



Credibility without legitimacy? Informal development in the highly regulated context of the United Kingdom

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ABSTRACT

As the first contribution in this Special Issue's section on "informality in developed contexts", this paper explores notions of legality, legitimacy and credibility in the United Kingdom (UK). By drawing on credibility theory, the paper analyses two examples of informal development, the 'Plotlands' and Low Impact Development (LID); historic and contemporary respectively, the paper demonstrates that even within a context of extensive government control and relatively well funded state planning apparatus, informal development occurs. Moreover, even here, this informal development can carry credibility, problematizing notions of legitimacy because they are outside of the state sanctioned boundaries of acceptable development. This in turn raises questions about the ways in which the state defines and polices what it considers legitimate development. Not only can both Plotlands and LID claim credibility through their temporal and spatial persistence- through their function not form- they can make claims about the value of the way of life they are promoting. Both examples actively articulate ideas of self-reliance and sufficiency against discourses of urbanisation and the centralisation of regulation and control of land use. In so doing, they challenge the assumed universal legitimacy of a benevolent state and its power to render such developments and lifestyles illegitimate.

1. Introduction

In a highly regulated, highly developed context; issues of informality are rarely noticed, let alone discussed. However, by exploring developments which are on the fringes of legality in such contexts, it is possible to re-examine many of the norms and assumptions inherent within the system. Specifically, this will be explored here through a consideration of the UK context; focusing on two forms of developments which have primarily manifested themselves in different periods of history, and as such exist within different regulatory constructs, but have a related narrative.

The first of these is the 'Plotlands' in England, a phenomenon observed during the period following the First World War where a diversity of social, economic, and political change led to a scale of development in rural areas which was previously unknown and therefore deemed highly threatening by many commentators of the time. These developments caused much outcry and can be seen influencing the establishment of the UK's post-war planning legislation. Specifically, it brought to light the notion that regulation was needed beyond just urban areas – that development in the countryside was also something which the state should have a role in controlling because of the negative impacts assumed to emerge from unregulated development.

The second example is that of contemporary 'off-grid', or Low-Impact development (LID). Usually self-built dwellings, constructed from either recycled materials such as disused tyres, or renewable materials such as wood, LIDs have emerged in the UK since the mid-1990s (Scott, 2001). They remain largely under-researched, but work of Sager (2018) and Hannis (2011) provide some interesting discussions relating to this. Directly positioned as an alternative to mainstream development and urbanisation, examples include larger scale 'intentional communities', as well as isolated individual dwellings.

Although there are many differences between the two cases, which will be explored in this paper, they both can be seen as credible informal alternatives to mainstream notions of acceptable development in a highly formalised context. This in turn raises questions about the credibility of state-led discourses, and the regulatory system it has created.

This paper specifically explores the relationship between legitimacy and credibility in the context of development which falls outside of the scope of state sanctioned development in highly regulated global North contexts. As Ho (2020) notes in his introduction to this special issue, there is much complexity and imprecision over the terms and debates in this area. Moreover, there is a degree of uniqueness in the arguments of this paper because of the nature of the UK legal and regulatory

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constructs. It is important to clarify firstly what this means and secondly how we will then proceed to use terms emerging from this in our following argument.

In most international contexts, planning operates on the basis of legality in the first instance as a defining characteristic; development is illegal or legal. In the UK, illegality only occurs in certain and particular circumstances. As defined in section 171A of the Town and Country Planning Act 1990, the carrying out of development without the required planning permission is not in itself illegal, only a breach of planning. Illegality only occurs subsequently if, and only if, certain enforcement action is pursued and not adhered to, for example, failing to comply with the requirements of an Enforcement Notice or Court Injunction. Development can therefore occur and not be illegal, only extra-legal. In the UK context this phenomenon is referred to as 'unauthorised', which is to be without approval/permission but not having reached a status of illegality. In the UK, development can therefore be defined as unauthorised and not illegal, or unauthorised *and* illegal. Given this context, the terminology used in this paper is therefore selected with care.

Given 'legality' is not the defining characteristic in the UK planning context for activity that is undertaken without permission or consent, the term 'illegitimate' is instead used in this paper. The question of legitimacy is directly linked to the extent to which something is formal and approved; this sits well with the UK approach to planning in which development can be considered to be legitimate or illegitimate when considered against the existence or otherwise of State approval for a given development through the granting of planning permission. This paper therefore proposes that legitimacy is derived from the overt act of granting planning permission therefore. Critical to this interpretation given the proposition of this paper is the specific implication of granting of planning permission to create legitimacy; this paper concentrates on the absence of permission, rather than its presence. The two case studies explored exist in different time periods with distinctly different planning contexts; in the case of Low Impact Development universal planning control exists whereas for the Plotlands the planning system was effectively limited to existing urban areas and land identified for urban growth; the idea of being 'beyond the system' is therefore somewhat different in these two scenarios. In both cases the unifying criteria is therefore the prospective absence of legitimacy through the lack of granting of planning permission.

When considering legitimacy, this paper will argue that where this does not exist through planning permission specifically being granted, credibility derived from a source other than the regulatory construct - such as the function of the development (Ho, 2018), may nonetheless be present.

Through the granting of planning permission we specifically create an envelope of legitimacy; inside the envelope we can identify credibility derived from State created legitimacy. Development outside the envelope is therefore illegitimate through the absence of a permission, but can it derive credibility from elsewhere? To explore this, the paper next considers the difference between credibility and legitimacy at further depth. It then justified the value of looking across the two case studies of Plotlands and LID, arguing that although they emerge in very different regulatory settings, they offer complimentary insight into how development which goes against or is beyond planning's 'envelope' can claim credibility in the context of a highly developed society. The paper then reflects on what the implications are for how we perceive acceptable development in this context.

2. Credibility, legitimacy and development in context

To understand the argument put forward in this paper, it is necessary to explore the contrasting ideas of 'credibility' and 'legitimacy' in greater depth. Quite what legitimacy is, and how it is developed, represents an academic and theoretical debate in itself (Connolly, 2011; Cowie & Davoudi, 2015; Mattei, 2004). The paper does not go into this

in any depth, as the term here represents what is sanctioned by the state. We note that this is not without debate or challenge. Legitimacy can therefore not be assumed to exist, but can be formed through an acceptance of a construct (Connolly, 2011). From this, parameters and norms can be derived. Within the UK, the government found at both local and national level are suggested as being institutions with legitimacy, broadly accepted as legally appropriate and morally proper. This legitimacy is challenged at times and in certain respects, but the inherent acceptance of the legitimacy of the state can be considered to exit to a point where it creates some definition upon an envelope of acceptability in association with created laws, regulations, and rules. Given this, the regulatory constructs created by the state, whilst individually contested in certain circumstances, can equally be considered as creating envelopes of legitimacy.

The question of credibility, on the other hand, requires further discussion. Here, we draw strongly on the work of Ho (2014, 2013, 2016, 2018) so that the arguments in the paper carry forward and contribute to the overall aims of the special issue. It has a distinct conceptual history (Ho, 2014) and although shares some of the same theoretical concerns as questions of legitimacy, holds different connotations about power and authority:

"credibility by definition presupposes a wider array of indicators by which it could and should be measured (than legitimacy does), depending on the temporally and spatially determined functions of institutions."

(Ho, 2014, p. 16)

For an institution to be credible, it does not have to be tied to a state, or assume eternal agreement about its arrangements or values. It has to fulfil a function, rather than conform to a certain form (Ho, 2014). Formal institutions, on the other hand, promotes certain institutional *forms* as the only means of legitimate development, assuming that these will in turn promote justice and well-being without however having evidence to prove this is the case (Ho, 2019, p5). Formal legitimacy, as opposed to informal credibility, is derived from fulfilling certain externally judged criteria- the case of this paper, attaining policy compliance and therefore planning permission. Conversely, informal credibility would be attained on the basis that the institution or development in question fulfilled certain requirements defined internally to itself, but also associated with wider goals (such as housing need, sustainable lifestyles). In his discussion of credibility in the context of property rights in China, Ho states that 'credibility is a measure of how actors' perceive institutions as a jointly shared rule' (Ho, 2014, p 16).

Taking this argument to the UK system, granting of planning permission does not necessarily bring about *better* development. It may well be that there is agreement on the need for regulation, but what this regulation looks like, what sorts of lifestyles and urban futures it valorises and what it subsequently deems 'legitimate' or 'illegitimate' is contested. Development with planning permission is legitimate because it fits within the established legal framework of the state; it is not necessarily credible in any given situation because it has not necessarily got the endogenous support of the community/relevant actors who should have the ability to shape the decision making institution (Ho, 2013).

In such situations, this could begin to undermine the assumed legitimacy of the state: 'rule' is felt to be imposed rather than by common agreement. This in turn necessitates that a source of authority, other than the state, is drawn upon. Claims to credibility therefore can be made *against* the established discourses of the legitimising state, paralleling discussions about the value of disagreement and the problems with consensus in planning theory (Baeten, 2009; Fougere & Bond, 2016; McClymont, 2011). Such claims counter dominant hegemonising narratives of centralised state-sanctioned credibility which are underpinned by specific notions of economic growth, urbanisation, agriculture and acceptable lifestyles. They do so by reasserting different, endogenous ways of articulating credibility based on alternative, substantiated, values systems. Such questions of credibility and

illegitimacy in a highly formalised centralised, state-led paternalistic system (Taylor, 1998) raise questions about power, dominant discourses and a mismatch between the implicit values of the system and those related to claims of self-reliance and its relationship to land which are central to those participating in Plotlands and LID.

Different interpretations of society, and of good and bad outcomes underpin the way claims to legitimacy are made within the UK regulatory context (McClymont, 2011). A state or situation which denies this inevitability of difference risks suppressing opposition and further strengthening the powerful (see Purcell, 2009, Bond, 2011, Metzger, Allmendinger, & Oosterlynck, 2015 for example). There is not the scope nor necessity to discuss this argument at greater depth in this paper. What is important here is the acknowledgement that within a highly developed, highly regulated system, there can be the scope for the articulation of alternative substantive understandings of credibility: ones which goes against the established norms, or the accepted discourses, of the system and hence promote or defend developments which would otherwise be illegitimate in the given framework that the system constructs.

Specifically within the context of the highly regulated Global North, a form of development that offers credibility without legitimacy (or potentially without legality) does not only claim its credibility from its spatial or temporal duration (Ho, 2014). It is not just credible because it has not been demolished; this sort of situation may just demonstrate poor/limited enforcement action by the state not acting upon its own regulations due to the lack of funding or ability. Instead, or as well, credibility is claimed by those involved in such development articulating a broader justification of their development, one which gains its credibility by appeal to values or virtues which are outside of the current dominant discourse of legitimacy employed by the state, but internally cohesive (McClymont, 2018, cf. MacIntyre, 1998).

As a result, the scenarios presented in this paper demonstrate examples where credibility exists despite illegitimacy. This in turn raises questions about the credibility of the UK planning system. Its formal legitimacy may be given, but the possibility of instances of informality, or unauthorised development which can still claim credibility unsettles certain core assumptions about the purpose of planning as a universal state activity, acting in the interests of all. To demonstrate this, the paper next explains how the two examples, despite their different histories, raise parallel questions for the thesis of credibility of informality. It then discusses each in turn and in greater depth before outlining the issues for debate that this paper develops.

3. Two phenomena, one narrative

3.1. Relationship to the system

The Plotlands were developed before the substantive UK Planning legislation of the Town and Country Planning Act 1947; this has significance to the planning narrative in the UK for a number of reasons but particularly pertinent to this paper is the fact that this Act represented the introduction of ‘universal control’ – that is to say, planning controls in the UK now extended over all land. It is not true to say this was a time before planning. Planning regulations in the Housing, Town Planning, Etc Act 1909, the Housing and Town Planning Act 1919, the Town and Country Planning Act 1932, and the Ribbon Development Act of 1935 had gone some way to limit and guide development but crucially this was focused upon existing urban area and planned areas of new urban growth/expansion; it was post industrial revolution urban development that was perceived as problematic, and hence in need of (state) control.

All development beyond this was to a certain extent outside of the envelop of possible planning derived legitimacy because the state had not yet deemed it as somewhere in need of compulsory planning controls; this was based upon both the imagined naturalness and idyllic natures of the countryside as somewhere pristine and beyond the reach

of the negative effects of urban industrialisation, and also due to land ownership patterns and the limited actual development which had come forward to this point in rural Britain – the overwhelming majority of population growth was confined to the urban centres. Planning controls in the countryside, though possible via the 1932 Act, were limited either in their presence or their effectiveness, in part because it was not perceived as being able to be a problem.

Plotlands rapidly challenged this notion, and acted as one of the drivers for how development in the countryside was to be regulated in post-war comprehensive legislation. Most contemporary Low-Impact development on the other hand, exists in a policy of context of restricted rural development, but with no specific provision for the sort of lifestyles they are promoting. This places it more clearly outside of an envelope of legitimate development, because the planning envelope in the UK has been expanded to cover the entire country. Although the legislative frameworks were different, the way in which both Plotlands and LID were viewed in contrast to the prevailing attitudes of the time sits them outside of what was deemed legitimate development in their contexts. Moreover, they both have claims to credibility, on similar grounds, which will be discussed briefly next and in more detail in the following sections.

3.2. Self-reliance as an ideology

There are three related grounds on which both Plotlands and LID can be seen as claiming credibility for their development, whilst not attaining formal legitimacy via the state. These are specific to the cases discussed in this paper, but can be conceived with Ho's (2014, 2015) wider framework of credibility: shared acceptance of the institution in questions, as well as it fulfilling certain joint requirements.

The first links both Plotland and Low-Impact developments to historic narrative of both self-reliance and returning to nature. These ideas are developed in neo-anarchist writings since the time of the Diggers (Ward, 1983) and Thoreau's (1971) seminal account of life in Walden. These traditions of reclaiming land, for the exercise of a personal lifestyle which is beyond a capitalist or neo-Feudal system rather than for private profit or a wider public good are under-explored in planning histories and planning theory. This tradition, and its own internal logics, gives weight to the claims of credibility of both our cases. They are not simply developments which are breaking planning laws for self-gain or a deviation from a common code. They have their own ‘code’; their own discourses of legitimacy which if heeded would challenge many of the structural assumptions of the contemporary planning system. However, as these wider narratives of self-reliance and simple lifestyles are underexplored, the debate around the value of developments with can be seen in this light is under-developed.

This links to the argument made earlier about internally coherent moral reasoning which does not seek to universalise its claims. Drawing on the ideas of MacIntyre (2007 [1981]), ethical frameworks which contain substantive, but situated notions of the good – or the good life – have the possibility to transgress the abstracted, procedural moral reasoning that underpins most versions of planning ethics wherein ‘the public interest’ usually becomes either a utilitarian calculation of ‘the greatest good’, or whatever does not impinge on individuals' freedoms. Within these frameworks, there can only be one source of legitimacy, and this comes from the state, whose role is to be an impartial guardian of freedom or utility. The credibility of Plotlands and LID, however, derives from its *substantive* arguments about the value of the lifestyles those inhabiting these developments have.

Moreover, these debates together raise questions about the value of the countryside in a context such as in England. As explored above, much of planning ideology contains an implicit anti-urbanism which belies certain views of what acceptable development in the countryside, intrinsically linked to notions of who the countryside is for (Farlie, 2009; Taylor, 1998). Landscape preservation, agricultural production, and the interests of large-scale land owners more broadly predominate

this discourse. Both Plotlands and LID represent a development pattern in which the countryside is not for constrained recreation – a place to visit, then return to urban life from, or limited by budgetary constraint, nor is it for profit via large-scale commercial farming. This situates LID and Plotlands outside of these mainstream narratives of the purpose of the English countryside, but in a way which opens up this debate to critical scrutiny, especially at times of housing and environmental crises. These points are explored and analysed in greater depth in the two case studies to which we now turn.

4. Plotlanders in focus

4.1. History

The Plotland institution was a zeitgeist phenomenon that principally manifested itself during the inter-war period of 1918 to 1939. During this period of time many parts of the world were facing economic depression and the UK was one of these. The economic situation led to an opportunity to create a new urban environment (Ward, 2002; 158).

With the viability of agricultural holdings being challenged, and large holdings/estates being broken up, land became available for speculators. Home and land ownership were a key driver here; prior to this period of time home ownership rates were low at around 10%, with the majority accepting the necessity of renting. With the shift in economic conditions and the practical availability of land, married to the social upheaval of the time in which class, sex, and social structures were being challenged, meant a perfect storm was forming; a quest for home ownership, the availability of land, and the opportunity to pursue the dream. Advances in transportation methods and availability, and the legacies of the First World War, provided further momentum (Hall & Ward, 1998).

Against these motivations and opportunity there was little to stop the development of the new settlements; the planning system was limited in scope and effectiveness, and was focused upon managing new urban growth. Wider regulation provided little opportunity for control. To a point, a regulatory vacuum existing, allowing the opportunity to be exploited (Hardy & Ward, 1984). Speculators were able to buy tracks of land at a low price and sell it on in parcels. The way this was done was typically crude and simplistic; lines were drawn to create individual plots based on a grid pattern. Often there was sometimes no provision for service and infrastructure, just divided land in plots; Plotlands.

These new settlements varied significantly. Some developed predominantly for transitory occupation; weekends, holidays. Others had greater permanency and evolved into new towns, growing quickly and without formal (state) planning and organisation. The form of properties was equally diverse; army surplus from the war meant lorry 'beds', huts, and train carriages were available for conversion, others built shacks of timber and other materials, some built more substantial dwellings of brick and stone. Infrastructure was lacking because they were not supported by the state; power, water, refuse collection were all hard to come by. Some lacked shops and other social infrastructure, but in others these developed in parallel with the population growth.

The illegitimacy of the Plotland institution did not necessarily extend to property rights in most cases since the land was legally purchased. Though some Plotlanders were squatters and secured property ultimately through demonstrating Squatter's Rights, most had legally purchased their sites and were therefore legitimate land owners (Ward, 2002). However, what unified the Plotland settlements was that they were not formally approved by, or provided for in, the limited planning system that existed in this period. The Plotlands therefore did not achieve legitimacy through planning permission.

This institution was therefore relatively unique; relatively large groups of people legally purchasing land and establishing informal settlements with varying degrees of organisation and permanency, but

without the formal permission or tacit support of the state or notable aspects of wider society. Moreover, it was not inconsiderable in terms of scale, with thousands of properties in dozens of settlements. This was a national phenomenon, but the greatest concentration of settlements was in the South East of England around the coast and the Thames Estuary.

4.2. Reaction

The reaction to these settlements was significant. The form and scale of these settlements, their prominent locations in the countryside and on coastline, and their illegitimacy, led to an outcry of opposition from the media, from significant individuals ranging from Thomas Sharp to George Orwell, from societies such as the Campaign to Protect Rural England (CPRE) and National Trust, and from the state from national to local level (Hardy & Ward, 1984). Thomas Sharp (1932) stated that:

"The 'reduction ad absurdum' of the garden-city is its extension to absurdity, and of this, unfortunately, innumerable examples exist. The worst in England is Peacehaven, which has rightly become a national laughing stock...it is indeed a disgusting blot on the landscape."

(Sharp, T cited in Hall & Ward, 1998, Pg. 71)

The condemnation was not universal, with some people recognising the drivers and aspirations of the Plotlanders. Clough Williams-Ellis, who was no fan of the institution, noted:

"It was easy to do nothing but revile those who thus spoiled the country with nauseous little buildings, or merely to laugh darkly at their tragic failure to achieve an imagined rusticity. But it was unjust, cynical and lazy – like cursing a stricken family because in escaping from its burning home it trespassed over lawns and flower-beds."

(William-Ellis cited in Hardy & Ward, 1984: 39)

The comment by Clough Williams-Ellis is of note; the 'burning home' can be interpreted to mean the world from which they were escaping; the polluted industrial city, the inability to own property, the limitations of the social and economic constructs in place. The 'lawns and flowerbeds' can be seen as the countryside and coastlines which the Plotlanders were considered to be 'spoiling'. And yet, we will argue, there was credibility in the institution despite the damnation expressed so clearly by Sharp.

There was little time for the Plotlands to evolve. Some did develop greater degrees of order and infrastructure, but their existence was fleeting. The Second World War led to the clearance of many sites in the interests of defence, whilst the post-war planning Act of 1947 enabled a far more robust, and universal, planning system which could far better manage place and space, including both the urban and rural domains. As a result, the settlements which had not been cleared to create areas for coastal defence in the war were either possessed and cleared by the State, or regularised (Hardy & Ward, 1984). Legitimacy was imposed.

Some remain challenged in some respects to this day, for example Jaywick Sands which suffers from deprivation and about which an article in the Guardian, stated:

"Nothing can really prepare you for Jaywick's otherness: burnt-out houses and impassable, waterlogged streets sit alongside a Martello tower and golden beach. Looking around, you wonder if it is being punished for its refusal to toe the line all those years ago."

(Stanley, 2012, no page number)

Others are conserved, protected, and seen as something quite special and, in some ways, desirable; such as Dungeness in Kent. Comment on the Plotlands can be found as diverse as the Plotlands that remain, with academic Andrew Gilg describing them as 'grubby' (Gilg, 2005, p7), in contrast to many residents who look fondly upon them:

"Everyone who lives here loves it, everyone else slates it."

(Wates, 2000, p30)

4.3. The credibility of the Plotlands

The lack of (state) planning and order in Plotlands put it at odds with the accepted norms and theories of planning at the time, if not wider society. They did not conform. They were therefore 'wrong'. Plotland settlements were informal, unauthorised, and not legitimate, but are they without credibility?

The Planning system in place during the interwar period may have been limited but it can still be seen to represent the embodiment of defined acceptability at this time; a construct existed which enabled the state to overtly confer permission and therefore legitimacy – the Plotlands did not have this. Within this discourse is a fact that planning assumed a consensus concerning what represented good planning (Taylor, 1998, p47).

This assumption included an acceptance of a planned and organised approach with a technical methodology to find solutions to new urban development; the power of the 'blueprint', through which the future pattern of development would follow. The ordered approach, with defined and contained strategies for land use and movement, is of particular note in the context of the Plotlanders:

"The lack of understanding of real-life cities was also evident in planners' anti-urbanism and preference for tidy, ordered view of urban structure."

(Taylor, 1998, p47)

This is a critical point in the identification of credibility within the Plotlands movement. The planning context of the interwar period was defined by the bylaw and 'zones'; prescribed, ordered, formal, and uniform. The bylaw was a regulatory response to the challenge presented by the unchecked growth of the industrial city which had created overcrowding and health concerns. In this period it was assessed that the greatest issues of overcrowding were being addressed, and yet the uniformity and commonality of the environment created was criticised and considered to have limited the individuality and variety of the pre-bylaw developments (Unwin, 1909).

The Plotlands institution enabled the realisation of personal aspirations of improvement beyond that possible within the established mainstream construct; a desire to live in a place with fresh air and health opportunities in lifestyle, a desire to own property, an opportunity to take advantage of new-found freedoms (holidays with pay) and changes (cheap transport). The manifestation of this may be questionable and not deemed as legitimate by many, but they can be argued to a point to be a realisation of capitalism and the ideal of property owning freedoms of the time.

The Plotlanders can be seen as a response to the inequalities of urban-focused capitalism as manifested in the industrial city; an alternative future:

"it is in the interwar period that the foundations for an economically isolated urban working-class community to pursue, produce, and grasp upon the last opportunity to build a home for yourself outside of the now pervasive economics of land and home ownership as economic speculation and capitalist social relations."

(Bower, 2016, p84)

Importantly, the dreams of the Plotlanders were not misaligned from the aspirations of the planning system in place at the time. Indeed, in introducing the Housing, Town Planning Etc Act 1909 the following words were used:

'The object of the Bill is to provide a domestic condition for the people in which their physical health, their moral, their character, and their whole social condition can be improved by what we hope secure in this Bill.'

(Parliamentary Debates on the Housing, Town Planning Etc Bill, 1908)

The Plotlanders in many ways were seeking the same, but were doing so through a very different approach. The issue with the mainstream planning framework, was that even in this embryonic form it

held an assumption that economic and social change would occur as a result of land use plans, rather than focusing upon the needs for economic and social change directly (Bruton & Nicholson, 1987).

The Plotlanders therefore represented an alternative approach to delivering this:

"...they embraced powerful elements of a persisting popular dream: property of one's own, a house built with one's own hands, mutual aid in place of external controls, and a rustic setting with all that could be."

(Hardy & Ward, 1984, p29)

The Plotlanders were therefore without the legitimacy of planning permission, and lacked alignment with the manifestation of the act and art of planning in the regulations and provisions of the time. But, they were aligned to a certain extent with the zeitgeist, and indeed with the strategic aspirations of the state and wider society. It is therefore argued that credibility does exist within the Plotlanders' motivations, and thus credibility can be associated with the settlements themselves. If credibility is not defined by legitimacy (Ho, 2014), then it is sourced from elsewhere:

"Credibility by definition presupposes a wider array of indicators by which it could and should be measured, depending on the temporally and spatially determined functions of institutions."

(ibid., p16)

Though beyond state defined constructs of planning legitimacy, the institution is argued to be able to derive credibility drawn from valid beliefs in the objectives and aspirations which indeed can be argued to actually have a strong internal narrative of values with wider societal acceptance. The Plotlands institution was *"...a means of achieving a simple but fulfilling life, the elusive goal of townsfolk then and since"* (Hardy & Ward, 1984, p29).

Credibility here has links to notions of self-determination and self-sufficiency, improvement, opportunity, health and wellbeing, as well as freehold land-rights. These are grounds which are both common to many involved in the development and dwelling in Plotlands. Credibility in the Plotlands institution can therefore be said to be partly derived from the perceptions of its people in itself as an institution (Ho, 2014). The coherence and tradition of the communal narrative gives credibility to the institution and phenomenon, credibility which is outside of, or beyond or against that of the central state and its attendant regulatory powers. Their uniqueness and belief in the 'rightness' of this is of note here too, even at the end of the life of some of the Plotlands:

"I know Ern South, of 'Maple Leaf' in Berry Drive, didn't wanted [sic] to leave his house unless he could move somewhere similar. But where else could be similar?"

(Walker, 2001, p112)

Matters that could be considered non-conforming, in behaviour and defining settlement characteristics, as well as ideas of legality, support this notion. As for instance, evident in the following quote:

"We have enjoyed the peace and quiet. My father, who was a seaman, loved it here. He said it was God's own country. It never bothered us that we have to mow the road."

(Walker, 2001, p113)

Credibility can exist in degrees (Ho, 2014). The Plotlands institution was much-maligned in the past, and continues to be challenged today in some respects. This fact certainly compromises the perceived credibility of the institution and settlements. But that does not define them, and, it is argued, they achieve credibility, despite their informality and illegitimacy, through their own internal validation of themselves; the belief in the legitimacy of the intentions behind the lifestyle and settlements, derives the credibility these settlements deserve. This belief in an internal credibility which is validated by claims to powers of beliefs above and beyond the planning system can be seen in the upcoming discussion of Low Impact Development and those who pursue this. The paper now turns to discuss this more fully.

5. Low impact (or low carbon) development in focus

The term 'low impact development' (LID) in the UK refers to a wide range of 'low carbon' or 'off-grid' developments; places which enable and promote (nominally) self-sufficient lifestyles and reject mainstream ways of both development and economic exchange.

Farlie (2009), a proponent of LID, defines this as 'development which, by virtue of its low or benign environmental impact, may be allowed in locations where conventional development is not permitted' (pxiv). This definition is not accepted by the UK planning systems (although the Wales One Planet Policy (Welsh Assembly, 2012) indicates some consideration of these principals). It is cited here as it begins to illustrate how such developments can claim credibility whilst remaining illegitimate; they are united by environmental credibility- a belief that their environmental benefit is of greater weight than any harm they may be seen as generating, but the value of this is not recognised by the system as is evidenced below.

Largely based in open countryside, on agricultural land or in woodland, these developments are often controversial and outside of planned development, both legitimately and economically. In contrast to informal settlements in the Global South, in the highly regulated context of the UK, LID largely represents deliberate lifestyle choices, rather than developments constructed out of sheer economic necessity and the inability to afford or access formal dwellings. These motivations focus on rejecting the mainstream models of the market economy and its subsequent temporal and spatial ordering of society. The division between 'home' and 'work' which lead to these being separated both in terms of time and places (houses/offices week/weekend) is dismissed in favour of a more holistic idea of life where living encompasses both the same space and time for leisure and work. Although rural housing affordability is a large issue in the UK, it is not the primary or sole motivation for many Low Impact dwellers and developers.

The national scale of these development is also much smaller than that of the Global South with estimates putting informal, low impact developments in the hundreds across the UK although an official number is hard to access as many chose to remain hidden because of fear of action being taken against their development. Most developments are self-built wooden cabins, caravans or converted vans, or benders (yurt-like tents made from bent flexible wood) and do not have mains plumbing, sewerage or electricity. This is partly because of the affordability of such materials as opposed to more conventional types, but also because of the lesser environmental impact such development has in terms of carbon emissions in both the manufacture of materials and the building of a dwelling.

Scale ranges from individuals to extended families to larger communities/communes. Importantly, most LID are in open countryside, areas which development is rarely allowed in the highly regulated UK context. As mentioned earlier in relation to Plotland development, UK policy is founded on notions of anti-urbanism which in turn heighten the value placed upon the preservation of the countryside (Taylor, 1998). LID therefore, despite being a rural phenomenon should be conceived as a response to the urban, and the divisions and definitions of 'rural' and 'urban' inherent in the UK system. This is what Fairlie's definition is aiming to challenge: a belief in the sacrosanct nature of undeveloped countryside as something to be preserved at any cost. To explore this more fully, the paper now outlines the arguments around credibility and legitimacy in LID in more detail. It then discusses three different cases which each highlight how this clashes with the implicit values that underpin the legitimacy of the UK regulatory system.

5.1. Credibility of low-impact development

As stated earlier, and explored in the examples discussed below, Low Impact Development refers to a wide range of developments in terms of beliefs, scales and aims. However, four dominant discourses of legitimacy can be discerned from the majority of the developments. As

the developments occur post 1947 Town and Country Planning Act, they exist in opposition to a much clearer stronger and well-defined norm of acceptable development. Because of this, their opposition, or internal ideological position can be defined more substantially than that of the Plotlanders. These are not criteria for development to be classed as LID (see Farlie, 2009 or TLIO, undated for some examples of this). These discourses are all interconnected and loosely relate to what has been described as a 'Deep Green' or ecocentric philosophical perspective (Dobson, 1990; Eckersley, 1992).

The first is an overriding urgency to act upon the impending ecological crisis and not accepting a 'business as usual' approach to sustainable development. This rejects the definition found within planning policy as merely 'greenwash', seeing this as an attempt to maintain the privileges of those in power, whilst paying lip service to ecological concerns which will end in climate catastrophe. Secondly, and concomitantly, LID does not subscribe to the notions of economic viability that are used by mainstream society and policy makers, notions of growth, profit and returns are all antithetical to a belief in the wholeness of life and the earth, moreover, they are all part of the problem.

These two positions bring about the third tenet: a rejection of contemporary global capitalism combined with an impulse to live in a manner which does not pollute, only uses renewable materials, minimises fossil fuel usage, is zero carbon emitting and zero waste brings about a very different sense of time and space than that of mainstream society. The divide between 'dwelling' and 'place of work' that is critical to policy assumptions about the use class of different development types is rendered meaningless in the LID constructions of legitimacy. Within LID narratives this sort of divide is not only false, but also harmful as it sustains the damaging contemporary ways of life.

Finally, the previous three aspects are all framed within a notion of spiritual values which may not be explicitly articulated or comprise a thoroughly constructed theology, but centre around the sacredness of the earth and nature. Moreover, the credence to live this way stems from claims to self-determination and challenges to the authority of a state (Ward, 1983) parallel to that latent within Plotlands. This means that the rejection of the current framings of policy and the economic system are not merely political disagreements to be solved by a slight change in outlook or wording, but part of different world views, totally at odds with one another. By exploring three cases in greater depth, the paper illustrates how these instances of informality, by asserting their own credibility, unsettle that of the established system.

5.2. Case studies

The next section discusses three case studies that each demonstrates how credibility outside of state sanctioned legitimacy is claimed. They are all based upon appeal decisions¹ as this sets out how each development was judged in face of the complex and nuanced levels of legitimacy possible within the English system. The research drawn upon here is desk-based and centres on detailed reading and analysis of the appeal decisions cited above, as well as exploration of other relevant online material which supports the background to the cases from the points of view of the appellants. These three cases were chosen from a wider selection of similar instances of LID coming into conflict with the planning system and seen through the appeals system because they

¹ Appeal decisions numbers

Steward Wood:

APP/J9497/C/15/3129320, APP/J9497/C/15/3129331, APP/J9497/C/15/3129334, APP/J9497/C/15/3129339, APP/J9497/W/15/3106074

Brambletye Lane/The Crossing:

APP/C1435/C/15/3038629 and 3038632, APP/C1435/C/15/3038645 and 3038648, APP/C1435/C/15/3038657 and 3038658, APP/C1435/C/15/3038665 and 3038668

Willow Ridge:

APP/D0840/C/15/3051132 and APP/D0840/A/13/2199648

demonstrate a range of the issues about credibility and (il)legitimacy.

In Flyvbjerg's (2006) terms, they can be seen as 'paradigmatic' case studies, ones which 'highlight more general characteristics of the societies in question' (p232). They do not express every relevant issue about the credibility of LID, but they are not isolated or unique examples which do not have wider applicability. There is very limited research in this area, so appeal decisions have been chosen as they systematically and clearly judge both the views and actions of the appellants (the LID dwellers in these cases) in light of the system's notions of legitimacy.

5.2.1. Steward Wood

The site is a 12.5-hectare area of woodland within Dartmoor National Park. National parks are areas that have stronger conservation protections than most areas of open countryside. A group called Steward Community Woodland (SCW) operate and co-ordinate the settlement (see [Steward Community Woodland \(2017\)](#) for their own information about their project). The settlement is home to 10 adults, three children and two teenagers, all of whom live in self-built wooden dwellings, as well as having a shared communal kitchen and a long-house for events and workshops. They describe themselves 'as a permaculture project which aims to demonstrate the value of integrating conservation woodland management techniques with organic growing, traditional skills and crafts and low-impact sustainable living' ([Steward Community Woodland, 2017](#), no page numbers).

The appeal decision discussed here is the most recent August 2016 decision on this long running case, and the below section provides only a brief overview of a complex and involved decision in a way which demonstrates the relationships between (il)legitimacy and credibility. The inspector deemed the main two issues of the appeal to be as follows:

- (a) *the effect that the development carried out and proposed has had and would have on the character and appearance of Dartmoor National Park, and*
- (b) *the effect that the development carried out and proposed has had and would have on the purposes of the National Park designation* ([Freer, 2016, p13](#)).

This position was contested by the appellant; the Steward Wood Community. The following quote from the inspector is spelt out at length because it is highly illustrative of the key issue at stake here:

'the appellant indicated that a further main issue should be the benefits that arise from the development as existing and as proposed. Although these benefits are clearly a material consideration, I do not perceive them as being a main issue in their own right. If the development is acceptable in relation to the above main issues and in all other respects, planning permission could be granted and any benefits arising from the development would not need to be considered.'

([Freer, 2016, p13](#))

This statement is important as it demonstrates clearly the clash between the formal rules of legitimacy of the planning system and the claims to credibility made by the Steward Community Wood. This balancing of what was deemed legitimate, and the clear divide between policy-based judgement and credibility beyond the system ran throughout the appeal statement. When describing the appeal site, the inspector stated that:

'the grouping of the structures within the 'settlement area' together with the network of footpaths that links them has created a residential enclave that is wholly incongruous in this woodland landscape. This urbanising effect is further exacerbated by the miscellany of smaller structures associated with the residential use, such as the compost toilet, bathhouse and the 'power tower', as well as by the storage of various trailers and other items at locations across the site.'

([Freer, 2016, p15](#))

This demonstrates that the view of what a legitimate woodland landscape can comprise of does not include the lifestyle practiced and defended by SCW. This way of judging the development is wholly fitting within the boundaries of established legitimacy of the planning system, but wholly against the discourses which underpin LID. Within the latter, the environmental value of a compost toilet could outweigh its visual incongruity within a woodland. Moreover, even when considering the potential benefits of the development, the legitimacy of the planning system takes precedence over other claims to credibility. It is the language which defines and constructs acceptability, this being of something the Planning Inspectorate is part.²

Local policy definitions, conceived within the dominant economic model, do not allow for different interpretations of farming, woodland management or business growth, ones which could claim credibility based on different lifestyle rationales. This possibility of other sources of credibility is something that the inspector acknowledges when he states that he is 'fully aware that the dismissal of these appeals would result in the present residents losing their homes and a way of life to which they are clearly committed' ([Freer, 2016, p28](#)). However, this lifestyle commitment, and whatever attendant credibility it can claim is not able to fit within the structures of legitimacy within the planning system.

5.2.2. Brambletye Lane/The Crossing

This case comprised an appeal against enforcement action being taken against a development of wooden building and caravan/porta-cabins which are part of a 'permaculture' focused development on a 3.4 ha site in the High Weald Area of Outstanding Natural Beauty (AONB) in East Sussex. AONBs have similar high level protections as National Parks, but slightly less restrictive. It consists of a series of buildings uses for agriculture as well as a family dwelling and classrooms where the appellants host workshops and courses.

Similar to the Steward Wood case discussed above, the appeal centred on the value of the development set against its policy incompatibility (being residential development in open countryside and in a protected landscape area). In the decision notice, the inspector clearly outlines the ground on which development in such an area can legitimately take place as having 'clearly established functional need (the functional test) and a lack of other suitable accommodation. The enterprise must also be economically viable' ([Dignan, 2016, p4](#)). Although he commends the business plan and development of the site, in his judgement, it still falls a long way short of meeting these policy requirements, and therefore the appeal is dismissed as the development lacks legitimacy.

These notions of economic viability, agriculture and residential need which establish legitimacy in planning terms are anathematic to a LID discourse of credibility which centres on the spiritual attachment to land, being present and living at one with the land which denies the capitalist splitting of life and work. LID credibility here links food, people, spirit, planet in a holistic way. These claims to legitimacy are made explicitly by the appellant on their 'crowdfunding' site ([The Crossing Crowdfunder, 2017](#)) for financial help for their appeal costs.

They state that planning has 'neglected to acknowledge the wider benefits to the biosphere' ([The Crossing Crowdfunder, 2017](#), no page numbers) that this development provides. Further, they argue that change is both necessary, but impossible because most people are

² This is clearly illustrated by the following point: *'the SCW have been experimenting with permaculture food growing and woodland management, I consider that these activities are not of a scale that amounts to farming or forestry in the context of criterion a) of Policy COR2. Neither do I consider that these activities can be properly described as small scale development for the growth of an existing business in the meaning of criterion d) that Policy, in that the project at SCW began as an experiment in permaculture and has continued on the basis of temporary permissions. It is therefore not an established business in the context of Policy COR2* ([Freer, 2016, p18–19](#))'.

unable to access land to enact the change they see as necessary. They describe themselves as part of 'the small army of people who are ready and willing to commit to a life of small scale, low impact farming, to work co-operatively to produce food for their communities' (The Crossing Crowdfunder, 2017, no page numbers), seeing this as part of a movement, therefore with credibility, derived from 'the aggregate perceptions of institutions as a common arrangement' (Ho, 2016, p18). Their development is not merely or only an illegitimate construction because it contravenes planning regulations as anyone building a house in open countryside without planning permission would be. It is different because of its claims of being part of something bigger, part of a movement which is able to produce a narrative of credibility around its values and traditions.

5.2.3. Willow Ridge

The third and final case is slightly different from the other two, partially because the appeal was allowed and therefore the case gained formal legitimacy, and partially because of the reasons for this. It is made up of two appeals over the same site.

The first, an appeal against Cornwall Council's refusal to grant planning permission for residential use of a caravan, was dismissed by the inspector in April 2014. The second, on the same site and pertaining to the same development but also including the use of a timber building as a day room, was an appeal against an enforcement notice against this development. This appeal was allowed in March 2016.

The majority of issues were similar to those in the previous two cases, the development was in open country, in a protected landscape area (although this protection was weaker than National Park or AONB designation) and involved the promotion of a low carbon lifestyle. The appeal discussion of the relative merits of planning policy and practices versus LID also paralleled judgements made in the previous two cases- a certain acceptance of the positive value of some aspects of LID, but not going as far as Farlie's (2009) definition which would see this LID as legitimate.

One important additional factor differentiates this case from the previous two. The appellant was recognised as having Gypsy/Traveller status. Because of this, her claim to live on a site where residential development would not otherwise be allowed was deemed acceptable; specifically because of Cornwall Council's lack of allocation of other suitable sites. Moreover, this was seen as having greater weight than the fact that the development could be classed as low-impact in the same terms as the previous two examples. This is summed up most clearly in one of the closing statements of the inspector:

'In favour of the development are the pressing and immediate significant unmet need for sites in Cornwall and the lack of a five year supply of deliverable traveller sites; the failure of policy; and the personal circumstances of the appellant. Each of these attracts significant weight in its own right. Cumulatively, they clearly outweigh the policy objection and indicate that planning permission should be granted.'

(Cook, 2016, p10)

This demonstrates a number of points. Firstly, that in this case LID credibility can be compatible with formal legitimacy; claims to need to live on the land in an environmentally sustainable manner can be made legitimate because the appellant has a formal status which puts her outside of the usual restrictions of the system.

It is not that LID credibility is accepted wholesale here, but that Gypsy/Traveller status gives it a stake of legitimacy in the formal system. However, for this to be the case, the development needs to seek legitimacy from the formal structures of planning. Specifically, this development became legitimate because of the unmet need for Gypsy/Traveller sites in Cornwall- and identified gap in planning policy, and something which higher levels of planning policy and law deem to be necessary. Therefore, in this case, legitimacy was not conferred because of the credibility of LID, it was done almost *despite* the LID discourses of credibility. The development was both credible in terms of its claims

about alternative social, economic and spiritual values, and legitimate because it was granted planning permission because of the weight given to policy failures for gypsy and traveller site allocations. This does not unite the formal legitimacy and the alternative credibility but demonstrates the complex relationships of the two.

5.3. Credibility without legitimacy- LID and planning

The three LID cases demonstrate a number of divergent and similar issues. Firstly, LID built without planning permission, or retained despite being served with enforcement notices, is not simply illegitimate development; development which is trying to avoid compliance simply for its own self-interested benefit. All three cases claim credibility through appeals to a legitimacy that is beyond or counter to the prevailing system.

The Willow Ridge case is successful because it manages this in a way that is formally legitimised by the system. Because the appellant holds gypsy/traveller status, her desire to live beyond the established rules and norms of the system can be accepted within it. The status confers legitimacy within the system to act and live in a way that is otherwise beyond it. Such an exception does not exist in a way for the other two cases.

The Brambletye Lane/The Crossing case clearly articulates the value and purpose of their enterprise, both in their appeal documentation, and in the other material cited above. The fundamental incompatibility arises in conflicting notions of economic viability, and notions of time and space. The appellants do not view themselves as 'agricultural workers' in the way the system supposes - part of a globalised system of industrial food production, to be sold off to the highest bidder, packaged and shipped across the world.

Their notion of food production is locally based, locally sourced and locally consumed. It is not a means to an end, it is itself a way of life, an 'ends'. Moreover, they view their project as a coherent, small-scale step in a wider push for change in both agriculture and carbon emissions. The current regulatory system does not have the ability to validate these claims to legitimacy because they go against its system of values and understandings of 'agriculture', 'housing' and 'the countryside', and therefore without an accepted factor such as gypsy/traveller status the credibility of this sort of development with remain incompatible with the state-led system that does not acknowledge either the validity of the environmental claims being made, nor the validity of claims of self-determination.

In many ways, the Steward Wood case is similar to the Brambletye Lane/The Crossing one; and in many ways, this is what leads to neither being accepted by the regulatory system. As detailed above, in both cases the appellants articulate the value of their development in terms of environmental impacts, and education for sustainable development.

In both cases, the inspectors deem these arguments as being outweighed by other policy considerations that are mutually incompatible with the values and legitimacy claims of proponents of LID. However, the system is unable to judge between the different strengths or qualities of claims to legitimacy made by different LID cases.

Steward Wood was assessed by the inspector in 2016 as not having met its own targets/claims in terms of running educational courses which necessitated the development of further buildings on site, nor were its plans for the longer term seen as well managed and considered. This was not the case with the Brambletye Lane/The Crossing case where the inspector commented that their economic progress had been assessed as good, even in conventional terms. The claims of these two cases, both in terms of meeting their own aims, and in terms of being part of a broader coherent alternative narrative of society vary greatly, and subsequently question the grounds on which the current system judges the legitimacy of development which do not fit the established policy framework. The Willow Ridge case demonstrates that it is possible for the system to allow development that counters its established norms, but specific grounds, derived from within its norms are needed

for this to happen.

6. Conclusion

Although both the context and motivations of contemporary LID proponents differ from that of the earlier Plotlanders, there are notable similarities that together raise interesting questions about credibility of informality in a formalised, highly regulated system. In turn, this raises questions about the credibility of *formality*; the credibility of the formal planning system. The informality of building type, rural location and status as beyond the borders of acceptability parallels the Plotland settlements with LID. Moreover, both instances of informality in the UK system are not simply acts of unjustifiable unplanned development, they both have discourses of credibility centring around claims of the validity of self-determination and a life which does not have to accord with 'the system' in economic, social or spiritual terms.

Both Plotlands and LID are outside of urban areas but fundamentally a reaction to urbanism. Plotlands offered working class urban dwellers access to the countryside as something they could own and inhabit, rather than just be guests there of the landed classes. LID developers are frequently people who have rejected urban living, but wish to re-classify countryside life as something active rather than recreational or for commuters to relax in whilst the 'real work' happens in cities. In so doing, they blur the accepted definitions of urban and rural.

Drawing broader international comparisons with the Plotlands movement and LID in the UK is difficult because they both are phenomena that emerged at a particular time, in particular circumstances, and with particular characteristics. Although the two phenomena are comparable to each other, wider comparison is more difficult. Hardy and Ward (1984) consider Plotlands comparisons, but each is in reality very different. It is also the case that in this paper the Plotlands are relevant because of their particular characteristics; their credibility in the face of illegitimacy derived from a desire to create something not out of necessity, but out of desire.

Hardy and Ward make reference to the pioneering settlements of North America and Australia, but these did not have the illegitimacy of a rejecting or challenged State construct in the same manner despite having a quasi-unifying desire. The pattern of development found in the Plotlands, individual plots of low density housing development, has parallels with suburbia around the globe, but these are legitimate and authorised. Chalet gardens in Northern Europe have parallels with some Plotland or LID characteristics, but these were often permitted and legitimate, sometimes activity encouraged by the State, and based on limited occupation; they were conforming retreats not rejecting escapes. They also reflect very different institutional and societal norms and values (see for example Marjavaara & Muller, 2007).

The nations considered to be Emerging Markets and Developing Economies may have some parallels through the 'shanty towns' that are sometimes found; they are illegitimate and indeed typically illegal, but they lack the unifying desire of the Plotlands or LID, or their sense of a *rejection* of the formal legitimate system; most exist due to necessity and systems failures, few of these settlements are created though desire to create the resulting environment as such. They have credibility, but the character of this credibility is particular and different. In France, perhaps some of the closest comparison can be found in some metropolitan growth areas of the same period; these had some striking similarities to the Plotlands in the UK in how they manifested themselves. One of the differences highlighted by Hardy and Ward however is that whilst in France there was a drive to formalise the settlements by the residents themselves, in the UK the Plotlands movement can to a point be associated with a rejection of the state and a desire to avoid interference (Hardy & Ward, 1984).

We can therefore draw, from around the world, comparisons with other developments which resonate with the Plotlands movement or UK LID in respect to particular elements; the form, the desire, the drive, the illegitimacy. But each comparison has a uniqueness that creates

difference.

Moreover, by exposing the values underpinning the designation of legitimate and illegitimate development the value laden nature of the formal planning system is uncovered. By seeing how credibility is constructed in both Plotland and LID developments, it is evident that such claims centre on collective decision making about the right way to live with others. At its most basic, this is what planning system's credibility, which has then been legally formalised to become a designator of legitimacy, should also be founded upon.

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