordability of Affordable Rent in Bristol is a local issue; while it may work in other cities, these calculations demonstrate it exceeds any acceptable level of affordability in Bristol. Making similar comparisons between the maximum Affordable Rent and Social Rent levels in other core cities highlights the prominence of recognising this as a particularly local issue. Bristol’s Affordable Rent calculated at 80% of the local market rent is 249% higher than the equivalent Social Rent in the city. The same calculation across the Core Cities Group reveals Manchester’s Affordable Rent is 199% higher than equivalent Social Rent, Leeds is 194%, Newcastle is 165%, Birmingham is 162%, Sheffield is 156%, and Nottingham is 150% higher.<sup>712</sup> This is particularly important in terms of identifying that Bristol’s local policies are sensitive to the specific local needs and contexts of affordability.

Furthermore, considering the demographic and economic activity of the majority of social housing tenants in Bristol deepens the worries raised over the unaffordability of Affordable

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<sup>712</sup> VOA (2019) *Private Rental Market Statistics – Table 2.7* & MHCLG (2020) *Table 702: Local Authority Average Weekly (Social and Affordable) Rents, by District, England 1998-99 to 2018-19*

Rent. Approximately 70% of Bristol City Council's social housing tenants are in receipt of welfare payments through universal credit or housing benefit.<sup>713</sup> A further 535 households are in temporary accommodation (latest available data, Q1 2019)<sup>714</sup> and while this number fell over the latter half of 2018, the year-on-year increases since 2012 are three-fold.<sup>715</sup> The combination of an Affordable Rent calculated at 80% of local market rent and welfare caps imposed through universal credit or housing benefit has the potential to result in social housing rents which are substantially higher than welfare payments, depending on a claimant's individual circumstances. The gap between these elements ultimately requires financial subsidy by the local authority in order to prevent increased levels of homelessness.

“Well it's more affordable for those people who were on, or have in some point of time, been on housing benefit, it means that they can afford to pay their rent through the benefit subsidy which is available to them. And there's lots of working, low-income households that need housing benefit to support them, to pay for their accommodation. That's the main benefit, that's what is key.”

*Local Authority Participant (I #6)*

Where social rents exceed social support payments, the local authority subsidy available to tenants is the Discretionary Housing Payment (DHP) to enable households to continue to occupy their existing accommodation. DHP are the most frequent type of homelessness prevention activity that Bristol City Council currently implements. 515 DHP awards made in 2017 to social housing tenants to support the gap between welfare payments and social

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<sup>713</sup> Cabinet Member Briefing: 2<sup>nd</sup> July 2018 – *Confidential*

<sup>714</sup> MHCLG (2019) *Households in Temporary Accommodation: April 2018 to March 2019, England*

<sup>715</sup> Cabinet Member Briefing: 19<sup>th</sup> November 2018 – *Confidential*

housing rents.<sup>716</sup> Participants in the council identified that while DHP place greater financial dependency on the local authority to substitute housing costs, it is preferential in preventing increased levels of homelessness which places a responsibility on the local authority for providing temporary accommodation at greater financial and social cost.<sup>717</sup> The 515 DHP awards made in 2017 were to social housing tenants in the much more affordable housing for Social Rent, rather than the significantly more expensive housing for Affordable Rent. Simply, the unaffordability of Affordable Rent, given the calculations above, raises grave concerns over the financial subsidy that would be required through DHP in order to prevent increasing levels of homelessness if the council delivered or allowed to be delivered new affordable housing under the maximum levels of Affordable Rent.

Recognising these evidenced flaws of Affordable Rent, Bristol City Council has taken a distinctly local position to restrict the negative impacts of the maximum 80% of market levels in order to provide genuine affordable housing for Affordable Rent in the city. Local planning policies and practices dictate that Affordable Rent levels should not be determined at the maximum 80% of local market rents, but rather to utilise the ambiguous phrasing in planning policy's definition which states "at a rent of **up to 80%** of local market rents".<sup>718</sup> As such, the local approach by Bristol City Council is to guarantee housing for Affordable Rent is set in line in accordance with the rates of the Local Housing Allowance (LHA). The LHA is a means-tested welfare payment available to tenants in the private rented sector on low incomes, or to those who are retired, disabled, carers, or unemployed. It provides social support for those renting from private landlords that, if sufficient supply was available, would be in social housing.

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<sup>716</sup> Cabinet Member Briefing: 2<sup>nd</sup> July 2018 – *Confidential*

<sup>717</sup> Ethnographic Diary, w3d3m2

<sup>718</sup> HCA (2011) *2011-15 Affordable Homes Programme – Framework*: p. 19 *emphasis added*



The difference when determining Affordable Rent in line with LHA levels rather than the maximum 80% of market rents can be seen in table 4, below, which draws comparisons between the average rents across various household sizes in Bristol for; i) private rented sector,<sup>719</sup> ii) the maximum affordable housing level determined at 80% of market values, iii) the local housing allowance.<sup>720</sup> Additionally, the table provides the contrast between the LHA rate and the 80% market rate in real terms; and between the LHA and full market rents in proportional terms to demonstrate the necessary ‘true’ affordability of housing for Affordable Rent, as perceived by the local authority.

**Market Rents and Local Housing Allowance Rates in Bristol, 2017/18 (pcm)**

|   | Room          | 1 Bed          | 2 Beds         | 3 Beds         |
|---|---------------|----------------|----------------|----------------|
| Average private rented sector rent <sup>48</sup>                | £430          | £797           | £1,036         | £1,253         |
| Affordable rent (at 80% market rent)                            | £344          | £637.60        | £828.80        | £1,002.40      |
| LHA rates <sup>49</sup>   | £292.74       | £542.42        | £658.30        | £763.63        |
| <b>Difference between LHA rate and Affordable Rent (at 80%)</b> | <b>£86.00</b> | <b>£159.40</b> | <b>£207.20</b> | <b>£250.60</b> |
| <b>LHA as percentage of market rent ('true' affordability)</b>  | <b>68%</b>    | <b>68%</b>     | <b>64%</b>     | <b>61%</b>     |

Table 4: Market Rents and Local Housing Allowance Rates in Bristol, 2017/2018

<sup>719</sup> VOA (2019) *Private Rental Market Statistics – Table 2.7*

<sup>720</sup> VOA (2017) *Local Housing Allowance () Rates Applicable from April 2017 to March 2018 – Table 5*

Most predominant from the table is the substantial difference between applying up to 80% of local market rents and the local policy of applying the Local Housing Allowance rate to Affordable Rent. Across all the household sizes the percentage of market rate is within the 60-70% range. To take a two-bedroom property as a worked example, local market private rents for this sized property is £1,036 pcm. Applying a maximum rent of 80% for Affordable Rent results in a monthly rent of £828.80. By implementing a local approach that Affordable Rent housing should be established in line with LHA levels results in a monthly rent of £658.30. This equates to an affordable housing rate of 64% of local market rates and some £200pcm lower than the maximum allocation. This calculation further serves to evidence the perspective of the local authority that providing affordable housing at 80% of the market rate is simply not affordable in Bristol as local market rents are too great.

Through the local authority's role in planning governance, Bristol City Council's approach to Affordable Rent is clearly defined. Local planning policies for the provision of affordable housing clearly state that where the provision of Affordable Rent has been agreed with the local planning authority, that is to be delivered at "an agreed percentage of open market rent ... below the prevailing Local Housing Allowance limits for different property types in the Bristol area."<sup>721</sup> That is, at circa. 60% of open market rates, depending on the size of the property, rather than the maximum 80% of market rates.

Further, where the delivery of affordable housing is provided by private sector residential development through s.106 agreements, and where this level of Affordable Rent is capped in line with the LHA, the council's practice note offers flexibility to the developer to deliver up to 100% of the units as Affordable Rent – whereby the previous tenure requirement seeks for

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<sup>721</sup> Bristol City Council (2018) *Affordable Housing Practice Note – April 2018*: p. 10

77% Social Rent with 23% provided for affordable homeownership.<sup>722</sup> This demonstrates that, from the perspective of the local authority, the provision of Affordable Rent capped at LHA level is determined to provide affordable housing that is of equal value to the prioritised Social Rent discussed in the previous section.

Whether new housing for Affordable Rent is delivered by private registered providers or by the private sector through s.106 contributions, the impact of the council's local planning policies and practices has real positive impact. Determining Affordable Rent levels in line with the LHA offers greater affordability for tenants. Further, it provides a guarantee to providers of social housing that the future risks arising from possible welfare reform which may otherwise impact a tenant's capacity to make rental payments can be subsidised by the LHA payment.

For all the benefits calculating Affordable Rent in line with the LHA providers, there are two notable drawbacks. The first must be considered in the context of the motivation underpinning the introduction of Affordable Rent – that it was implemented to provide social housing providers with the capacity to generate additional borrow capacity in order to address the reduced capital funding provided by central government. Consequently, delivering housing for Affordable Rent in accordance with the LHA levels diminishes the capacity for providers to raise increased levels of rental income, and subsequently their capacity to increase the supply of affordable homes.

The second considers the impact of the local authority's approach to Affordable Rent on the number of affordable homes delivered through s.106 agreements from private sector

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<sup>722</sup> *Ibid.*

residential development. Section 106 agreements function through a mechanism which make a development proposal acceptable in planning terms that would not otherwise be accepted by mitigating the impacts of development on the local area. They provide for the provision of infrastructure works such as health care, education, or affordable housing. They determine a financial value which is provided by the developer to the local authority to undertake the requisite development.

As s.106 agreements operate through financial contributions, increasing the 'discount' of Affordable Rent below 80% of local market values to each individual affordable home results in fewer total number of affordable homes provided. A demonstration of this impact has already been illustrated in the case study of build-to-rent development ND6, in Chapter Five. In this development, the application for planning permission proposed 120 purpose-built rental properties, with an affordable housing contribution of 10%, equivalent to 12 homes for Affordable Rent if provided at 80% of the local market values.<sup>723</sup> In negotiation, the local authority sought these 12 units to be delivered at LHA levels (approximately 40-50% discount), which the developer argued would exceed the financial contribution of the s.106 agreement, instead demonstrating that delivery at LHA levels would instead provide 4 homes for Affordable Rent, equivalent to 3.3% affordable housing contribution, each at a greater discount. All parties, including the planning inspector at appeal, accepted that the increased level of discount would result in fewer affordable homes provided.<sup>724</sup>

As demonstrated in the recent example of residential development in Bristol, the application of this local approach ultimately results in fewer affordable housing units being delivered as

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<sup>723</sup> The Planning Inspectorate (2019) *Appeal Decision: APP/Z0116/W/18/3210502*

<sup>724</sup> The Planning Inspectorate (2019) *Appeal Decision: APP/Z0116/W/18/3210502*

the 'discount' below market value applied to each individual affordable home is greater. When questioning key local authority participants regarding this important point, one stated;

"I suppose the answer is we get what we want but we get less of it; less of a product, because of the greater discount provided. But what we are doing is focusing on those most in need, which is forcing this down [*participant points to figure 4* (illustrated on page 232)]. We are really only having conversations down here, we don't want to have conversation up here, because if we go up here, no one else is going to be doing down here. You could argue we are getting less in terms of numbers because we are specific about what needs to be delivered ... I suppose from the local authority's point of view, if we're not dealing with those in the greatest need, this is where your homelessness comes in; and that is what costs councils a lot of money because then you have to deal with those in the greatest need and your dealing with emergency temporary accommodation – never mind the social implications of that – the costs are enormous."

*Local Authority Participant (I #4)*

Recognising this shortcoming, the local authority's commitment to genuine affordability is unwavering. Given the pressures of national government planning policy and political principles focused on the delivery of the numbers of homes – as identified throughout the literature chapter – the local approach to ensure genuine affordability is achieved substantially outweighs these pressures for increasing the scale of delivery. The authority recognises there are other options for increasing the supply of new affordable homes – such as the approaches to intervening in the housing market detailed in the previous chapter – but there are substantially fewer ways of providing genuine affordability once maximum rental

levels are accepted as the norm. The social benefits of this local approach are considered to be of greater benefit to the city, the local people, and the local authority.

### *7.1.3. The Local Approach to Affordable Homeownership*

The final category under the definition of affordable housing in the revised NPPF are those products which provide affordable homeownership through various schemes and discount options, all below market values. The local authority has also taken a local approach to the provision of affordable homeownership products in a similar vein of that to housing for Affordable Rent; that the inherent unaffordability in the heated Bristol local property market undermines the value of providing affordable homeownership products for those most in need.

Under the revised NPPF published in February 2019, government policy provided an increased emphasis on the delivery of homes for affordable homeownership. This is evident through the definition of affordable housing which now incorporates three distinct forms of affordable homeownership; Starter Homes, discount market sales, and other routes to affordable homeownership.<sup>725</sup> This expectation follows recent Conservative governments wider strategies for promoting homeownership. Other examples include the government's Help to Buy ISA, supported by £285 million of government funding, as well as the Help to Buy equity loan scheme assisting first-time buyers with loans for property ownership which has run since

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<sup>725</sup> MHCLG (2019) *National Planning Policy Framework*

2013 and has provided £22 billion revenue funding loaned by the Treasury to individual homeowners.<sup>726</sup>

Furthermore, the prominence of affordable homeownership is also evident in a precise policies within the NPPF which directs that local authority plan-making and decision-taking should “expect at least 10% of homes to be available for affordable home ownership”.<sup>727</sup>

Where Bristol’s local planning policies seek 30% affordable housing provision from private-sector residential developments, this accounts for a third of affordable homes designated for affordable homeownership. Taken in the current context where affordable housing delivery is consistently below policy compliant levels – 1,000 affordable homes were completed in Bristol between 2006-2018 through s.106 agreements, from a total of just under 10,000 market homes built through major developments, roughly equating to an average of 10%<sup>728</sup> – this national planning policy further promoting affordable homeownership would eliminate the provision of other types of affordable housing tenure which are perceived by many local authority participants as better.

The arguments against affordable homeownership are the same local approaches against housing for affordable rent housing when calculated at the maximum 80% of market value, that the genuine affordability of homeownership products is beyond the capability of those most in need. Commentators often label these affordable homeownership products as “stepping-stones” to full homeownership<sup>729</sup> through the opportunity to gradually acquire an increased proportion of their property.<sup>730</sup> Accordingly, these affordable homeownership

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<sup>726</sup> HM Treasury (2018) *Budget 2018*

<sup>727</sup> MHCLG (2019) *National Planning Policy Framework*: para. 64.

<sup>728</sup> Bristol City Council (2018) *Bristol Residential Development Survey Report 2018*

<sup>729</sup> Allen, P. (1982) *Shared Ownership: A Stepping Stone to Home Ownership: Report on a Survey of Local Authority Shared Ownership Schemes*: p. 1.

<sup>730</sup> Shelter (2010) *The Forgotten Households: Is Intermediate Housing Meeting Affordable Housing Needs?*

products are perceived by participants within Bristol City Council as products typical aimed at first-time buyers; rarely do the products offer any housing availability to those most in need.

The financial barriers are principally the initial purchase costs, while the combined monthly mortgage and rental payments have the capability to be lower than housing for Affordable Rent when calculated at LHA levels. This can be demonstrated by a worked example of the most affordable homeownership product, Shared Ownership. Table 5, below, is sourced from the Wider Bristol SHMA, providing an evidenced-based assessment of current and projected housing need for Bristol and the surrounding areas. It illustrates the required level of deposit and monthly mortgage and rental costs, based on average prices within the area, a 30-year mortgage at 5.5% interest, and rental levels based on 1.5% of the equity retained by the registered providers; common industry practices for the Shared Ownership product.<sup>731</sup>

**Estimated Costs of Typical Shared Ownership, Bristol**

|            | Property Value | 40% Equity Share | 10% Deposit of Equity Share | Monthly Costs  |      |                |             |
|------------|----------------|------------------|-----------------------------|----------------|------|----------------|-------------|
|            |                |                  |                             | Mortgage Costs | Rent | Service Charge | Total       |
| 1 bedroom  | £160,000       | £64,000          | £6,400                      | £329           | £121 | £43            | <b>£494</b> |
| 2 bedrooms | £212,500       | £85,000          | £8,500                      | £437           | £160 | £43            | <b>£641</b> |
| 3 bedrooms | £250,000       | £100,000         | £10,000                     | £515           | £186 | £43            | <b>£745</b> |

*Table 5: Estimated Costs of Typical Shared Ownership, Bristol*  
 Source: ORS (2019) *Wider Bristol HMA: Strategic Housing Market Assessment – Volume 2 January 2019: p. 43*

<sup>731</sup> ORS (2019) *Wider Bristol HMA: Strategic Housing Market Assessment – Volume 2 January 2019*



The table illustrates that the combined costs of mortgage, rent on the remaining equity, and service charge range from £494 to £745 pcm, depending on the size and therefore purchase price of the property. Table 6, below, provides a comparison to other forms of affordable housing tenures for rent. It reveals that the monthly costs of Shared Ownership are substantially higher than housing for Social Rent – 36% higher for 1 bedroom, 50% higher for 2 bedrooms, and 56% higher for 3 bedrooms – but lower than housing for Affordable Rent if calculated at LHA levels rather than the maximum 80% of local market values where, in contrast, monthly payments for Shared Ownership is considerably lower. However, while the monthly payments for Shared Ownership may be lower than for all but housing for Social Rent, there is a significant upfront cost required through mortgage deposit ranging from £6,400 to £10,000 for even the smallest sized homes. Clearly, the provision of affordable homeownership products is not aimed at providing housing to those on the local authority housing register or those in emergency accommodation, but middle-income households or first-time buyers unable to get onto the property ladder through the traditional ownership route.<sup>732</sup>

**Comparison of Monthly Affordable Housing Costs, Bristol**

|   | 1 Bedroom | 2 Bedrooms | 3 Bedrooms |
|---|-----------|------------|------------|
| Shared Ownership                        | £494      | £641       | £745       |
| Social Rent                             | £361      | £427       | £477       |
| Affordable Rent<br>(at LHA levels)      | £542      | £658       | £764       |
| Affordable rent<br>(at 80% market rent) | £638      | £829       | £1,002     |

*Table 6: Comparison of Monthly Affordable Housing Costs, Bristol  
Source: ORS (2019) Wider Bristol HMA: Strategic Housing Market Assessment*

<sup>732</sup> Ethnographic Diary, w5d3m1

Local Authority participants recognised that the contribution from affordable homeownership products, including Shared Ownership, which is regarded as the most affordable homeownership product, to resolve the fundamental housing issues faced by Bristol City Council are limited. Rather, their political priorities requiring greatest effort and funding are for those people in greatest need, which results in the greatest efforts on the delivery of housing for Social Rent;

“This is where our focus is ... providing access to those people in greatest need, the longest on the waiting list with the greatest need who find it harder to get into better quality rented accommodation and don’t make the standard for Shared Ownership, for example, they don’t have enough income to get into Shared Ownership.”

*Local Authority Participant (I #5)*

Participants identified that while there is the need for a range of affordable housing options in the city, affordable homeownership has a very limited role in providing for those most in need. Residential development delivered by Bristol City Council – whether through the traditional route of council house delivery, or the Partnership Grant Funding Programme alongside private-sector developments – prioritises the delivery of housing for Social Rent.<sup>733</sup> While local planning policies for the delivery of affordable housing from private-sector developers and private registered providers seeks to deliver 77% housing for Social Rent and 23% Shared Ownership, or an alternative 100% housing for Affordable Rent if calculated at LHA levels.<sup>734</sup>

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<sup>733</sup> Ethnographic Diary, w1d1m3

<sup>734</sup> Bristol City Council (2018) *Affordable Housing Practice Note – April 2018*

“I do believe that it’s about making sure that we create an environment for the range of all affordable tenures, from social rent up to those reduced sub-market homes for sale for people who can’t afford to buy but still have a significant income but can’t afford market homes. It’s about having a blended model, but the focus is on the social rent because that’s where we need to make the most intervention into the market to allow that type of tenure to come forward.”

*Local Authority Participant (I #6)*

## 7.2. Local Approaches to Private Sector Development

The former half of this chapter has explored how Bristol City Council is implementing a range of local approaches to affordable housing through their governance role as the local planning authority: prioritising the delivery of housing for Social Rent, engaging with how affordability is defined, and recognising where affordable homeownership is limited in its capability to resolve the primary issues faced by the local authority. In addition to these, Bristol City Council employs two further approaches which take a distinctively local approach to affordable housing in the city. The first is through creating mixed, balanced and sustainable communities; the second is the local authority’s practices regarding viability assessments.

These two points also require careful consideration as each direct the provision of affordable housing delivery from private-sector developments which, as already outlined, is the source of roughly a third of all affordable homes delivered in Bristol.<sup>735</sup> The first point fundamentally concerns the integration of affordable housing with market housing in order to deliver

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<sup>735</sup> Bristol City Council (2018) *Bristol Residential Development Survey Report 2018*

balanced communities. Creating balanced communities, this section will argue, is crucial to the perceived success of affordable housing in providing housing for those most in need. The second relates to limiting the impact of viability assessments which seek to lower affordable housing provision below local planning policy targets. Both points are addressed by the council through local planning policies and practices which emphasise local approaches in contrast to the quantitative-driven demand for housing supply presented by central government.

### *7.2.1. Creating Mixed, Balanced, and Sustainable Communities*

Central to the council's governance role as the local planning authority is the consideration of an area's current residential environment – the variety of housing types, sizes, and tenures – in guiding and determining new applications for residential development which will impact the residential character of the area. This role is directed by objectives within local planning policies to create “mixed, balanced, and sustainable communities” throughout the city.<sup>736</sup> National planning policy briefly references mixed and balanced communities in affordable housing delivery, but only as an exception to being delivered on-site – discussed in greater detail shortly – while the local authority has elevated this priority to operate as a strategic objective of the local plan in order to achieve the identified needs of the local community. These policies play an influential role in the delivery of affordable housing through local practices which consider the current and future location of affordable housing and, to some degree, private market housing for sale. The objective is founded in the recognition of

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<sup>736</sup> Bristol City Council (2011) *Bristol Development Framework: Core Strategy*: p. 24.

previous failures where high concentrations of isolated social housing has been detrimental to residents, communities, and the wider socio-economic experience of the city as a whole.

“Where you’re providing a better balance of tenure within a new build community ... then you’re allowing people to stay within that community and grow within that community. So, if you’ve got a different range of tenures, and sizes, and types, then you can grow old in your community, not have to move out and in to nursing homes; you can be sheltered within your immediate community. You’re living in a place that’s better balanced and has better opportunity for everybody so that goes across the housing tenure, employment opportunities and, schooling and education. Having all of that within a single community is very important.”

*Local Authority Participant (I #5)*

The post-war redevelopment of urban suburbs through traditional council house building had major impacts on the growth of British cities, on patterns of residence, and in resolving housing shortages.<sup>737</sup> Under certain circumstances, local authorities planned, produced, and delivered high quality council housing estates. Under other conditions, local authorities delivered slum estates associated with large-scale slum clearance, creating social exclusion and numerous social, financial, and health disadvantages to social housing tenants.<sup>738</sup> A growing body of evidence associates areas of high social housing with low economic activity, rising unemployment, and worsening indicators of deprivation.<sup>739</sup>

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<sup>737</sup> Murie, A. (1997) *The Social Rented Sector, Housing and the Welfare State in the UK*

<sup>738</sup> *Ibid.*

<sup>739</sup> Taylor, M. (1998) *Combating the Social Exclusion of Housing Estates*; Lee, P. and Murie, A. (1997) *Poverty, Housing Tenure and Social Exclusion*; Power, A. (1996) *Area-based Poverty and Resident Empowerment*

The rationale underpinning local policy objectives to deliver mixed, balanced and inclusive communities rises from recognising the previous failures of council estates creating concentrations of low economic activity isolated within a single community. Instead, the objective is to create local areas of mixed residential tenures, economic capacity, and social diversity. Bristol's local plan identifies beneficial effects that may alleviate social disadvantage, while helping achieve wider social goals, such as "reducing concentrations of poverty and social exclusion and improving health and wellbeing".<sup>740</sup>

"that environment can create a positive for them, whether that's helping your kids with your homework, having safe streets to play, whether that's around good health outcomes, good mental health, the list of the personal benefits to that are endless. I think the fact that if it is desirable and affordable for which ever level of society you come from and that's mixed then you're more likely to stay there and build 'place' and lots of benefits around that."

*Local Authority Participant (I #6)*

Fundamental to creating mixed, balanced, and inclusive communities is the local planning policy for the delivery of on-site affordable housing through private-sector residential developments. The expectation for on-site affordable housing delivery is particularly important to the local approach as it directly contributes to creating a mix of tenures, social diversity, and economic capacity within a locality. Bristol's local planning policies provide that affordable housing as part of a private sector development's planning obligations is to be provided on-site, with off-site delivery through commuted sums considered only in

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<sup>740</sup> Bristol City Council (2011) *Bristol Development Framework: Core Strategy*: p. 111.

exceptional circumstances.<sup>741</sup> In contrast, the single NPPF provision considering mixed and balanced communities operates as an exception to on-site delivery, stating;

“Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and **expect it to be met on-site unless:**

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) **the agreed approach contributes to the objective of creating mixed and balanced communities.**<sup>742</sup>

The local authority planning policy operates in distinct contrast to the national position. Where the assumption under the local plan is for the provision of on-site affordable housing in order to create mixed and balanced communities; the national position is for the assumption of on-site affordable housing *unless* off-site provision contributes to creating mixed and balanced communities. While this is a subtle difference in language, it is important to analyse the intrinsic message. The local policy is striving to deliver affordable housing in areas of new private sector residential development unless exceptional circumstances apply, whereas the national policy is angled towards isolating new private sector residential development from affordable housing provision where this affordable housing can be delivered elsewhere under the guise of mixed and balanced communities.

Some planning commentators and practitioners argue for the delivery of off-site affordable housing. This argument is particularly prevalent in London where significant variety in land

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<sup>741</sup> Bristol City Council (2018) *Affordable Housing Practice Note – April 2018*

<sup>742</sup> MHCLG (2019) *National Planning Policy Framework: para. 62 – emphasis added*

values across different parts of the city fuels the on-site/off-site debate. This is due to estimates placing residential land values in London between £7.3m per hectare in East London, to £93.3m per hectare in Westminster.<sup>743</sup> London First, an advocacy group for business leaders in London, recently published their argument for improvements to London's planning policy through the consideration of off-site affordable housing where the nature of the development, site characteristics, or local housing need mean off-site delivery could provide "optimised delivery either in terms of the quality or quantum of homes built".<sup>744</sup> Disconcertingly, given the nature of London's housing market and the need for affordable housing, these factors fail to consider the impact of this application. Furthermore, the report states;

"Off-site delivery and payments in lieu both raise issues of cross-boundary delivery. Typically, but not exclusively, this relates to central London schemes that could support more homes in other parts of London where there is more space to accommodate housing growth and lower land values mean increased output."<sup>745</sup>

The argument for off-site delivery centres on an increased quantum of affordable housing delivered in locations of lower land value, or for payments in lieu to authorities for furthering affordable housing programmes to be built elsewhere. It's feasible to recognise that such policy decisions would further increase social segregation based on economic wealth, the supply of affordable housing for lower-income families is provided in poorer areas of the city, concentrating deprivation in defined pockets.<sup>746</sup> Pushing those in social housing to the

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<sup>743</sup> Mayor of London (2016) *Economic Evidence Base for London 2016*

<sup>744</sup> London First (2016) *The Off-Site Rule: Improving Planning Policy to Deliver Affordable Housing in London*: p. 5.

<sup>745</sup> *Ibid*: p. 12.

<sup>746</sup> Van der Nouwelant, R. and Randolph, B. (2016) *Mixed-Tenure Development: Literature Review on the Impact of Differing Degrees of Integration*



peripheries of urban centres to land with lower values and thereby taking the initial first steps to recreating the failures of post-war local authority council estates through social isolation under the guise of 'optimised delivery'.

The threat of abandoning policy objectives for creating and maintaining mixed and balanced communities in favour of an increased output of affordable housing delivery cannot be overlooked. The quantitative pressures placed on local authorities through housing target metrics raise the prospect of such decisions appearing increasingly attractive. National housing metrics place less emphasis on where or how housing is to be delivered, with principal focus on increasing housing supply through calculated annual housebuilding targets. Where local authorities realise the pressures of failing to deliver those targets, and the consequences affecting their governance in decision-making for doing so, planning policies for the 'quality' of housing could be those first in peril. This predicated short-term thinking, relieving immediate pressures by creating greater problems in the future.

In contrast to this, Bristol City Council has firmly committed to the delivery of mixed, balanced, and inclusive communities through on-site affordable housing. This includes providing variety in the types of affordable housing delivered, providing opportunities for community members to stay within neighbourhoods and localities through a mix of affordable housing for rent and homeownership. As previously established in this chapter, the local plan seeks to deliver a mix of tenures in affordable housing which is evidenced and supported by objectively assessed local housing needs. Local planning policies identify that this can be adjusted to meet particular local needs of a locality or neighbourhood in order to promote balanced and sustainable communities.

“There’s a range of things we’re doing, as always. All the way from the structure of the planning system, to the individual decisions we’re making around the market; building the right types of homes in the right places. To the infrastructure bids that we’re putting in to make sure we’re creating places for those homes that are viable and sustainable, and attractive.”

*Local Authority Participant (I #6)*

Furthermore, mixed and balanced communities can also be created through the development of private market homes into areas where the housing tenure is predominantly affordable housing. Although local authority participants recognise that enabling this is itself difficult to achieve;

“I suppose we’re aiming to achieve that [mixed and balanced communities] by putting affordable into parts of the city, but I think the challenge is flipping it the other way; in areas of the city where there is lots of affordable, are we as keen to get private housing in those areas ... We’re good at mixed and balanced when it’s affordable into private areas, are we true to the opposite end? That’s just a question.”

*Local Authority Participant (I #4)*

### *7.2.2. Resisting Viability Assessments*

The impact of viability assessments on the delivery of affordable housing has been substantial. The evidence of viability assessments adversely impacting the levels of affordable housing provision is well recognised; as previously detailed in Chapter 3.3.2. At its core, viability assessments provided an avenue for negotiation and quantitative evidence to push

affordable housing levels below policy compliant levels. Commentators estimate that thousands of affordable homes nationwide have not been delivered through the planning loophole that it provides.<sup>747</sup> The “quantitative technocracy” of viability assessments argues through specialised, complex, and redacted calculations that the profitability of development is threatened when delivering policy compliant levels of affordable housing.<sup>748</sup>

The impact has also been felt in Bristol. Research conducted by Shelter into the detrimental effects of viability assessments on affordable housing delivery revealed that, for 2015-16, in eight major residential schemes which were delivered without viability assessments, they achieved 30% affordable housing. In seven developments where viability assessments had been submitted as part of the planning process, the levels of affordable housing delivered were 8%.<sup>749</sup> The numerical impact is only part of the problem. The redacting of viability assessments on the grounds of containing commercially sensitive data has proved to be equally devastating. Redacting the calculations which substantially reduce levels of affordable housing goes against the public availability of information, with detrimental consequences to the trust, understanding, and accountability of the planning system.

To combat the detrimental effects of viability assessments, Bristol City Council has taken a distinctively local approach through implementing numerous local planning policies and practices: requiring viability evidence to be submitted simultaneous to the planning application and continuously reviewed throughout development; the assessment must be validated by an external party at costs to the developer; must be full and unredacted where

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<sup>747</sup> Inside Housing (2017) *2,500 Affordable Homes Dropped Through Legal Loophole, Shelter Finds*

<sup>748</sup> Layard, A. (2018) *Planning by Numbers: Affordable Housing and Viability in England*: p. 213.

<sup>749</sup> Grayston, R. (2017) *Slipping Through the Viability Loophole: How Viability Assessments are Reducing Affordable Housing Supply in England*

policy compliant levels are not met; and the availability of tenure flexibility if developments reach a threshold level of affordable housing.<sup>750</sup>

Firstly, where a scheme is non-compliant with planning policy levels and a viability assessment is submitted as evidence to verify that, a trigger mechanism is implemented when 75% of the development is occupied to verify the financial assumptions made.<sup>751</sup> This provides the local authority with a tool to review viability assessments, where actual costs and GDVs can be compared to those estimated in the initial assessment. Where actual levels of costs are lower than expected, or GDV is higher, the council can seek uplift in any outstanding affordable housing requirement to be supplied as financial contribution for off-site affordable housing provision.<sup>752</sup> While not as beneficial as on-site contribution, as established in the previous section, the previous arrangement sought no late-stage review where this uplift would have been lost.

Secondly, the requirement to submit full and unredacted viability evidence where development is below policy compliant levels provides the local authority with greater accountability and transparency throughout the process. This practice reproduces local authorities in London, namely Islington and Southwark Councils, which previously implemented transparency policies to provide for “the importance of public participation” identifying that viability assessments “should be treated transparently and be available for wider scrutiny”.<sup>753</sup> Furthermore, a number of local developments received significant local media attention following applications for planning permission which failed to reach policy

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<sup>750</sup> Bristol City Council (2018) *Affordable Housing Practice Note – April 2018*

<sup>751</sup> Bristol City Council (2018) *Affordable Housing Practice Note – April 2018*

<sup>752</sup> *Ibid.*

<sup>753</sup> Islington Council (2016) *Development Viability: Supplementary Planning Document – January 2016*: p. 16.

compliant levels, and were evidenced by viability assessments which were heavily redacted in the public sphere.<sup>754</sup> In a full council meeting, Bristol City Councillors approved by majority vote to make all information available used in the viability process available publicly providing such discourse does not contrary any law.<sup>755</sup> The impact of transparent viability assessments has only been positive. Although concerns raised that the policy would reduce development, the research conducted by Shelter, cited earlier, found that the policies requiring transparency has not deterred private-sector development in the city.<sup>756</sup>

Finally, to discourage viability assessments from the outset and encourage greater levels of affordable housing than is currently being delivered, local planning policies provide for an element of tenure flexibility in the affordable housing delivered by the private sector. Where a planning application for residential development in the central areas of Bristol – which currently has planning policies for 40% affordable housing, but persistently delivers circa. 10%<sup>757</sup> – meets or exceeds 20% affordable housing levels, the application can be placed on a ‘fast-track’ route. This waives the requirement to submit a viability assessment while providing enhanced planning service with dedicated resources, accelerated discharge of planning conditions and s.106 agreements, and greater flexibility on the tenures delivered.

Where the local plan seeks tenure splits of 80% housing for Social Rent and 20% for Affordable Rent and Shared Ownership, if the application meets or exceeds the 20% threshold the tenure delivered can be 100% housing for Affordable Rent, calculated below the Local Housing Allowance levels. Where the level delivered is 25%, the tenure split can be 50% housing for

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<sup>754</sup> Bristol Cable (2017) *Councillors Strike a Blow for Transparency Regarding Housing Crisis*

<sup>755</sup> Bristol City Council (2016) *Minutes of the Full Council – 13<sup>th</sup> December 2016*

<sup>756</sup> Grayston, R. (2017) *Slipping Through the Viability Loophole: How Viability Assessments are Reducing Affordable Housing Supply in England*

<sup>757</sup> Bristol City Council (2018) *Bristol Residential Development Survey Report 2018*

Social Rent, 50% affordable homeownership.<sup>758</sup> Subsequently, the developer is encouraged to enter negotiations with Bristol City Council to seek public funding for additional affordable homes through the council's Partnership Grant Funding Programme to raise delivery levels further. The reasoning underpinning this flexibility of tenure at below policy levels is to lower demand on local authority time and resources through preventing disputes over viability assessments where the council and developer can otherwise cooperate beneficially to deliver greater levels of affordable housing.

### 7.3 The Grey Spaces in Local Affordable Housing Policy

In continuing the discourse from the previous two chapters, the local approaches of Bristol City Council in operating in the grey spaces of national planning law and policy to achieve their locally determined objectives are clear. Where the previous chapter demonstrated how the authority is operating in the grey spaces as a direct provider of new affordable homes by intervening in the housing market, the empirical research presented in this chapter demonstrates the role of the council in operating in the grey spaces through its role as the local planning authority. Foremost to this is the council's approach to the specific types of affordable housing; determining their suitability in the first instance, followed by governing how these types are implemented in the city. This final section illustrates this specific approach is contradictory to the inherent, and sometimes explicit, position of national planning policy and central government principles in such ways that these actions can be recognised as operating within the grey spaces of planning law and policy.

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<sup>758</sup> Bristol City Council (2018) *Affordable Housing Practice Note – April 2018*

The prioritisation of affordable housing for Social Rent is principally at the top of the Bristol City Council's agenda. The council recognises that housing for Social Rent provides a genuinely affordable housing tenure for those most in need, while rejecting the inherent impetus of national planning and housing policy frameworks promoting housing for Affordable Rent as the dominant affordable rented tenure. Since the introduction of housing for Affordable Rent in 2011, there has been an increased expectation by central government policy that local authorities, private registered providers, and private sector delivery would predominately deliver Affordable Rent and Shared Ownership in order to boost affordable housing numbers in the long-term.<sup>759</sup> This expectation inherent to national planning policy can be evidenced through recent government programmes delivering affordable housing provision, and through latest policy considering emerging housing tenures.

The expectation by central government to deliver housing for Affordable Rent or Shared Ownership has been backed by numerous government programmes first administered by Homes and Communities Agency (HCA), since rebranded as Homes England, in 2017. The Affordable Homes Programme operated from 2011 to 2015, allocating £4.5bn capital funding from the Treasury to the HCA to invest in affordable housing with Affordable Rent identified as the principal element of the new supply offer, while also proposing added flexibility for social housing providers to convert a proportion of previous Social Rent properties to re-let at Affordable Rent levels.<sup>760</sup> Second, the Affordable Homes Programme was extended for three more years from 2015-18 through the funding of a further £2.9bn capital funding programme to continue the provision of homes for Affordable Rent with an expanded remit

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<sup>759</sup> Wilson, W. and Bate, A. (2015) *House of Commons Library: Affordable Rents (England)*

<sup>760</sup> HCA (2011) *2011-15 Affordable Homes Programme – Framework*

to also deliver affordable homes ownership by way of Shared Ownership.<sup>761</sup> Thirdly, following the Chancellor's Autumn Statement in November 2016, the government demonstrated a decisive shift towards the support for affordable homeownership through the HCA administered Shared Ownership and Affordable Homes Programme (SOAHP) 2016 to 2021. This programme made available £4.7bn of capital grant funding to deliver 135,000 homes for Shared Ownership.<sup>762</sup> Finally, the Affordable Homes Programme 2021-2026, supported by a further £7.39bn, aims to deliver 130,000 affordable homes, half of which are intended to provide affordable homeownership.

Each of these capital grant funding programmes carried expectations that the available funding would be combined with providers own financial capabilities to maximise the delivery of homes for Affordable Rent or Shared Ownership. The expectation is particularly important and cannot be understated. By applying providers own, often limited, resources to be combined with the capital grant funding, this has a domino effect on the provision of housing for Social Rent in that there are even less resources available to provide homes for Social Rent as social housing providers' own resources are prioritised towards homes for Affordable Rent or Shared Ownership.

The impact of these programmes has been substantial. Table 7, below, illustrates the number of completions for Affordable Rent and Social Rent since the introduction of the first Affordable Homes Programme in 2011. The table show an unequivocal restructuring of affordable housing completions from Social Rent to Affordable Rent, while the total number of homes for affordable rent of either tenure has remained relatively consistent. The growth

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<sup>761</sup> HCA (2014) *Affordable Homes Programme 2015-2018*

<sup>762</sup> HCA (2016) *Shared Ownership and Affordable Homes Programme 2016 to 2021: Prospectus*



of homes for Affordable Rent was rapid, taking only two full financial years since the introduction of the first affordable homes programme to become the leading form of affordable rented tenure; accounting for over 95% of affordable rented homes in each of the past three financial years.

**National Affordable and Social Rent Completions through Government Funding Programmes**

|         | Affordable Rent |            | Social Rent |            | Total         |
|---------|-----------------|------------|-------------|------------|---------------|
|         | Number          | Percentage | Number      | Percentage |               |
| 2011/12 | 797             | 3.3%       | 23,141      | 96.7%      | <b>23,989</b> |
| 2012/13 | 6,579           | 40.7%      | 9,603       | 59.3%      | <b>16,182</b> |
| 2013/14 | 17,094          | 79.3%      | 4,475       | 20.7%      | <b>21,569</b> |
| 2014/15 | 30,834          | 91.2%      | 2,989       | 8.8%       | <b>33,823</b> |
| 2015/16 | 13,100          | 89.7%      | 1,497       | 10.3%      | <b>14,597</b> |
| 2016/17 | 18,280          | 96.9%      | 591         | 3.1%       | <b>18,871</b> |
| 2017/18 | 19,763          | 95.3%      | 970         | 4.7%       | <b>20,733</b> |
| 2018/19 | 18,895          | 95.2%      | 961         | 4.8%       | <b>19,856</b> |

*Table 7: National Affordable and Social Rent completions through Government Funding Programmes  
Source: Homes England (2019) Housing Statistics Tables, 1 April 2019 – 30 September 2019*

Moreover, the facilitated dissolution of Social Rent in favour of Affordable Rent can be seen further in evolving policy areas. For example, the emerging Build-to-Rent sector – which was already discussed in Chapter Five regarding the difficulties of local planning system enabling innovative methods of housing delivery – provides purpose-built rented housing by the private sector. Once fully mature, the Build-To-Rent sector is forecast to deliver some 1.7m

units nationally,<sup>763</sup> which would account for somewhere between 5-10% of all household tenures across the country.<sup>764</sup> Under this expanding provision of private-rented ownership, the national planning policies put forward by central government expect any element of affordable housing provision to be provided in line with the Affordable Rent policy, at 80% of the market values.<sup>765</sup> This is a candid example of national policy directing for the provision of Affordable Rent, yet more subtle examples can also be seen.

When the draft NPPF was published for consultation, the reference to Social Rent under the definition of affordable housing were entirely absent.<sup>766</sup> Respondents critiqued the exclusion of Social Rent from the national policy framework, fearing its omission as a defined form of affordable housing could create greater pressures on households to enter the private-rented market where not suitable or appropriate.<sup>767</sup> The Local Government Association heavily criticised the extensive change to the definition of affordable housing, and the specific removal of Social Rent which, they highlighted, is under significant demand across many housing markets to meet the levels of need.<sup>768</sup> In reply to these pressures, the government's response to the consultation stated that Social Rent would be amended to include both Social and Affordable Rent under the umbrella of affordable housing for rent.

These examples of government programmes clearly promoting and delivering the provision Affordable Rent and Shared Ownership demonstrate how Bristol City Council's approach to prioritising Social Rent as the preferred form of affordable housing can be perceived as their

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<sup>763</sup> Whittaker, G. and Simmie, H. (2019) *UK Build to Rent Market Update - Q2 2019*

<sup>764</sup> ONS (2018) *Research Outputs: Subnational Dwelling Stock by Tenure Estimates, England, 2018*

<sup>765</sup> MHCLG (2019) *National Planning Policy Framework*

<sup>766</sup> Wilson, W. and Barton, C. (2019) *House of Commons Library: What is Affordable Housing?*

<sup>767</sup> MHCLG (2018) *Government Response to the Draft Revised National Planning Policy Framework Consultation*

<sup>768</sup> LGA (2018) *Local Government Association response to the MHCLG consultation on the 'Draft revised National Planning Policy Framework'*

operation in the grey spaces of planning law and policy. Furthermore, where Affordable Rent is delivered, the council's approach to setting rent levels not at the maximum 80% of market values but in line with local housing allowance, further demonstrates their position within these grey spaces.

From the government's perspective, Affordable Rent is supported by comprehensive economic reasoning. Increasing the levels of rent which tenants are expected to provide raises the future supply of affordable homes. Increased rents result in increased borrowing capacity for the provider, in turn, this increased the future supply of affordable homes. Achieving greater supply with lesser reliance on central government grant funding. Yet, it is this financial discourse of this same approach that underpins Bristol City Council's opposition to Affordable Rent. Its calculation in respect to heightened local market rates result in failures to deliver genuinely affordable housing for those most in need.

The local authority position recognises that there is the need to increase housing supply – as evident by the administration's political targets for housing delivery – but there is equal importance in considering not just how many affordable homes are built, but how those affordable homes provide for the communities in the city. It is artificial to increase the supply of affordable homes by changing the definition of what is affordable. The numerous government housebuilding targets advocating for increased housing supply above all other considerations signify such government principals.

This conflict between the local and central government position, and the resulting practice to determining affordable rent in line with local housing allowance levels, continues to demonstrate how the council's approach to Affordable Rent sees them operating in these grey spaces. The capability to do this is offered by the ambiguous wording of the definition of

affordable rent provided in planning policy which states, “at a rent of **up to 80%** of local market rents”.<sup>769</sup> Setting a local level for Affordable Rent that is below the local housing allowance threshold is in accordance with this definition, if almost certainly against the intentions of the policy when drafted.

Similarly, Bristol City Council’s approach to affordable homeownership products further demonstrates their underpinning position which considers in greatest consideration how precise affordable housing options best benefit local communities. The perspective of the local authority is apparent, querying the relevance and suitability of affordable homeownership options given the substantial upfront financial barriers, as shown previously in section 7.1.3 of this chapter. Local planning policies reflect this opposition to affordable homeownership through determining that only a fraction of the total affordable homes delivered are required for affordable homeownership. The policy, which is evidenced by a review of the objectively assessed need for affordable housing undertaken by the Strategic Housing Market Assessment, identifies a requisite tenure split delivering only 20% of all affordable housing as either Affordable Rent or affordable homeownership options, with the remaining majority of 80% required as housing for Social Rent.<sup>770</sup>

Recognising this limited suitability of – and evidenced limited need for – affordable homeownership options, the local authority’s position is contradictory to the position of national planning policy which is heavily directed towards affordable homeownership provision. The NPPF’s explicit policy expectation for 10% of all new homes delivered to be provided as affordable homeownership is a plain and unambiguous demonstration of the

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<sup>769</sup> HCA (2011) *2011-15 Affordable Homes Programme – Framework*: p. 19 *emphasis added*

<sup>770</sup> Bristol City Council (2018) *Affordable Housing Practice Note – April 2018*

government's position. Yet, by not reflecting this national planning policy in Bristol's local planning policies but instead evidencing the need for a majority of affordable housing as Social Rent, the local authority is operating in the grey spaces between national pressures prioritising affordable homeownership provision and their own local planning objectives.

While the council cannot change the national policy dictating affordable homeownership, it can determine where and how it applies its own resources and capacity; and this is prioritising the provision of housing for Social Rent, not affordable homeownership options. This self-assured position answers the ethnographic research question which questioned how Bristol City Council identifies its own position in the production of housing within the city. The authority positions itself to provide for those in greatest need, believing that the private housing market – motivated by commercial gain – will deliver the requisite number of market homes for private sale with minimal input from the local authority beyond the facilitation of development through the local planning system.

Instead, it perceives that its own position is to deliver, facilitate, and support others where the market is failing, and that is in the provision of affordable housing. Due to the concerns over the genuine affordability and accessibility of affordable homeownership, these options are characterised as having more in common with housing for market sale, particularly as first-time buyer products, than characterised as affordable housing for those most in need. Thus, where affordable homeownership options are being provided, namely through affordable housing programme funding provided by Homes England in partnership with private sector developers and private registered providers, the local authority is principally impartial to its provision, neither endorsing nor condemning it.

#### 7.4. Conclusion

The previous chapter reflected on the different mechanisms through which Bristol City Council is actively intervening in order to promote the delivery of affordable homes. Building on this, this chapter has drawn together findings which suggest that, in several ways, Bristol City Council are also resisting the constraints of the planning system and the limitations of national planning policy. For instance, this chapter examines in detail the ways in which Bristol City Council is responding to and implementing the three definitions of affordable housing which underpin national planning policy.

Firstly, it emphasises the restrictions that the local authority face when it comes to providing housing for Social Rent. Despite the limited political support for Social Rent, this chapter demonstrates that Bristol City Council employ mechanisms by which this standard is prioritised as far as possible. Secondly, it has examined the important limitations that housing for Affordable Rent has within the context of Bristol – specifically, the fact that Affordable Rent can equate to anywhere up to 80% of market value, which in turn can result in monthly tenancies that are severely unaffordable in Bristol. The chapter has emphasised the ways that Bristol City Council are, in response to this, interpreting the limited flexibility within the scope of the national policy definition for Affordable Rent, and proposing that this should instead be interpreted in line with LHA levels in order to provide genuine affordability within the city of Bristol.

Thirdly, this chapter has discussed the limitations of affordable home ownership. It suggests that in a similar way to Affordable Rent, this definition suffers from limitations relating to genuine affordability, particularly within the Bristol context. As such, the chapter has indicated that Bristol City Council are neither promoting nor actively pursuing this definition,

but rather reserving this option only for when it is most useful to their overarching aims of delivering homes with genuine affordability.

Having discussed the ways in which Bristol City Council are interpreting and utilising the different definitions of affordable housing, the chapter then proceeded to highlight two other mechanisms through which the local authority is resisting the principles that underpin national planning policy. These consist of, firstly, the ways that Bristol City Council is aiming to deliver mixed, balanced and sustainable communities. This demonstrates that the local authority is prioritising the quality of affordable housing provision, rather than the quantity. Secondly, the chapter explores the ways that Bristol City Council requires that viability assessments be completed via a public and transparent process, with the aim of preventing private developers from taking advantage of national planning policy, to the detriment of the local Bristol context.

Taken together, this chapter indicates that in addition to actively pursuing mechanisms which maximise the delivery of affordable housing, Bristol City Council is also actively resisting the constraints of national planning policy, which frames the context in which it is forced to operate. The findings which have been presented over Chapters Five, Six, and Seven will now be drawn together in Chapter Eight with a view to responding to the research questions set out in chapter four and the generation of Grounded Theory from this empirical data.

## Chapter Eight: Conclusion

This thesis has been presented in two halves; the first half establishes the research area, objectives, and socio-legal approach through providing an account of the underpinning political and contextual knowledge, the legal and policy framework which governs this area of law in action, and the methodology approach to conducting this research. The second half presents the core empirical research findings through three conceptual categories: i) limitations owing to the local authority's lack of capacity, ii) the role of the local authority in intervening in the housing market as a direct provider of affordable homes, and iii) the practices and local planning policies through the authority's governance role as the local planning authority. Within each chapter, the findings have been analysed through the Grounded Theory methodology to develop a theory which underpins the overarching approach of the local authority – that Bristol City Council is operating in the grey spaces of planning law, policy, and practice in order to promote and deliver its own housing objectives.

This final chapter brings together the interrelationship between the empirical findings and generated Grounded Theory in response to the aims and objectives of the research. Following this, it outlines the original contributions of this research to the current body of knowledge that exists in relation to local authority housebuilding and central-local government relations through the ways Bristol City Council is operating in the grey spaces of planning law, policy, and local practice. Finally, this chapter concludes with personal reflections on this research through the recognised impact of the local authority approaches, the limitations of the research, and the potential for alternative approaches and areas of focus.



### 8.1. Research Aims and Objectives

The overarching aim of this research was to examine how planning law, policy, and local practice shapes housing production in Bristol. Achieving this research aim was broken down into four specific objectives, relating to the different stages of the research process:

The first objective was to demonstrate the contextual circumstances of the undersupply of housing within the wider national and local contexts, and to reflect on how these have influenced and impacted the approaches and practices of Bristol City Council. Completing this required extensive assessment and examination of the political and contextual literature and policy related to housing supply. This review of existing knowledge and political context, and legal and policy framework is presented in Chapters Two and Three, respectively. This literature identifies a historical undersupply of housing, particularly affordable homes, through a predominant decrease in housebuilding by local authorities. As a result of this historic lack of supply – combined with policies targeting social housing stock – the demand for social housing has increased at an intensifying rate to the point where it is recognised by Bristol City Council as their top priority. Despite this historically eroded and impaired landscape, recent literature revealed potential opportunities for local authority intervention by means of innovative approaches to local housing practices and policies.

The second objective of this research was to explore these possibilities in practice by conducting empirical research with Bristol City Council through a combination of data collection methods. The specific methods selected, outlined in Chapter Four, were an ethnographic placement at Bristol City Council, subsequent semi-structured interviews with key local authority participants, and documentary analysis of key local authority documents. This was a key stage of the research process as it provided the foundation to answer the

ethnographic research question, 'How does Bristol City Council identify its position in the production of housing within the city?'. The responses to this question are categorised into three core themes which form the three findings chapters which have been thematically presented in Chapters Five, Six, and Seven: local authority capacity, local authority interventions in the housing market, and the practices and local planning policies through the authority's governance role as the local planning authority.

Chapter Five contributed a detailed understanding of how the local authority's capacity is limited by a lack of financial and human resources to manage large residential development which requires substantial investment of resources in order to undertake strategic master-planning. Further illustrated by the disregarding of complex development sites in favour of more resource-efficient developments which can promptly and effectively contribute to meeting nationally-set local housing targets. The lack of capacity also extended to a scarcity of local authority powers to resolve stalled sites within the city further exacerbating the supply problem. Furthermore, it considered the difficulties relating to inherited local planning policies from previous administrations where the political agenda has changed the local political direction, and the fatigued development of the national and local planning framework in recognising innovative models of housing delivery. In doing so, it demonstrated that this limited capacity has a wide-ranging and entrenched impact on the ability of Bristol City Council to deliver market or affordable housing within the city.

Following this, Chapters Six and Seven discussed the core concepts of local authority interventions in the housing market, and the local planning policy and practices through its governance role as the local planning authority, highlighting Bristol City Council's approaches to affordable housing delivery in recognition of their political motivation and targets to

increase affordable housing supply. Chapter Six considered the role of the local authority as a direct provider of affordable housing by reflecting on how the authority is operating within the housing market through implementing three methods of intervention: i) the direct provision of affordable housing through the traditional council-housing route associated with the authority's HRA; ii) establishing a local housing company to operate in competition with the private market; and iii) developing a Partnership Grant Funding Programme to fund additionality of affordable housing within private-sector developments. In addition to detailing and analysing these methods of intervention, three case studies were presented to provide real and detailed examples to illustrate these approaches in action.

Further, Chapter Seven contributed an insight into how the authority's governance role provides opportunities to establish local planning policy which aim to achieve locally determined targets. Here, this chapter considered how Bristol City Council is employing distinctively local approaches to prioritising specific types of affordable housing within the city, while also establishing how these products are defined in local planning policy in order to ensure the affordable housing provided within the city is genuinely affordable within the local market contexts. It discussed how these policies demonstrate local resistance towards national planning policies, definitions, and expectations put forward by central government in favour of local sensitivities of genuine affordability within the heightened housing market in Bristol. It also demonstrated examples of local resistance by exploring a range of local planning policies supporting the creation of mixed, balanced, and sustainable communities, as well as resisting detrimental viability assessments that seek to provide an avenue for private developers to avoid or reduce affordable housing levels below local policy compliant levels.

The fourth and final objective of this research rests within the chosen methodological approach. That is, to generate a theory of understanding grounded in the empirical data which comprehends how planning law, policy, and local practice shapes housing production in Bristol. Through the Grounded Theory processes of empirical data collection, continued theoretical sampling until the point of data saturation, and continuous iterative analysis of the empirical data, the developed theory provides an overarching explanation that the approaches of Bristol City Council to promote and advocate delivering increased affordable housing supply is achieved through operating within identified 'grey spaces' of planning law and practice.

To this end, the subsequent section draws together the three thematic core conceptual findings together in order to reflect on this grey spaces understanding. The section demonstrates that each of the local authority exertions, motivations, and applications are in response to the fundamental local housing issue which to increase the supply of affordable housing. This is evidenced by the local authority intervening in the local housing market, and through operating in its role as the local planning authority in establishing local planning policies for promoting affordable housing.

### 8.2. Bristol City Council Operating in the Grey Spaces

This grey spaces discourse has developed as a result of the empirical research with Bristol City Council. It proposes that the practices and local policies implemented by the council to deliver and promote affordable housing are in opposition to intentions and motivations underpinning national planning law and policy. This grey spaces discourse does not mean the authority is in

violation of statutory rules or requirements but rather that it is bending and sidestepping the national planning framework. It is resisting the direction and impetus of central government frameworks in order to deliver their own housing objectives focussing on affordable housing. This comprises of grey spaces provided through ambiguous language within planning policy, those provided by legislation empowering greater autonomy in local governance, and those grey spaces forged and exploited by the authority.

The reasons for Bristol City Council needing to develop this operational position within this grey spaces discourse are clear. Foremost is its unwavering commitment to delivering its own objective in increasing affordable housing supply while the priorities of national planning framework are visibly focussed on affordable homeownership. Where the council is functioning as the local planning authority, as detailed in Chapter Seven, its operation in the grey spaces prioritises the provision of housing for Social Rent which is deemed to provide genuine affordability in the city.

This explicit prioritisation of housing for Social Rent is in complete contrast to the central government position, emphasis in national planning policy, and counters the substantial financial support position currently provided to homeownership. Government policy and funding is clear; housing for Social Rent is unfavourable and against the Conservative political narrative. Yet, for Bristol, it is of paramount importance due to the genuine affordability it provides without the need for local council intervention and support. It is therefore by operating within the grey spaces of national planning policy that the council is able to dictate the importance of local housing for Social Rent or, at the very least, housing for Affordable Rent calculated at no more than Local Housing Allowance levels.

Recognising that this may not be deliverable in every scenario, this grey spaces position within the specific definition of affordable housing relates to the rental levels of housing for Affordable Rent not exceeding those levels set by the LHA, typically 60% of market value, not the maximised 80% of market rents. While this is arguably only a minor conflicting position, the inherent impacts are far wider. Given the premise of the Conservative government's introduction of Affordable Rent to enable social housing providers to increase revenues to further enable housebuilding, the Bristol City Council's opposition to it impact the future housebuilding capacity within not just the council, but also for registered providers within the city. Nevertheless, reflecting on this impact the council continues to uphold this stance and maintain that the provision of genuine affordability in housing for those most in need is of paramount importance and that the quantification of housing supply is of lesser significant.

Both these positions of the council within the grey spaces reject the approach of national planning and housing frameworks which are characterised as endorsing affordable homeownership and maximum levels of Affordable Rent as the dominant forms of affordable housing tenures. The evidence demonstrating this contrast between the local and national position is extensive. In the last decade, four government programmes have championed the delivery of Affordable Rent and affordable homeownership supported by almost £20bn of government grant. To date, the number of homes for Affordable Rent delivered under these programmes exceeds the number of homes for Social Rent at a ratio of almost 3:1.<sup>771</sup> This is made worse still as this ratio relates only to Affordable Rent, not including affordable homeownership which, going forwards, is expected to account for 1 of every 2 homes delivered under the government's current Affordable Homes Programme 2021-2026. In

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<sup>771</sup> Homes England (2019) *Housing Statistics Tables, 1 April 2019 – 30 September 2019* [Dataset]

contrast, Bristol City Council's approach to the specific affordable housing tenures is not in conflict with the provisions set out by national planning framework, but it is clearly in conflict with the inherent position of those policies and the governments funding programmes delivering them. Ultimately, it is concentrating its limited resources and capacity where it perceived the private market is failing to deliver, with evidence demonstrating this failure is fundamentally related to the supply of the genuinely affordable rented tenure, housing for Social Rent.

When operating as direct provider of affordable homes as presented in Chapter Six, it is clear that the grey spaces discourse relates to the continued delivery of affordable homes through innovative means of intervening in the market. Foremost to this is the widely publicised commitment to affordable housing supply through the expansion of council housebuilding by means of traditional HRA provision, particularly notable given these commitments were made prior to the lifting of the HRA finance cap. Undertaking direct intervention in the local housing market by delivering new council homes builds upon the previous grey spaces position of prioritising housing for Social Rent. Consequently, not only is Social Rent championed for delivery by registered partners and private sector provision, but also directly delivered by the council themselves.

Further examples of direct council intervention in the market through grey spaces is the establishing of the local housing company with a clear focus on affordable homes in competition and collaboration with the private market. Where the councils had previously been restricted in delivering affordable homes through financial caps on their ability to borrow through the housing revenue account, the local housing company – fully owned by

the council but operating independently – is capable of delivering sites in competition with the market whilst producing a profit.

Enabled by a combination of legislation, the approach to enable councils to build again is in opposition to central government restrictions related to the HRA cap – while this financial limitation has since been lifted, the prior development of the local housing company provides another avenue to intervene to deliver the council objectives. It is this crucial transformation of the local authority financial context through enabling unconventional approaches which underpin the operation of local housing company in the grey spaces. Furthermore, the evasion of right to buy policies on affordable homes provided by the local housing company only further illustrates the grey spaces in which they are currently operating. Where the authority is provided this latitude, it is delivering its housing priorities through conventional and innovative models of delivery, financial subsidy, and individualised policy interpretation which, most importantly, carries greater benefit to the local authority than national government.

A final example of the council's grey space intervention in the housing market is the direct funding of housing for Social Rent through the established Grant Funding Programme. Once more furthering the importance of housing for Social Rent, the initiative runs dichotomous with clear targets for increasing affordable homeownership supply. Where government policy and supply of funding is distinctly targeting this latter tenure – for example, the £2bn funding made available through the government Shared Ownership and Affordable Homes Programme 2021-26 – the council's allocation of £54m to deliver additional homes for Social Rent demonstrates the chasm between central and local priorities, and the commitment to achieving local housing targets.



Fundamentally, the need to operate in this manner is a consequence of the impacts following a decade of austerity policies which have decimated the council's capacity. It is this lack of financial and human resource which results in the authority's innovative approaches which bear so much significance. The thematic findings presented in Chapter Five focused on the substantial impacts of this lack of capacity to deliver. The limitations include where the council is forced by a lack of available human and financial resource to commit to undertaking extensive and costly masterplanning for large-scale development sites within the city, and consequently the adverse effects of such inability. Further, council participants shared frustrations with their inability to resolve stalled sites through a lack of statutory powers to bring forward stalled development, particularly noting that the capabilities already exist through the enhanced capabilities of Homes England. Finally, the lack of administrative capacity to review and update inherited planning policies and strategies from previous administrations, as well as difficulties in responding to new emerging housing sectors – such as build to rent – which are not recognised in the 2011 Local Plan and so are problematic in enabling through the planning process.

Due to this lack of capacity, Bristol City Council is forced to operate in the grey spaces of the national planning framework through their difficulty in maintaining up-to-date local planning policies. The impact of austerity is one which has resulted in severely limited resources to undertake timely reviews of core local planning documents; the extensive requirements and processes of which are substantial. Bristol's current local plan review to replace the current 2011 Core Strategy with a strategic planning document that reflects the direction and objectives of the current administration began the stage of public consultation in 2019. Yet,

its submission to the planning inspectorate is not expected until 2023, some seven years after the election of this local administration.

As a consequence, the strategies and local planning policies risk legal challenge pursuant to the NPPF's application of the presumption in favour of sustainable development where local planning policies are deemed out-of-date. The council then is acting within the grey spaces of planning framework by implementing interim measures of planning governance through Practice Notes in order to disseminate their policy direction and expectation for affordable housing delivery before the new local plan is adopted. These planning guidance notes are not formally identified as statutory documents as they have not been produced through the statutory recognised processes requiring public consultation, submission to the Secretary of State, and examination by the Planning Inspectorate. As a consequence, they lack the material weight in determining planning applications and have no grounds for enforcement or refuting planning appeal or judicial review in the eyes of the planning system.

Yet, despite these detriments in formal creation, they benefit the local planning authority in providing publicly accessible document which disseminates to the market the intentions, motivations, and local political goals of the council. This creation of non-enforceable planning policy provides clear guidance to potential developers on the council's housing position and priorities, while aiming to enhance collaborative working with the sector to deliver greater supply of affordable homes.

### 8.3. Reflections on the Research

This final section concludes with reflections on the research and its contributions. First, it assesses the anticipated impact of the local practices and policies on the delivery of affordable housing in Bristol to determine the success of the local authority's local planning policies and practices. Next, it reflects on the limitations of the research and the possible alternative approaches in which it may have been approached the research area.

#### *8.3.1 Impact of Local Practices on Affordable Housing Delivery*

The approaches put forward by Bristol City Council over the previous chapters are fundamentally in response to the identified past failures in affordable housing supply, as outlined in figure 1 in the first chapter of this thesis. At its core, the local practices and policies discussed in this thesis have aimed to increase the supply of new affordable housing within the city. Recognising these past failures in affordable housing delivery, while simultaneously assessing the projections of affordable housing delivery based on the impact of these practices and policies, is of paramount importance. If the conclusion from these approaches has little impact on the project supply of affordable homes, then a consideration of the impacts and potential benefits yield little productive value and long-term understanding. It is, therefore, vital to assess the forecasted affordable housing completions evidenced through planning applications, current start-on-sites, and local authority residential development proposals.

Figure 5, below, reproduces the market and affordable housing completions in Bristol between 2010-11 and 2019-20, but also includes the projected levels of affordable housing

delivery over the next three years through the most recent local authority data detailing affordable housing projections. It illustrates the existing low levels of affordable housing supply, with the latest confirmed data for 2019-20 plotted in pink, and the projections for 2020-21, 2021-22, 2022-23 plotted in the striped red.

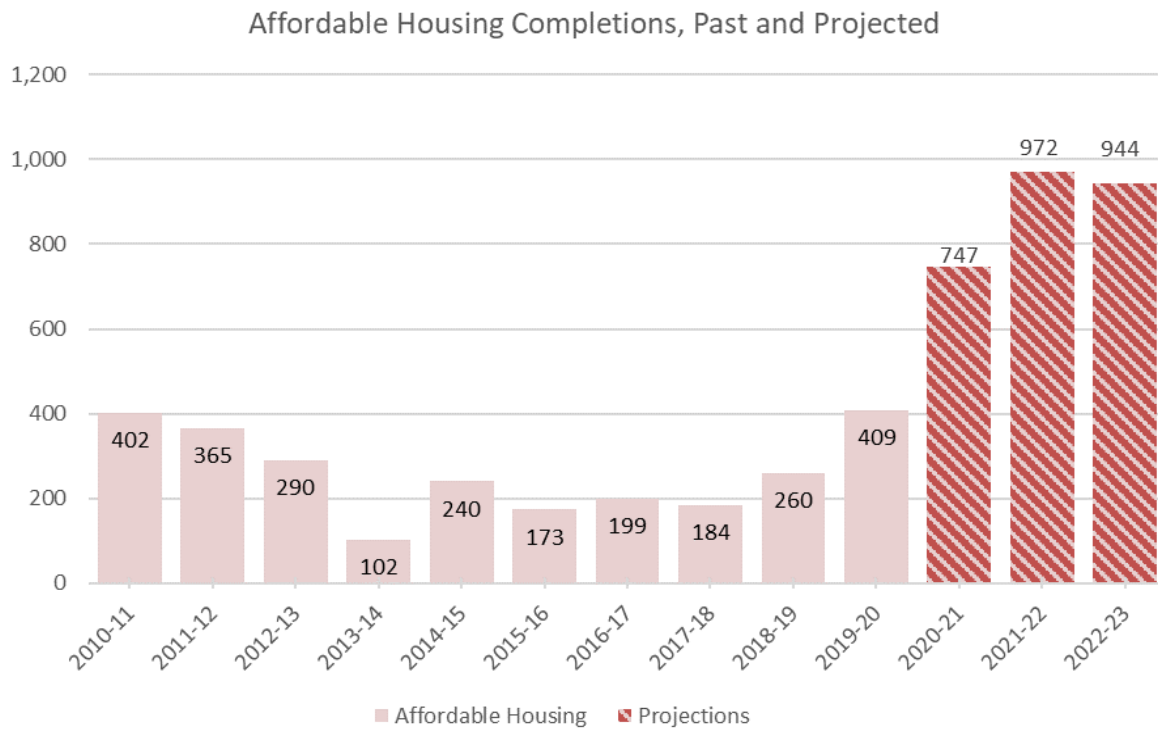


Figure 5: Affordable Housing Completions Past and Projected, Bristol, 2010-11 to 2022-23  
 Sources: Bristol City Council (2018) Bristol Residential Development Survey Report 2018 & Bristol Homes Board (2020) Housing Delivery Programme – 2019/20 Q2 Update

Evidently, the current data forecasts an exponential rise in affordable housing supply over the three years; increasing to 747 affordable homes by 2020-21 – a three-fold increase in the current annual average. Beyond this, the projected affordable housing delivery exceeds the 800 affordable homes target for 2021-22 and 2022-23 by 21.5% and 18%, respectively.<sup>772</sup> In comparison to the previous annual average of less than 250 affordable homes delivered over

<sup>772</sup> Bristol Homes Board (2020) Housing Delivery Programme – 2019/20 Q2 Update

the seven-year period previously illustrated, the local practices and approaches of Bristol City Council in concentrating their cumulative efforts, available resources, and activities on affordable housing delivery is projected to deliver substantial successful results. As one local authority participant ecstatically proclaimed at the conclusion of the interview,

“[The] commitment to housing has been unwavering, absolutely unwavering. It’s unprecedented. But it’s really proving its results ... I think if you ask anybody in this city involved in housing, they will say there has been a significant shift in approach. It may not be perfect, but we are well on our way to doing all that we can to enable the delivery of affordable homes. It is our number one priority.”

*Local Authority Participant (I #6)*

### *8.3.2. Limitations & Alternative Approaches*

This section provides an opportunity to reflect on the limitations of this research project, explore possible alternative aims and objectives that could have guided this research within the same field, and also consider alternate methodological or theoretical approaches.

On reflection of completing this research, the most apparent limitation been the inability to draw direction comparisons with other local authorities taking similar approaches as those made by Bristol City Council. It has been possible to provide comparisons between Bristol City Council and other local authorities based on pre-existing data covering a whole range of useful indicators such as demographic information, house prices and rental levels, and housing data such as housing stocks, social housing need, and recently supply levels through publicly accessible data. These examples were made between those English cities in the Core Cities

Group, in addition to Oxford and Cambridge to provide comparators to other major cities in the south of England.

However, it was found to be extremely difficult to make comparisons between Bristol City Council and these other local authorities in terms of the emerging findings of the research. While it would have been beneficial to ground the findings from this research in wider context through comparisons with these authorities, it was unfeasible to do so in this project given the combined impact of limited resources and its aim to conduct a single, detailed, in-depth case study with Bristol City Council. The rationale and knowledge emerging from the empirical data collection with Bristol City Council – rather than simply assessing publicly available local planning framework – has fundamentally provided the depth and richness in this research. Alternative approaches to conducting only desk-based research without the empirical elements would not have resulted in comparable data, lacking the true understanding and motivations of the comparable authorities which are not expressed in local planning strategies or policies.

With this in mind, an alternative approach to conducting similar research in this area could have explored comparative case study methodology. Doing so would require altering the aims and objectives of the research given this shift in focus to assessing and evaluating two or more authorities to identify and examine shared and unique approaches employed by each. While this would certainly yield interesting and valuable insights across a wider knowledge base, it is ultimately restricted by what can be accomplished in a doctoral research project given the constraints on time, resources, and most predominantly, access to a typically difficult sector. What has been unique in this research and should not easily be overlooked is the access gained to Bristol City Council through a fortunate and coincidental introduction with

Councillor Paul Smith. Repetition of the empirical data without this level of access with other authorities to enable comparative data would have been complex, challenging, and most likely unsuccessful.

In considering other approaches to this research, a sector which does not feature heavily in this project is the role of private registered providers. While they play a core role in the provision of affordable housing in Bristol and across the country, they are not the focus of this research given the aim to examine how planning law, policy, and local practice shapes housing production – elements which are governed and managed by the local authority. An alternative approach to this research could have looked more widely at affordable housing provision in the city, taking into consideration the role of private registered providers in delivering new affordable homes and their approaches in combination with the authority's practices and local policies. This would have shifted the onus of the research away from the operation of the council in the local planning framework to instead provide an interesting comprehension of the responsibilities of these participants in the commercial property market. This alternative approach to affordable housing provision in this sector would provide a complimentary insight to this research, but would not have responded to the aims and objectives in the way this research was positioned.

In terms of methodological and theoretical approaches, there were a number of potential alternative approaches to undertake this project, as with any empirical research. Quantitative methodology could have explored the measurable impact of specific approaches taken by the authority. Alternative theoretical approaches utilising sociological theories on topics including race, class, or gender would have helped to situate the research findings within wider social frameworks, which are likely to influence how these policies shape the practices of the

authority. Nonetheless, a Grounded Theory approach was implemented given the qualitative nature of the overarching aim and specific objectives of the research, in addition to enabling the development of theory of understanding grounded from the empirical data, and the flexibility the methodology provides in exploring the emergence of a relatively unexplored area phenomena compared to these alternative approaches.



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## Appendix A: Participant Information Sheet



### **Participant Information Sheet**

You are being invited to take part in a research project. Before you decide, please read this participant information sheet which explains why the research is being done and what it involves. If you are happy to proceed with the research, please complete the attached consent form which states that you consent to take part.

#### **1. What is the purpose of the study?**

It is widely accepted that the UK is facing a housing crisis. Housing production has been in decline since the late 1970s, with this decade the lowest completed in over 50 years. The aim of my research is to investigate how planning law, policy, and practices shapes housing production in Bristol.

In order to examine this, I have spent six months with Bristol City Council, and now also interviewing key housing stakeholders, such as employee's in the local authority, to private developers, and financial investors, to understand how they perceive this interrelationship of politics, economics, and planning law, policy and practice.

#### **2. Do I have to take part?**

No - it is entirely your decision whether to take part or not. If you do, you will be given this information sheet to keep and to refer to if needed. By signing the accompanying consent form, you are consenting to letting me use your information and responses for this research and any future publications or presentations I produce. You are still free to withdraw at any time up until I have analysed the data (estimated for December 2017), without giving a reason, and if you do so I will destroy any data you may have already provided me.

#### **3. What will happen to me/my responses if I take part?**

- 1) I will complete an interview with you which will be last around one hour. I would like to record this interview. However, if you do not wish to be recorded, you can tell me and I will only take notes.
- 2) I will then use our conversation, along with everyone else's, to inform my research project.
- 3) After we've completed our interview, you will be offered the opportunity to review our interview transcript once I have written it up – this allows me to remove any identifying characteristics that you may have mentioned, such as your employer's name. And it presents you with the opportunity to check you are happy with the interview.
- 4) If you feel that some things which we discussed should not be included in the transcript, I can remove these at this point. If, after reviewing the transcript, you decide you do not want to take part in the research anymore, I can remove you from my research and your transcript will be deleted.
- 5) Once my research project is complete, I will submit only the anonymised interview transcripts to an online data resources called the UK Data Archive. This lets other academics from different universities see and use the interviews for their research – but they won't be able to identify you personally.



**4. Will my taking part in the study be kept confidential?**

- When using any data for writing my PhD thesis, or for use in publications or presentations (for example in journal articles, or at academic conferences) all attempts will be made to do so anonymously.
  - However, it is necessary for the research to be identified in the city of Bristol, along with the generalised profession of the participant – e.g. private sector developer, or local authority employee.
- In striving to prevent identification from my research, I will remove any identifying characteristics such as your name, name of employer, and position.
- If the interview has been recorded, once the audio file has been transcribed, the audio file will be deleted.
- These transcripts will then be kept secure on the University campus with access only by myself.

**5. Are there any risks of involved?**

- There are no foreseen physical or psychological risks in taking part in this research.
- Nonetheless, as I am interviewing you to gather your perspective of housing production in Bristol, how politics and economics interact with law to produce housing, you may discuss something which is commercially confidential. To mitigate any potential commercial confidential issues:
  - I will present you with the opportunity to review the transcript, this will allow you to highlight something which on examination you should not have discussed.
  - I will then permanently remove anything which you highlight in the review from the transcript.

**Contact Details of Researcher**

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## Appendix B: Participant Consent Form

**Participant Consent Form**

You are being invited to take part in a research project. Before you decide, please read the attached participant information sheet which explains why the research is being done and what it involves. If you are happy to proceed with the research, please complete this informed consent form to state that you consent to take part.

Declaration in respect of interview with:

Conducted on the:

**The information you give me will be held and used for the following purposes only:**

- For my PhD research at the University of Bristol.
- For use in publications or presentations, possibly as direct quotations. For example in journal articles, or at academic conferences.
- If any data is used as detailed above, every attempt will be made prevent identification. However, it is necessary for the research to be identified in the city of Bristol, along with the generalised profession of the participant – e.g. private sector developer or local authority employee. As such, every effort will be made to publish data confidentially, though this cannot be guaranteed.
- In striving to prevent identification, any recordings, written transcripts, or interview notes will be identified only by code and will be kept in a secure place.

I confirm that I have read and understood the information sheet provided:

I permit the researcher to audio record our meeting (if appropriate):

I understand that this information will be used only for the purposes set out in the statement above, and in accordance with the provisions of the Data Protection Act 1998:

I understand that I may withdraw from this research either during this interview or up until the point of analysis (estimated May 2019). If I do so, any data I have provided will be destroyed.

I understand I will have the opportunity to review the transcript of my interview and remove any potentially confidential data.

Signature of researcher: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of participant: \_\_\_\_\_ Date: \_\_\_\_\_

**Contact Details of Researcher**

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## Appendix C: Ethnographic Diary Example Page

Ethnographic Diary W301

Meeting 3: Round table Developer  
session: [REDACTED]

\* [REDACTED] - Director, BCC [REDACTED]

- ↳ JSP update & progress made.
- ↳ Local plan revision 2016-36.
  - ↳ 33,000 target
- ↳ SPD = Urban Living
  - ↳ Ambition to achieve height
    - Urban - 5-8 storeys
    - Suburban - 3-5 storeys.

\* [REDACTED] - HCA -

- ↳ Housing delivery is crucial government objective
- ↳ Enabled/support by HCA operating as an investment bank to unlock homes for LA delivery
  - ↳ £2-3bn investment = 100,000 units
  - ↳ AH - \$1.4bn over 4 yrs.
  - ↳ Home Building Fund - 5.5bn

\* [REDACTED] - Cubex (private-sector)

- ↳ Focus on brownfield site regen for housing-led mixed use
- ↳ Fuzels Reach dev site in Bristol.

Emphasis placed on infrastructure supply to enable development.

Local Plan Review critical opportunity to advance AH agenda:

- + Density
- + Replace old SPD and replace w/ Urban Living
- + Grant funding programme to achieve AH boost.

↳ HCA operating as government delivery arm for housing sector.

Key to understanding central government direction & drivers.

- ↳ Continued changes in UK politics!!

↳ On AH - what type??

- ↳ Research
- ↳ Compare to BCC priorities.

↳ Links between role of private-sector brownfield regen + AH viability