

Planning, regulation and space standards in England: From ‘Homes for Heroes’ to ‘Slums of the Future’

Abstract

The regulation of housing quality has a long history in England. As the state itself increasingly became a housing developer in the twentieth century, design standards were subject to self-regulation. Through this, the idea that housing quality includes minimum dwelling sizes – space standards – has entered public consciousness. Under the 2010-2015 Coalition, the UK Government introduced suggested space standards through planning control, but also extended the range of ‘permitted development’ – a form of deregulation – where space standards could not be applied. In this paper we explore the history of space standards in England and what these tell us about planning regulation.

Key words

Space standards, regulation, planning, England, permitted development, deregulation, housing

Introduction

The UK is, in widespread discourse, suffering from a 'housing crisis', yet this issue is multi-faceted, involving not just the overall number of units delivered (an obsession of central government in recent years), but also the type, location, tenure, affordability, and quality of housing. The latter issue has been of growing concern, and a key aspect relates to the internal space standards of new housing delivered. A number of sources, which have gained widespread media coverage, have suggested that the UK has the smallest average home size in Europe: commonly cited data from 2002 shows that the average size of a home in the UK, at 93.6m², was the smallest in the European Union (EU)'s then member countries (with Denmark, at 137m² having the largest average) (Morgan and Cruikshank, 2014). Research from 2011 found that homes sold by the eight largest housebuilders in the UK were on average 8m² smaller than the then new minimum space standards which were implemented by the Greater London Authority (GLA) (RIBA, 2015).

There has been some debate over the data, for example questioning the extent of the decline in space standards over time, the relative position of the UK compared to other countries, and highlighting different ways of measuring this data (DCLG, 2015a; Birch, 2019). Nevertheless, the average size of new homes in England does appear to be smaller than across northern and western Europe (Dol and Haffner, 2010; Eurostat, 2020). The terms 'rabbit hutches' and 'shoeboxes' have been used to describe new housing in the UK (Birch, 2013; Osborne, 2018). Further, beyond averages, the extremes of small residential units created under 'permitted development' (PD) for the conversion of existing buildings to residential use – a planning deregulation introduced in England in 2013 – have been the focus of controversy. In response, the Town and Country Planning Association has launched a campaign calling for higher housing quality, including better space standards, in the UK (TCPA, 2019).

Space standards can be considered a design issue, with questions about the design of development having become a key concern for the planning system in the UK. It is now common for there to be policies in development plans and supplementary planning documents related to housing design, and for these issues to be considered as part of the case-by-case decision making process associated with the granting of planning permission in the UK. This system of development management seeks to address a range of issues and objectives, both explicitly and implicitly, which have evolved over time. Early ideas of public order, fire prevention, public health, free passage and maintenance of the highway have been supplemented by objectives to provide open space, protect from pollution, preserve the right to a quiet enjoyment of one's environment, and improve the appearance of buildings (Booth, 2003). Indeed, the post-World War II history of statutory planning has seen an increasing concern with design issues, in a system which is required to balance many competing demands.

Although, as we document later in the paper, concerns with space standards have a long history in England, the planning system has not until recently been the mechanism by which the government has sought to control it. Indeed, until recently, England was unusual in the European context for not having prescribed minimum floorspace requirements for new dwellings (Madeddu et al, 2015). Following increasing controversy surrounding this issue, and campaigns from a number of organisations (Gallent et al, 2010), the government introduced national minimum space standards in 2015 (DCLG, 2015b). These can, subject to certain circumstances, be adopted into planning policy by local authorities and thus become a matter for consideration when planning applications are being assessed in order to grant planning permission. At the same time, there has been a deregulation of planning control so that a substantial number of new dwellings are being created by converting commercial buildings without needing planning permission at all (Clifford et al, 2019). In these conversions taking place outside the remit of the planning system, local authorities have had no control over design issues (including space standards). Further extensions to the types of development which can be considered PD were recently introduced by the government (MHCLG, 2020a). There have also been proposals to extend PD even further as part of a radical reform which would increase such reduced-scrutiny, codified decision making in the planning system as opposed to the case-by-case discretionary approach characteristic of post-war development control in England (MHCLG, 2020b).

It therefore seems a timely juncture at which to consider the relationships between planning, regulation and space standards in England. Indeed, space standards must be understood not just as questions of design but also as questions of regulatory goals and approaches. This paper aims to position the current debates around space standards, and the role of regulation in securing housing quality, in their broader theoretical and historical contexts. In doing so, we argue that the current parallel emphasis on delivering better housing and design quality through existing regulatory mechanisms, sits uncomfortably with the drive towards deregulation of the planning system. The paper proceeds as follows. First, we explore the nature of regulation as a socio-political phenomenon shaped by underlying issues of ideology and value. Second, we review the debates surrounding space standards in general. Third, we describe the specific history of their public regulation in England as a way of illustrating temporal differentiation surrounding regulation of the same issue. Fourth, we draw on our own primary research into the impacts of PD to consider the way that issues of extremely poor space standards have come to particularly typify this deregulated approach to planning. We conclude by reflecting on the value of planning regulation in light of evidence of the generally poorer quality of housing delivered through deregulated PD.

Understanding regulation

Debates around space standards centre not only on how much space people need in their homes, but also on how that should be governed: issues of regulation. Traditional definitions point to the role of the state and invoke notions of command and control rules, for example McCarthy and Morling suggest that regulation can be “broadly defined as the imposition of rules by government, backed by the use of penalties that are intended specifically to modify the economic behaviour of individuals and firms in the private sector ... generally designed to correct market failures, to deliver public goods, or to achieve distributional objectives” (2015: 16). Similarly, Cooper suggests it is “control exercised by the state ... over certain activities in order to achieve public benefit or to avoid perceived disbenefits” which may include concerns for future generations (Cooper, 2010: 150; see also Chang, 1997). Even with such state-centric definitions, there is scope for debate over the relative roles of legislative measures (and their enforcement), economic incentives (such as taxes), and administrative measures such as licensing.

Black (2002) argues for a more decentred approach, however, considering the way that regulation can involve state actors setting rules and intervening in the economy and social life, but can also include the attempts of other actors to change the behaviour of individuals or groups or address particular problems. She concludes that “regulation is the sustained and focussed attempt to alter the behaviour of others according to defined standards or purposes with the intention of producing a broadly identified outcome or outcomes, which may involve mechanisms of standard-setting, information-gathering and behaviour-modification” (2002: 26). Braithwaite (2005) points to the role of self-regulation or voluntary approaches whereby governments rely on, for example, industry’s own codes of practice rather than intervention directly, which McCarthy and Morling (2015) find to be often unsuccessful in relation to protecting the natural environment.

Regulation is often understood to result from market failure, with externalities ubiquitous in modern society, which then lends legitimacy to attempts to regulate (Schuck, 1981). Less commonly than trying to tackle market failure, there may also be references to distributional aims (Black, 2002). The role of the state can be to influence, provide legal authority and/or provide regulatory apparatus. Politicians’ motivations for regulating can be multiple, including a desire for popularity with voters, a belief in furthering the public interest or in stimulating economic growth (McLean and Foster, 1992). Particular political philosophies will also play an important role, including the role of government and different models of public service delivery (Cooper, 2010). Indeed, the politics of regulation reflects notions of the good society; where the boundaries between the public and private, and between community

norm and individual freedom, should be, as well as more everyday factors such as political expediency (Schuck, 1981).

There is a “historical embeddedness of regulation in national political economies” (Lodge, 2008: 291), so that regulation must be understood “not only as *taking place within* particular models of society and governance prevalent at a particular time, but also as *taking their shape from the* philosophy of governance prevalent at the time” (Cooper, 2010: 147; emphasis in original). Cooper (2010) characterises attitudes to regulation in Britain as following the development of public administration from a period of minimal state intervention in the nineteenth century through a shift from traditional conservatism towards social reformism in the early twentieth century, followed by the welfare state era (1945-80) and the ‘plural state’ since. Chang (1997) also characterises the way that views of the efficacy and desirability of state intervention have shifted over time, calling the period after World War II the ‘age of regulation’ marked by a swing against the previous laissez-faire approach, followed by an age of transition in the 1970s when theories of rent-seeking and regulatory capture began to take hold, followed (broadly) by an age of deregulation from the 1980s onwards, with particular intellectual positions gaining currency at different stages. In addition to these broad timelines, Moran (2010) also highlights a ‘new age of social regulation’ in the 1960s.

As well as these broad trends, there are also regulation-specific temporalities as there is a tendency for pressure and support for regulations to decline if they work (Vogel, 2003). Regulation, then, is inherently socio-political, linked to institutional structures, political cultures and historical trajectories (Moran, 2010). We now turn to consider debates around space standards in general and the treatment of this issue over time within the national context of England.

Debates surrounding space standards in principle

Debates around space standards are long-standing, and international. In the 1970s, Turner (1972: 152) claimed that “the great majority of countries ... accept a minimum space standard of ten square metres per person”, which he believes “derives from a middle-class sense of what is minimally permissible” (1972: 152). HATC (2006) note that space standards are common across Europe, albeit often dealt with through the equivalent of Building Regulations as opposed to the equivalent of planning permission in the UK (albeit in some other national contexts these two processes are more integrated, particularly in countries without discretionary planning systems where both planning and building permits are more administrative questions of compliance with pre-set rules). Indeed, it is usual in continental

Europe to market dwellings by their size in square metres as opposed to the number of bedrooms (as is normal in the UK) which may reinforce more generous average space standards.

A lack of sufficient space within the home is widely seen as problematic. There is some evidence that larger housing, ensured through space standards, can improve the (physical and mental) health and wellbeing of residents (Usborne, 2018; Drury, 2008). In extreme cases, housing may be so tiny that it would be considered overcrowding for even a single inhabitant, whilst in other cases a lack of ability to control post-development occupancy can mean that smaller housing becomes occupied by more people than it was designed for and thus overcrowded. Such overcrowded housing can cause physical and mental illnesses such as asthma and depression. This can be related to the family tension caused by a lack of play and study space for children, and workspace in general (HATC, 2006; Carmona et al, 2010). Sufficient space to segregate different household activities can reduce stress and the claustrophobia often experienced in small dwellings, allow the privacy often linked to notions of quality of life, and allow social activities to take place in the home (Morgan and Cruikshank, 2014). Housing that is too small has been linked to domestic unrest and family breakdown and poor health (Oseland and Donald, 1993). The issue has been particularly linked to the physical, emotional and psychological development of children, who need sufficient space to grow-up in peace and dignity (Kothari et al, 2006).

The Future Homes Commission (2012) argued “The design of our homes contributes to the happiness of our lives, the success of our relationships and the education of our children, yet it is rarely discussed” (in Garton et al, 2017: 2). About a third of UK householders do not think they have sufficient space within their dwelling, often particularly linked to sufficient storage space, space for furniture and space in which to socialise (Morgan and Cruikshank, 2014). As the UK Government has acknowledged, “space standards are seen as a way of ensuring that there is sufficient room to carry out normal daily activities, socialise with family and friends, work from home or study in private and provide storage for general household goods and personal belongings” (DCLG, 2013a: 31).

In addition to health and wellbeing issues, there is some evidence of a link between housing quality and a community’s sense of pride in their neighbourhood, anti-social behaviour and crime, and property values (CABE, 2010, in Garton et al, 2017). Small housing can hamper the realisation of social ties within a community (Terminski, 2012). Space standards are thus often linked to a notion of ‘decency’ in housing (Madeddu et al, 2015). Larger space standards can also help provide additional flexibility and adaptability over the life of a building and thus improve environmental sustainability (HATC, 2006; Carmona et al, 2010).

There is also a Human Rights angle to space standards. The right to adequate housing has strong legal foundations in international law, originating with the 1948 Universal Declaration of Human Rights, which states under Article 25 that “everyone has the right to a standard of living adequate for the health and well-being of himself and his family” (Kothari et al, 2006: 10). The work of the UN Committee on Economic, Social and Cultural Rights has focussed on housing rights and ensuring that “housing policies do not discriminate against particular sections of society or affect their ability to lead full and satisfying lives” (Leckie, 1989: 532). A 1991 UN definition of the right to adequate housing included notions of habitability, which is widely understood to include providing sufficient space for the mental and physical health of occupiers (Thiele, 2002; Ibem and Alagbe, 2015). Such rights over adequate housing in turn interact with other human rights, such as those for a private life, a family life, notions of human dignity, and are seen as particularly important for children and disabled people who may be vulnerable in relation to their housing situation, over which they may not have full control (Kothari et al, 2006; Terminski, 2012).

Despite the multiple rationales in favour of sufficient space standards, there is some debate about the benefits of taking a regulatory approach: “The degree to which space standards should be developed or mandated is hotly contested and views for and against are very polarised” (DCLG, 2013a: 29). There has been an antipathy to space standards from most housebuilders (Drury, 2008), some of whom have argued that larger dwellings are more costly, thus affecting house prices and affordability (Gallent et al, 2010). Many architects have been hostile to perceived regulatory burdens, arguing flexibility can allow more design innovation which may then contribute to housing quality (Madeddu et al, 2015). Indeed, some developers in London have recently been developing niche housing products that are marketed as more affordable because they are small, but with the argument that the small size is offset by higher quality design. There is also a cultural context to space standards, with perceptions around need varying on age, gender, culture, levels of occupancy of housing and occupant behaviour (Morgan and Cruikshank, 2014 cf Gordon, 2014). Individuals tend to evaluate the adequacy of their housing environment based on their own expectations, and the degree to which housing can contribute to the attainment of occupants’ needs, goals and aspirations (Ibem and Alagbe, 2015). The robustness of some of the evidence of the harm caused by insufficient space has been questioned on the basis of difficulties disentangling the impact of the multiple deprivations often suffered by those living in overcrowded conditions (Carr, 2017).

That such debate exists reflects much broader ideological concerns about government regulation. The particular views in England as to the necessity of minimum space standards, and the potential benefits

of them, are however, closely linked to the particular history around this issue in the UK. As Gallent et al (2010: 6) argue, “regulation shares a complex relationship with the social processes and the lifestyles that characterise different societies”. They highlight, for example, the way that traditionally growing families in the UK might be more likely to move from the inner city to the suburbs than those in continental Europe, so being less concerned about floorspace in urban apartments. We therefore turn now to consider the particular history around the issue in England.

A brief history of space standards in England

Victorian urbanism and bylaw approaches

Much of the debate about housing quality and its relationship to regulation reflects the experience of urban development and life in the largely laissez-faire, unregulated early industrial period in the UK: poor quality, cramped and overcrowded housing led to excessive mortality and health epidemics in Victorian England (Hole, 1965). Without regulation, what Peter Hall (2002) refers to as ‘the city of the dreadful night’ was being developed. Throughout the nineteenth century, campaigners sought to reform such low-quality housing. Debate responded to concerns about the health (particularly around the spread of diseases such as cholera documented in the Chadwick Report of 1842) and moral implications of poor-quality housing, implying that significant benefits would accrue from regulation (Carmona et al, 2010; Gallent et al, 2010; Carr, 2017). Over time, space standards were suggested for hospitals, barracks, prisons, workhouses and lodging houses based on perceptions about air circulation (Hole, 1965).

During this period, better housing standards were encouraged through exemplar – i.e. the development of ‘model dwellings’ and ‘model villages’ by housing reformers and philanthropists - rather than enforced through regulation. This changed somewhat following the Public Health Act 1875, which codified various measures to try and combat urban slums. This Act marks the beginning of recognition of the right of individuals to a reasonably healthy environment in their dwelling and the idea of government specifying certain minimum standards to support that (Hole, 1965). It required local authorities to develop bylaws to govern new housing development, with the Local Government Board producing model bylaws which local authorities could either adopt or adapt. This provided for un-built space at the rear of each house and other measures such as the spacing of housing but the focus on the spaces in between buildings rather than their internal spaces reflected a greater emphasis on sanitising the visible, public urban environment than the inside of homes (Gallent et al, 2010).

These bylaws did not include space standards governing or suggesting the size of dwellings but the 1875 Act was instrumental in embedding an idea of regulation to govern private development in pursuit of better housing quality. It also sees the emergence of statutory powers to deal with overcrowding. This refers less to the general overall size of dwelling, but instead to the space available to each inhabitant for sleeping within a dwelling. There has been an evolution from the 1875 Act through to the Housing Act 1985, with a concern to ensure minimum space per person based on the risk of airborne transmitted infection rather than psychological wellbeing (Oseland and Donald, 1993; Carr, 2017). The 1875 Act was introduced as part of a range of social reforms pursued by Home Secretary Richard Cross under Disraeli's government. It reflects the so-called Victorian 'revolution in government' whereby a laissez-fair approach to economic life was accompanied by an increasingly patrician idea of the state intervening in the social sphere and the development of the administrative state as the nineteenth century progressed (Vernon, 2017). Regulation here applied to private built housing (since this pre-dates any meaningful public housebuilding) but was limited in scope.

Tudor Walters

Although the bylaw governed terraced housing was in some ways better than earlier development, overcrowding and issues with housing standards remained common into the early twentieth century. With architect-planner, Raymond Unwin, writing his pamphlet *Nothing Gained by Overcrowding* in 1912, the Local Government Board recommended standards for working class 'cottages' which included model plans with suggested floorspaces (Park, 2017).

During the first World War, concerns about the fitness of soldiers in the British Army and potential social unrest as demobbed soldiers returned home, led to government intervention into housing conditions. This policy stream became known as the 'Homes [fit] for Heroes' initiative, named by then Prime Minister David Lloyd George. As part of this, architect and Liberal Party politician Sir John Tudor Walters was asked in 1917 to chair a committee which would work to influence general standards of housing. Raymond Unwin was a member of the committee (Park, 2017). Reporting in November 1918, the Tudor Walters committee made a number of recommendations including 'garden city' standards of house design, layout, circulation and environment (Manoochehri, 2009). The report suggested minimum space standards for various model 'types' of house, for example three-bedroom houses with houses with parlours coming to 98m² and without to 79.4m² (Park, 2017).

Following the report, the Housing Act 1919 (often referred to as the 'Addison Act' after the Minister of Health who sponsored it) was passed. Under this, local authorities were required to build housing with subsidies from central government. All houses built were required to conform to Tudor Walters'

standards. The standards only applied to publicly subsidised housing, and there is some evidence of poor-quality private housing being built during this period (Manoochehri, 2009). The idea of space standards was, however, now firmly established, at least for public housing. We can understand this approach as reflective of the wider emergence of a new social contract between the state and those citizens who had fought to defend it during World War I, with the emergence of notions of housing as a social service and social problems, such as slum-dwelling, seen increasingly as domains for greater government action (Vernon, 2017). Regulation here was primarily achieved through compliance required for access to public funds to support housebuilding.

Dudley Committee

Another World War saw the next significant development in the UK history of space standards. During World War II, the Coalition government asked Conservative politician and peer, Lord Dudley, to chair a committee to examine the design, layout and standards of dwellings. Their recommendations formed the basis of the 'Housing Manual' published in 1944. Considering room size and circulation space, the Dudley Committee recommended a minimum of 83.6m² for a three-bedroom house (Manoochehri, 2009). Further recommendations were made around the design, planning and standards of construction of dwelling as well as their layout (Milner and Madigan, 2004). This report followed the Beveridge Report of 1942, which included discussion of the need for better housing to tackle 'squalor' and was seen as foundational to the emerging new social democratic settlement (Vernon, 2017).

The immediate post-war period under a Labour government saw an increase in the size of the average council house built. Arguing why the government should focus on quality, not just the quantity of dwellings delivered, the then Minister of Health, Aneurin Bevan, said: "while we shall be judged for a year or two by the number of houses we build, we shall be judged in ten years' time by the type of houses we build" (Bevan, 1946 quoted in Manoochehri, 2009: 40). Bevan had apparently been influenced by the planner Patrick Abercrombie into believing technical planning approaches would help improve the biological and psychological wellbeing of the community (Vernon, 2017).

An updated Housing Manual was issued in 1949, in which the Ministry of Housing and Local Government noted that application of the 1944 standards had already led to improvements in the quality of housing compared to the pre-war period and that local authority housing schemes built to these standards "set an example in terms of accommodation and construction, in siting and grouping" (MHLG 1949 in HTAC, 2006: 100). The 1949 manual had the most generous standards to date, reflecting a notion that high standards were the right thing to do as part of a wider welfare state's aim

to improve people's lives (Gallent et al, 2010). Regulation was achieved through clear rule sets for public housing, in an era when that constituted a large and growing proportion of new builds.

Parker Morris

When the Conservative Party came to power in 1951, political priority and attention shifted towards the delivery of housing quantity, with less emphasis on quality, resulting in a slight reduction in average house sizes in new builds (Carmona et al, 2010). This led to the issue of housing standards rising up the political agenda again, with the Harold Macmillan government asking Sir Parker Morris, Town Clerk of Westminster, to chair a committee to investigate the issue. The committee's 1961 report, *Homes for Today and Tomorrow*, concluded that social housing quality needed to be improved to match rising living standards. Central to this was a concept that housing needed a particular amount of space to enable people to live a decent life. The space standards recommended in the report were calculated practically following an examination of typical furniture size and observations of how people lived their lives and used the space in their homes (Oseland and Donald, 1993; Drury, 2008). In this it took an anthropometric study approach, linking space to the utility and usability of homes (Madeddu et al, 2015). A defence of the minimum space standards specified in the report noted that: "additional space is also an important long-term investment, for if a house or flat is large enough it can usually be brought up-to-date as it gets older; but if there is not enough space improvements can be impossible, or at least unduly expensive" (HMSO, 1961 in Manoochehri, 2009: 54). Parker Morris suggested 32.5m² for a one person flat, 45.5m² for a two-person flat and 57.8m² for a three-person flat (including storage space) (HTAC, 2006).

Parker Morris focussed on internal standards, as opposed to some of the wider place-making, design and construction principles in the Tudor Walters standards. However, the internal standards specified were more sophisticated, with Parker Morris focussing on the minimum floorspace for rooms and dwellings as a whole, rather than the number of rooms per dwelling as per the Tudor Walters' standards (HATC, 2006). Rather than just providing shelter, housing's role in providing space to socialise, eat, seek privacy, and come together as a family was acknowledged and, as such, sufficient overall floorspace to conduct these came to be seen as a dimension of housing quality (Madeddu et al, 2015).

The 'Parker Morris standards' were set out in the Ministry of Housing's 1963 *Design Bulletin 6 – Space in the Home*. In 1967, under Harold Wilson's government, these standards became mandatory for housing built by new town corporations and, in 1969, for all housing built by local authorities. Although only mandatory for publicly funded housing development, the Parker Morris report commented that

the standards should also apply to private housing: the “standards produced higher quality dwellings and significantly were deemed by Sir Parker Morris to be universally applicable and not limited to social housing” (Manoochehri, 2009: 14). That said, there was no recommendation that the standards should be forced on the private sector, rather that they should be encouraged (Carmona et al, 2010). The standards reflected a belief in scientific rationality in their development and social democracy in their application, reflecting the era’s turn to new areas of social regulation (Moran, 2010) and belief in the role of the state as leading housing development directly.

The Parker Morris standards stopped being compulsory for new social housing following the Local Government, Planning and Land Act 1980, part of the Thatcher government’s deregulatory drive which saw a significant shift in the political rationalities governing housing (Carr, 2017). This reflected a political shift to the right with a greater belief in the value of free markets and personal responsibility instead of so-called welfare dependency (Vernon, 2017). With no regulatory space standards for social housing, and by extension no guide for private developments, several studies suggest a reduction in space standards through the 1980s, with unit size shrinking more in the private sector compared to housing association developed dwellings (Radif, 1995 in Manoochehri, 2009). The National Housing Federation (an industry body) issued a guide to standards and quality in 1988 but really “it did little more than highlight the cataclysmic drop in standards: it noted, for example, that bedrooms should be large enough to accommodate a bed” (Gallent et al, 2010: 17). Some voluntary guidance was provided by the Building Research Establishment’s Housing Design Handbook published in 1993 and the National Housing Federation’s Guide to Standards & Quality published in 1998 (Manoochehri, 2009).

National space standards

By the early twenty-first century, the lack of any regulation on space standards since the 1980s, the decline in public sector housebuilding and a view that there had been a “failure of self-regulation on the part of the majority of private house-builders” (Milner and Madigan, 2004: 735), led to increasing concern over the size of new housing in the UK (Gallent et al, 2010). A comparative perspective on space standards – with the UK performing poorly against other European nations – began to bring some political pressure around the topic. In addition, research found half of residents of new built housing in London and the South East were dissatisfied with the space in their home (Drury, 2008).

Under London’s Mayor Ken Livingstone, a new study on space standards was commissioned by consultants. The study (HATC, 2006) concluded that space standards could be enforceable through the planning system if introduced in policy and then considered during application determination. The 2011 London Plan then included suggested space standards for all new housing, both public and

private. The plan called for the London boroughs' local plans to incorporate these standards and to ensure that new development reflects them, commenting that: "the cumulative effect of poor-quality homes, and the citywide benefits improved standards would bring, mean this is a strategic issue" (GLA, 2011: 87).

Around the same time, a report commissioned for government design group CABI noted that the UK (with an arguable exception in Scotland) was unique in the EU in not having minimum space standards through regulation and concluded that, "The benefits [of space standards] are equal between the public and private sectors, suggesting the need for common standards of the type found elsewhere in Europe may now be the way to go" (Carmona et al, 2010: 14). A RIBA report from 2011 then expressed concern about the health and social costs of small houses (Madeddu et al, 2015). Central government action did eventually follow: with the Coalition government launching a consultation on a wide 'housing standards review' in 2013 with then Secretary of State, Eric Pickles, promising to end 'rabbit hutch' homes (Birch, 2013).

The housing standards review led to a national consultation on space standards (DCLG, 2013a). This noted concerns that larger homes could lead to higher construction costs, lower affordability and the need for greater land take for a given number of new units. It suggested that leaving each local authority to adopt their own standards could lead to complexity for large developers, given their preference for standard design types across the country. It further commented that "large parts of the home building industry take the view that market forces function effectively in ensuring that essential consumer interests are well served and there is little evidence of new private sector housing failing, or proving unsustainable, on grounds of insufficient internal space" (DCLG, 2013a: 33). Indeed, the government commented that they would prefer a market-led, voluntary mechanism around space standards (DCLG, 2013a). However, such voluntary approaches do not seem to have worked well: as Carmona et al (2010: 13) comment, "the experience in the UK had been that private enterprise has [seemed] to be incapable of delivering decent quality homes to working class households ... and the UK has come to build the smallest home sizes in Europe as a result". Similarly, Morgan and Cruikshank comment that "the [then] current lack of regulation is often cited as a reason that larger homes are not built" (2014: 712).

At the end of this consultation, the government noted responses from developers tended to object to the proposed standards, arguing the size of homes should be left to the market (DCLG, 2015c), but it did opt to suggest national minimum space standards for all housing. These 'nationally described space standards' (NDSS) were to be implemented through the planning system, but this was to be done

through the slightly convoluted route of national standards being available to authorities to implement via inclusion as policies in their local plans “if a local need can be established and provided overall development viability is not jeopardized” (DCLG, 2015c: 4). RIBA have called this “an unnecessarily complex, costly, time-consuming and confusing process” (2015: 3). The viability requirement is also evidence of central government’s concern with the impact of regulation on the economics of development (Madeddu et al, 2015). Carr argues these space standards are described, rather than prescribed, and so still differ from the norm in the rest of the EU, but their introduction does at least represent some “tacit acknowledgement of a need for regulation” (2017: 164).

The suggested NDSS are the same as those in the 2011 London Plan: 39m² for a one bedroom, one person flat (and 37m² if a shower-room is provided instead of a bathroom), 50m² for a one bedroom, two person flat, and so on. A two-storey, three-bedroom house intended for four people to live in should be a minimum of 84m² and one for six people a minimum of 102m²(DCLG, 2015b). An increasing number of authorities across England have adopted these space standards in their local plans (although a single list of who has adopted them is not maintained by central government). It is interesting that the standards were introduced via discretionary planning rather than codified building regulations, opening-up space for professional judgement on their application. That in itself may have been an objective for government (good quality design smaller than the standard could still be deemed acceptable) or it may have been more to do with the ability to impose a viability requirement to their adoption which was possible via the planning but not building control route. Either way, the standards are opposed by market fundamentalists (for example Breach, 2020). Furthermore, a different initiative from the same government undermines this increasing move toward space standard regulation, to which we now turn our attention.

Permitted development, anti-planning and space standards

In 2013, as well as announcing the housing standards review, the government also announced significant extensions to development that could be delivered without the need for full planning permission. Such PD has existed throughout the post-war history of the comprehensive statutory planning system in the UK but had previously usually applied to things like small temporary structures and minor extensions to existing houses. From 2013, however, it became possible in England to create new homes by changing the use of certain buildings, notably offices, without the need for planning permission. Office-to-residential conversions are now governed through a reduced scrutiny ‘prior approval’ process where the local planning authority can only look at a small number of factors in a limited time, and cannot look at things like the principle of development or design of the conversion.

Extrapolating from government statistics on net additional dwellings, we can estimate about 55,000 units were delivered through office-to-residential conversion from May 2013 to April 2018, representing nearly 7% of all new dwellings delivered across England over that period (MHCLG, 2019).

This policy was introduced by a government ideologically opposed to regulation, a government which introduced a 'one-in, two-out' rule for new regulation and whose leader famously called planners 'the enemies of enterprise' (Cameron, 2011; HM Government, 2015). This government also appointed a minister responsible for getting more houses built who thought the way to do so was to 'put a bomb under' the planning system: reflecting on his time as a Minister, he commented that,

"there were some other measures, particularly in relation to permitted development rights, where the Treasury and the Chancellor were trying to get some major change through for a long time and kept on being blocked ... So they thought they'd put me in there to sort of 'put a bomb under it' ... Our view was that actually, planners over-manage and over-control ... You need something as bold as a permitted development right that just says it's okay automatically to get stuff done." (Boles, 2017: online).

Such a sceptical view of planning regulation as unproductive red-tape was evidenced in the impact assessment produced alongside the making of office-to-residential change of use PD, which suggested the planning system was a key reason there would be vacant offices when there is demand for housing and that "in the absence of controls the market would allocate land according to its most valuable use reflecting the underlying demand" (DCLG, 2013b: 5). In addition, it claimed conversions in unsuitable locations, such as industrial estates, were unlikely as developers would find such sites unattractive (given the apparent discipline of the market). There is no mention of space standards or housing quality in the impact assessment, and the only mention of design is in relation to the savings that developers could achieve by not having to work-up the full design details and enter into negotiations over these as happens through the process of seeking planning permission (DCLG, 2013b).

We studied the impacts of this policy, taking a case study approach that involved visiting every building with prior approval for office-to-residential conversion granted 2013-17 in five case study local authorities with high rates of conversions (Camden and Croydon (in London), Leeds, Leicester and Reading). We also visited a comparative sample of office-to-residential conversions which had been approved by full planning permission in these five authorities and also in Glasgow (the deregulation not having been implemented in Scotland, due to planning being a devolved matter). In total we visited 568 buildings. We also interviewed 30 stakeholders (planners, politicians, community groups, developers and their agents) from case study locales on their views and experiences of the policy. Further details are provided in Clifford et al (2018).

Our analysis, and that of others who have also studied the impacts of this deregulation (for example Holman et al, 2017; Remøy and Street, 2018) showed that PD was having a range of different consequences, most of them negative. It was the decline in space standards, however, which were most striking. Across all case studies, we found that just 30% of the units delivered under office-to-residential PD met the suggested national space standards compared to 94% of the units delivered under planning permission. It was also notable that most of the planning permission units which were smaller than the standards usually had some compensating factor (for example access to amenity space) and/or were only just below the standards. It was not unusual, however, for the PD units to be significantly smaller, for example a studio flat of 15m² against the suggested 37m² minimum.¹

In addition to these arguably shocking overall statistics, our case studies provided some further detail on what this looks like in individual schemes. In the case of 3 Church Road, Croydon, there were four prior approvals for the same building, with the final one being implemented. Under the first prior approval in 2013, the developer proposed converting the office building into nine flats, each slightly larger than national space standards. Via a 2014 scheme to convert into 28 flats, by 2015 we have a scheme to convert to 32 studio flats of 16-22m² each and no compensatory external storage or amenity space (like a balcony, roof terrace or garden). It was not uncommon to find schemes with several prior approvals, with more units each time. It is almost as if developers could not quite believe what they could get away with and were testing the new deregulated system with ever more cramped schemes over time. Several of the units in 3 Church Road are also in the basement, with extremely poor levels of natural light adding to the poor quality associated with their very small size (see Wall, 2019).

In the case of 410 Brighton Road, Croydon, we see that tiny units can be provided in small conversions: this small 1980s business park office building was converted into 6 units, none meeting national space standards and including a studio flat with a total floorspace of just 15m² (including the shower room area). A resident of this conversion told us that it was 'just somewhere to live', that circumstances had forced them to occupy it, and that it was 'really, really tiny'. In the case of St Giles's House, Reading, we see that tiny units can similarly be provided in large conversions: this substantial 1990s office building was converted to 89 studio flats, generally about 22-25m² but some as small as 19m² total floorspace. It thus seems less about total building floorspace governing unit size, and more a calculation of the maximum number of units that can be crammed in.

¹ Further research, published just as we were finishing this paper, found across 11 case study local authorities that just 22% of PD units would meet national space standards (see Clifford et al, 2020)

At Green Dragon House, again in Croydon, another substantial former office building is now 111 housing units, none of which meet the suggested national space standards. The one-bedroom units are generally 26-35m² each and the two-bedroom units 37-47m². The developer told us that they would not go below 25m² as these were units for market sale and apparently banks would not offer mortgages for smaller properties, considering them sub-standard housing. This suggests that despite HATC (2006) commenting that mortgage lending had not been a constraint on space standards in the UK, it has been (perhaps in 2006 nobody considered such small units would be possible). Of course, this only applies in schemes for sale, with the even smaller flats usually being privately rented or used for local authority temporary housing.

75 London Road, in Leicester, demonstrates how planning regulation has been able to influence space standards even before the 2015 national standards, and how this was undermined through the PD deregulation. In this case, the developer initially applied to convert the building through full planning permission (before the deregulation). This was refused, with the scheme including a studio flat of 25m² and another flat with a basement bedroom. The local authority refusal notice stated the proposal would be contrary to a local plan policy that required new build and conversion flats to create a “satisfactory living environment” so that “the residential accommodation ... [provides] a satisfactory standard both inside and outside the property” (Leicester City Council, 2006: 104-105). This broad policy does (adopted years before the national space standards) seem to have offer scope to account for space standards in decision-making in planning regulation. Many other local plans will have contained similar policies which have doubtless prevented the tiny units being seen through PD conversions, either by direct use in decision-making or by signalling to developers that the local planning authority cared about residential quality. At 75 London Road, however, the introduction of PD allowed the developer to submit the identical scheme as had been refused for conversion under planning permission for prior approval and it has now been implemented.

The final case to consider here is Parker Tower, in Camden. As this 1960s office building was in an area exempt from the government’s deregulation (a very small number of areas managed to secure an exemption from the extension to PD in 2013 to protect strategic office stock in parts of 17 local authorities across England), the developer needed full planning permission to convert to residential use in 2014. All 53 units meet NDSS, and the planning officer report specifically discusses this. By such explicit policies in the local plan around space standards, it becomes a specified feature of decision-making through planning regulation.



Figure 1: Comparison between the smallest one-person studio in Newbury House and a one bed flat that complies with the NDSS (Source: Levitt Bernstein, 2019)

There has been a growing scandal around PD, with one newspaper article headlined “As small as 13 sq metres: are these the worst new flats in Britain?” (Jones, 2018: online) [discussing a conversion in East London] and a BBC news article – headed “Inside Harlow’s office block ‘human warehouse’ housing” (Sturdy and Precey, 2019: online) – noting a rise in crime and anti-social behaviour associated with another PD conversion. In this media coverage, the small size of the homes and the various consequences of this feature centrally. Further research has found a large quantum of tiny housing being created in PD schemes (Clifford, 2019; Clifford et al, 2020). A document from Levitt Bernstein (2019) argues that the government should scrap this PD precisely because of the small sized units which have been common under the policy. A diagram from the document, reproduced here as Figure 1, powerfully demonstrates the difference between a 13m² and a 37m² one person flat in terms of the furniture which can be fitted in. The utility of a tiny studio flat is shown to be very minimal.

Making office-to-residential conversion PD represents a form of ‘anti-planning’ where, despite central government pronouncements about the importance of delivering high quality housing, local authorities are prevented from managing this. The apparent belief in the strength of the market to prevent poor quality housing, as expressed in the 2013 impact assessment, has been proven to be naïve in practice, and more than one of the stakeholders we interviewed called these PD conversions the ‘slums of the future’. The government had no particular view as to who PD units would be for, leaving this to the market, but our own research suggests poorer quality homes tended to be occupied by those privately renting or placed there as temporary housing, and it is in these situations, where people are often highly constrained in the housing options open to them, that overcrowding appears

particularly relevant. The implementation of this deregulation has taken place in the context of little consideration by central government of alternatives to increase supply, such as a widespread increase in state housebuilding (with appropriate funding), or the management of demand (Gallent et al, 2017). The drive to deregulate planning is reflective of what Block and Somers (2014), drawing on the work of Polanyi, describe as a 'market fundamentalism' whereby government regulation is seen as misguided interference despite the socially destructive effects that can result from such a marketized utopia.

Conclusions: (de)regulation and achieving planning's objectives

The attention paid to space standards has waxed and waned in the UK since the nineteenth century. It has, however, been the subject of some sort of regulation since at least 1912 (taking the broader understandings of the term discussed earlier). Government has used a spectrum of regulatory tools including providing model designs and suggested standards in guidance, through requiring compliance with minimum standards to receive funding for public housing, to hoping that higher public housing standards would influence private standards (at a time public housing comprised a significant component of new supply). For many years in the twentieth century, standards were increased through state-landlordism and as an explicit requirement for public subsidy for housebuilding (Gallent et al, 2010). More recently, an explicit policy to incorporate space standards into planning policy and thus decision-making has emerged.

There continue to be debates about how best to secure good sized dwellings in the UK, with suggestion that even the current planning approach is too soft, open to local interpretation, variation and challenge through our discretionary planning system (or able to be circumvented altogether through PD) and that a better approach might make space standards an absolute requirement for all new residential development through building regulations (Park, 2017). This would, however, then reduce the flexibility which might, in some cases, allow innovative design to deliver higher quality in slightly smaller spaces. Perhaps, then, the tradition of discretionary and negotiated decision-making on a case-by-case basis typical of British development management could have a 'glorious role' (Booth, 2003) to play in space standards, if unnecessary restrictions on implementing the standards into local planning policy were removed, and if all development creating new housing actually needed planning permission (see, however, Harris and Nowicki (2020) for a discussion of micro housing allowed through the planning system). Unfortunately, the planning reform proposals published whilst this article was under preparation suggest a moving away from discretionary and negotiated decision-making whilst not actually suggesting space standards become a codified requirement, a potential worst of all worlds

(MHCLG, 2020b), albeit on the day of an opposition called vote in the House of Commons on PD in which there were fears of a backbench rebellion potentially removing the government's majority, there was an announcement that (at some as yet unspecified point) in future, PD conversions will need to comply with NDSS (MHCLG, 2020c).

Our approach to space standards is reflective of much broader concerns in society, and ultimately comes back to questions of ideology and value: what do we think constitutes the 'good life', what is its relationship to the built environment, and how do we think this is best achieved. Particular forms of regulation make assumptions about human nature and must themselves be understood through the political rationalities in which they are situated. We might ask whether the market should be left alone to determine the design of housing or if the state has a role, particularly in specifying minimums? In general, the approaches taken to managing space standards in England take their shape from the philosophies of governance present at the time, as Cooper (2010) found in reviewing heritage regulation. There is also an interesting symmetry between the Victorian bylaw approach and the 2015 national space standards, in taking a more universal control approach, with the intervening twentieth century dominated instead by considerable public sector housebuilding governed by standards and an absence of private sector controls. The echoes between Victorian laissez faire liberalism and its contemporary neoliberal equivalent are not exact – for example, Vernon (2017) argues our neoliberal present is even more impactful on social and political life – but they are present: Block and Somers (2014) highlight the market fundamentalism of both eras, underpinned by the same stark utopian logics of the unconstrained market.

Through regulatory implications, this market fundamentalism has important implications for the built environment. The evidence from the laissez faire approach prevalent during the rapid urbanisation of the early Victorian era, but also represented again through the recent PD policy in England, suggests that an unregulated private sector will deliver some extremely poor-quality housing, characterised by its very small size. Although the planning system in England has not managed to raise average house sizes to be comparable to EU averages, it has – through its implicit focus on design issues and policies around acceptable residential quality – managed to usually prevent extremes of unacceptably tiny housing. This paper has provided evidence of what can happen to housing quality and space standards in the absence of planning regulation, through reviewing case studies of housing developed through the PD route post-2013. This deregulation reflects a wider capturing of housing policy by the logics of neoliberalism since the 1980s, with housing reconfigured as a consumer good and investment asset rather than a basic human need, for which the state should assume responsibility for ensuring a decent and affordable supply (Carr, 2017). The reliance on self-regulation has merely served to further

exemplify how dysfunctional the housing market is, with market failure in relation to space standards evident.

Space standards are not the only feature of housing design which matter but must surely be a high priority for any adequate system of regulation for the built environment. There is a long history of the idea that space standards are linked to the very notion of being socially progressive (Carr, 2017). A decade ago, it was common to call for planning to be 'more visionary, less regulatory', and whilst a proactive, engaging planning system seems desirable, this cannot be at the cost of its ability to actually enforce acceptable minimum standards. Regulation can be viewed as a moral imperative, offering a legal means to try to ensure the good of the public (Ben-Joseph, 2005 in Madeddu et al, 2015). The appalling space standards which typify housing created under PD in England means we do not see homes in which people can actually lead decent lives. A neoliberal ideology of deregulation demonstrably fails to deliver the housing that society should rightly require.

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