Some notes on changes to regulatory frameworks as a result of experience in Transformations and HBEs

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Recognition and acceptance of realities on the ground

Our work on user-initiated transformations to government-built housing in Bangladesh, Ghana, Egypt and Zimbabwe (Tipple 2000), and on home-based enterprises in Bolivia, India, Indonesia and South Africa (as yet unpublished) show that user-participation in constructing and modifying dwellings and neighbourhoods should be accepted as both inevitable and positive. In line with Majale (2002), we would argue for recognition and acceptance of realities on the ground. This leads to an acceptance that many households living in poverty are *bound* to extend their dwellings and/or use their dwellings for economically profitable uses if they possibly can. This may mean walling in a veranda or balcony, or adding new rooms. It may mean renting out space in a room or a whole room or establishing a more active HBE. But, by all means, the physical asset represented by the dwelling will be regarded as an important asset whatever its condition. Unless regulatory guidelines for urban upgrading address the diversity in local realities and livelihood needs (Lowe and Schilderman 2001), they will be incongruent with the ability of and need to modify the shape and use of the dwelling evident in many low-income households' livelihoods strategies. They would fail to draw on the social, intellectual and financial resources of people living in poverty (Mitlin 2000).

One major implication of this is that, when applications for change of use or building approval are considered, it might be necessary to take account of the wider effects of the proposed development for the household concerned. If it is intended to improve the livelihood of low income households, this positive outcome should be taken into account. In other words, economic implications may need to be considered along with planning and structural considerations. Just as the latter take their legitimacy from the need to protect life and limb from environmental dangers (a weak roof structure, for example), so the promotion and protection of livelihoods may be a necessary parameter. This may be only reasonable when relatively low-income people are concerned as a similar argument made by a wealthy person as grounds for allowing

them to erect a factory to add even more to their wealth is surely not as valid as it does not promote equity of access to assets (Majale 2002).

Equity driven processes

Majale (2002)stresses the importance of equity in and through power-sharing. This is especially vital with respect to enabling women's participation. Women often carry the burden of providing water from distant sources, of cleaning and disposing of wastes. Women are most adversely affected by poor dwelling and neighbourhood environments because they are often confined to those realms whereas men tend move over greater distances and spend most of their time in other environments. Planning should uncover and take account of women's preferences. Improvements should be measured through gender disaggregated data in the context of regularization and upgrading of informal settlements.

From our data on HBEs, it is evident that women have more economic clout where HBEs are present. In some cases women find the burden of working both for production and reproduction very onerous. In some societies where women are routinely oppressed, earning money does not necessarily benefit women, especially where income from homeworking is paid to their husband who delivers the goods (ref?) and so counts for little in the woman's life. However, there is probably an empowering element in having an HBE. Women who operate HBEs often have larger incomes than the men of their households and may have more of a controlling say about spending on home improvements.

Thus, it is probably more necessary to have gender disaggregated data and suitably gender-sensitive decision-making processes in place where HBEs and transformations are prevalent. Where local control over planning is implemented (see below), there is a need to ensure that women's interests are fairly represented. One way would be through a quota of women representatives on the relevant committees.

The phenomenon of transformations is likely to empower relatively low-income people ('us') to take on 'the powers that be' ('them') and gain benefit. Where they are done through the conventional planning process, the success of an application is likely to increase individuals' confidence. Where the extension activity ignores authority and flouts the law, empowerment of a sort results. 'We' win over 'them', the combined efforts of users are seen to gain security through their critical mass and

‘they’ can do little about it. The same is true where HBEs operate even though they flout a multitude of laws and regulations. Moves to remove the conflict in this situation and accept residents as partners in the planning process are likely to empower low income people to take more a greater legitimate part in the development process.

Access to information

Klein, (1996) affirms that the key to effective regulation is to generate information that enables the regulator to make good rules and allows interest groups to monitor regulatory activity. Any new regulatory agenda should include developing public education and information strategies aimed at educating citizen about the regulatory system (Majale 2002).

Information on employment regulations is as important to HBE operators as information on planning regulations. It is important to make it easily understandable to people who are not professionals in legal issues.

It would be helpful to make information on credit, market opportunities, technology, advocacy and other issues of assistance available to small entrepreneurs. Access to the right sort of information could make HBEs as productive as possible and also reduce nuisance, pollution, etc.

In the cases of the minority of HBEs that generate unpleasant or dangerous waste, a programme of information and encouragement should be targeted at changing the operators’ waste disposal habits. Again, these should be implemented at local level to improve the chances that they will be adopted. Only when such measures have been exhausted should proscription of a use be invoked.

In participatory planning, it is necessary to recognise that the residents and business operators have knowledge and information that is intrinsically valuable. People who live in poverty and their grass-roots organizations are important sources of innovation and action at the local level. They are involved and interested in their neighbourhoods and the daily struggle to promote sustainable livelihoods. In examples in India (Patel, Bolnick et al. 2001), they have used knowledge and information that they themselves have generated to challenge the inadequate and inaccurate information that the state uses for reallocating resources for the poor in cities and have, thus, been able to use

knowledge as an asset for negotiation. Thus, it is important to legitimise the knowledge creation process of the urban poor.

Legitimization of the knowledge creation process of the urban poor

HBE operators could certainly benefit from using information about themselves as a way of increasing their influence. The scale of their contribution to the local economy and GDP is currently only vaguely recognised. The services and employment they provide are both important arguments in their favour but are rarely recognised in discussions of the way the informal sector operates and what should be done about it. Advocacy at this level could be extremely helpful to HBEs.

Integrated planning and development strategies

This, and several other issues below, points up the importance of local planning control. Our work with both HBEs and transformations leads us to propose that local land use and development control should be passed down to the lowest level commensurate with carrying out the functions. Thus, strategic decisions and development control on major roads should stay with the city authorities. However, minor issues such as whether a householder on a side street should convert her front room into a tea shop or sewing workshop should pass down from city level to a much more localised level, neighbourhood level.

The appropriate agent to whom such issues are taken will vary from one country or city to another. It may be anything from chiefs-in-council to community-based organisations, depending on what is validated at the neighbourhood level and congruent with local norms. In Indonesia, for example, this might be the Ruhun Warga (RW) of which there are nine in Kampung Banyu Urip. Their decisions should be made in a manner which is locally valid. One approach would be based on whether a majority of immediate neighbours were content that a use should go ahead. Another would be to respond only when there is a complaint.

Incorporation of "anticipatory" planning

Planning to cope with transformations or HBEs demands that estimates are made for the amount of space required when dwellings have been extended or used for enterprises. Both phenomena underline the fact that planning must cope with dynamic

circumstances not a fixed finished product. Thus, assumptions must be made on likely extensions and changes of use.

Transformations add rooms, services and people to a neighbourhood in ways that have not been planned. However, their inevitability (unless strictly controlled) leads to a need to estimate how far dwellings are likely to be extended in general, how servicing will be affected, and how increased population will settle and need to be serviced with schools, clinics, etc. By planning for transformation, early dwellings can be sited and shaped suitably. Rather than enforcing planning controls that require building an initial small dwelling centrally on a plot, they should encourage it to be built to one side, at the front or rear, or on one corner. All of these allow more useful space, and suggest directions, for extensions. Plot shapes and sizes are likely to affect the amount of transformation. Larger plots (more than 100 square metres) are likely to leverage more development out of a household than smaller. Indeed, it was shown by Tipple and Salim (1999) that larger plots in Malaysia encouraged more varied and more expensive transformations than constricted plots. Wider, squarer plots are likely to be easier to transform on than narrow rectangular plots. Plots should be at least 8m wide so that rooms can be built either side of a corridor or open passage. Cues and clues suggesting break-out points, such as verandas and balconies; massing and direction, such as roof lines; and spaces available can all provide means of controlling what people do through suggestion and, therefore, allow for easier estimation of what will be built. In addition, orientating the original structure to shade it from the sun may prove to be counterproductive if the transformations change its orientation through 90˚. Thought about what is likely to be built over several years will allow planners to make better decisions that are sensitive to variables such as population size and plot coverage.

Our research shows that HBEs are an increasingly common phenomenon but are not present in the majority of homes, yet. Although it is impossible to predict overall rates of HBEs, planners should take account of their presence and likely growth when deciding on plot sizes and servicing levels. It would be more appropriate to view low income neighbours as scattered factories and commercial areas than as dormitory suburbs. Thus, for example, the installation of electrical cables that will only cope with domestic lighting and a limited number of appliances will be less appropriate than cables that can cope with commercial freezers, presses, and power tools.

Similarly, the generation of waste products is likely to include larger quantities than domestic use even if it does not include many toxic substances.

Government's role as enabler

According to Majale (2002), "governments should fulfil a pro-poor enabling role and guarantee human rights. They should support the removal of regulatory impediments and the streamlining of the regulatory framework to contribute to an enabling environment for urban upgrading".

An enabling approach should include positive planning principles for encouraging HBEs and transformations. In this way, local authorities can engage users in the development process in a way that benefits them and their livelihoods. At an economically-rational level, it will leverage household funds into the development process in a very efficient manner. From an equity standpoint, it is likely to increase the benefits that low-income households can derive from their living environments.

Partnerships between key stakeholders in the planning/development process

There is a need to include HBE operators in stakeholder meetings. Great benefits may accrue from the setting up, under NGO guidance, of a type of 'Chamber of Commerce' for HBE operators. It could then act as an advocate for local businesses and argue their concerns in stakeholder meetings.

Inclusiveness

Urban poor communities need to feel that they are included in or, preferably, in control of the situation and to take ownership of processes and interventions that will impact on their livelihoods (Majale 2002). This promotion of inclusiveness is another reason for local planning control. HBEs and the process of transformation enhance the capacity of stakeholders and improve their self-confidence through successful dealings with outsiders and authority figures.

> "If managed effectively, participation can enhance community ownership of processes and facilities and contribute to the sustainability of upgrading and the benefits experienced by poor communities" (Majale 2002).

Regulation as a process rather than a product

It is important to change our attitude towards planning regulation so that it is "livelihood sensitive" not just adopting a blinkered physical planning approach. As planning decision-making is moved down to neighbourhood level, the culture should be changed from one of control by rulebooks to a much more responsive approach; one that is sensitive to the needs and priorities of the neighbourhood's residents. It is likely that more success and consensus will be achieved if local decision-making is based on moving towards better conditions as a process rather than imposing particular standards on those who want to change their circumstances. Where this happens, those who make improvements often have to clear large thresholds between the *status quo ante* and what the standards require. Indeed, this has been identified by de Soto (1989)and other neo-liberal commentators as the main reason for the existence of the informal sector. Those who shoulder the burden of improvement are the dynamic members of the community, those who can provide employment for others and offer services to their neighbours. The less-dynamic are left unaffected and need make no improvements. If the requirements placed on those who wish to upgrade their homes or businesses are closer to existing conditions, the threshold of improvement will not be so daunting or place so unequal a burden on the dynamic members of the neighbourhood.

This is another reason for local planning control.

Widening the scope of upgrading

Our research suggests that shops, domestic and personal services, and social facilities, should be regarded as essential services along with water, drainage, sanitation, access and solid waste disposal. Just as a dwelling that is too far from piped water may be regarded as inadequate, so one that is too far from a shop selling daily food requirements, or from a crèche, or from a health advisor (be it doctor or traditional healer), or from a tea-shop, bar or other meeting place, might also be regarded as inadequate.

It is universally recognised that housing would be regarded as inadequate if a mother could not easily access water in the dead of night to wash her feverish baby. It is less frequently recognised, however, that she may suffer as much by not being able to send another small child out to ask the help of a health worker or traditional healer, or to

buy an aspirin or a re-hydration powder. Similarly, it is universally recognised that water supplies in distant standpipes add many hours to a woman's domestic round but it may be as important that shopping for daily food can be done in a few minutes in a nearby shop rather than through a long trip to a distant supermarket.

Teashops, small restaurants, and bars serve an important function in building social relations. Indeed, they may be as important as formal community centres and religious buildings in establishing and maintaining social cohesion in neighbourhoods.[1]

In the past, it has been acceptable to plan residential neighbourhoods with shopping centres many hundred metres from some of the dwellings and with only occasional sites for church, mosque, club or community centre. Although it would be expected that the majority of the residents would not have a refrigerator, provision for food shops within a few minutes walk has not featured in the planning standards. Even though the affordability criteria may have taken account of two earners in a household, provision for child-care outside the formal schools may have been missed out in the plan. Furthermore, empty school sites and undeveloped shops and community centre sites have not been regarded as serious problems on a par with a lack of water mains or surfaced roads.

We would not advocate the purposive provision of shop and other small business sites according to some rules in the planning of residential areas. This would require agreed levels of provision in shops and other uses per thousand plots or some maximum distances from each plot. We regard a rule such as "No dwelling should be more than 10 minutes walk from a shop selling daily necessities except where income levels are sufficiently high for refrigerators to be universally used" as an unnecessary and undesirable imposition of 'top-down' thinking on something which is essentially locally-driven.

We would, however, suggest that it should be a 'given' within the planning policy that many dwellings will be used for HBEs and that the goods and services they provide are necessary components in the livelihoods of those living in the neighbourhood. Thus, hospitable policies for HBEs, plots large enough for there to be a spare space or

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[1] It is clear from our South Africa sample that bars are often unpopular with neighbours. They generate potential criminal activity and form loci of fear for many residents.

room for an HBE, and provision of access, water, drainage, sanitation and waste disposal commensurate with the extra demand HBEs might impose. There may be reason to rethink provision of large, formal shopping centres in residential areas in the light of the proportion of business that home-based shops and other businesses may absorb. For example, if there is likely to be one hairdresser per 200 dwellings, it may be reasonable to assume that most of these will be home-based and only a few will be required in formal suburban centres. Policy on supermarkets may also be affected by acceptance of the reality and need for home-based convenience shops such as the *spazas* in Pretoria and the *meracang* in Surabaya. The lower prices available in supermarkets may drive the smaller shops out of business but at the cost of increased vehicular trips. We have no evidence to suggest what policy should be in this but there are obvious relationships between viability of small shops when larger ones are available and accessible, and trade-offs concerning price of produce, jobs and vehicular trips generated per dollar spent, and other private and public goods, and these should challenge city planners in their policy-making.

The issues exposed by HBEs vividly demonstrate the need to remove sectoral blinkers in decision-making about urban activities. In the light of our study, we would argue that the decision-making process affecting low-income neighbourhoods should always take account of the need for households to make a living and, for many, their dwellings are the only places available to them.

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