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INTERNATIONAL ACADEMIC ASSOCIATION on PLANNING, LAW, AND PROPERTY RIGHTS

## // 16th Annual Conference 'With or Without Limits'

**International Association on  
Planning, Law, and Property Rights  
(PLPR) Ghent - July 4-8, 2022**

## **BOOK OF ABSTRACTS**

**Tristan Claus & Hans Leinfelder**



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This methodology is being applied to the case study of the Metropolitan Area of Porto in Portugal, but is generalizable to other urban and metropolitan contexts and realities.

**ID: 122**

**Special session 1: Struggle over rural space (Proposers: Peter Ho & Walter T. de Vries)**

**When two dogs fight over a bone: planners as peacemakers between agriculture and environment**

**Tristan Claus, Hans Leinfelder**

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“Flemish government drives up the price of agricultural land” headlined the newspapers in Flanders last September. The Belgian farmers’ union and the Flemish Liberal Party were dissatisfied with the 363 hectares of agricultural land that the Flemish Government had purchased in 2020 to compensate for deforestation elsewhere. Farmland is scarce, they said. And since the government is also bidding for it, its price is increasing. In a way, they were right, were it not for the fact that nature and forest make up less than two percent of the land that is allocated for agricultural purposes in the region’s territory-wide land use plans. Much more prominent are the gardens (6.2%) and pastures for hobby farm animals (4.3%), non-agricultural economic activities (0.9%), buildings (0.2%), and other functions such as sports and recreation (1.5%).

This contribution shows the legal opportunities to deviate from land use regulations as a history of path dependent institution-building. It shows how, over a period of four years (1999-2003), the Flemish government has moved from allowing nothing but agriculture in the areas designated for agriculture in the land use plans to the possibilities to change the use of constructions to uses they are not allocated for and subsequently convert, expand or rebuilt them. If today in Flanders municipal governments want to preserve the agricultural land on their territory for actual agriculture, they have to be more restrictive to non-farmers than legislation allows for. Agriculture should become the default option again. In doing so, area-specific planning could reconcile the interests of both agriculture and the environment, and therefore the community as a whole.

**ID: 123**

**General Paper**

**Towards a credible legalization policy in Serbia**

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The paper explores the legalisation policies of illegally constructed buildings (ICBs) in Serbia in both socialist and post-socialist period. The restrictive urban policy and the inability of the socialist model to provide affordable housing have influenced the emergence of ICBs as an alternative method of meeting housing needs. The exogenous adoption of legalization policies, especially in the post-socialist period, based on the neoclassical approach and “mainstream” neoliberal development, without examining the social mechanisms of the endogenous decision-making on the emergence of ICBs, as well as reducing of planning role (e.g. a deviation of planning, avoiding or abandoning of planning) makes their implementation incomplete and unsuccessful. Given that the endogenous factors of mass construction of illegal buildings are fragmentarily involved in legalization policies, this paper introduces the conceptual framework of “credibility thesis” of specific institutional forms.

This paper debriefs the changes in the credibility of legalization policy measures in the socialist and post-socialist context by using of the credibility analysis as a tool in the evaluation of legalization policies. Empirical analysis of ICBs in Serbia indicates the suitability and acceptability of a theoretical framework based on the “credibility thesis” for the valorization of legalization policies. It can point to the desired direction of legalization policy, procedures and policy implementation mechanisms, and open a new perspective for improving its current performance. Also, here is supposed that the consequences of ICBs arise from their juxtaposition, non-ergodicity and “lock-in” status, i.e. the changes of the relationship in property rights, planning and laws. The issues of legitimacy and legal certainty of the ICBs could be reflected on legalization policy and possible long-term staying of illegality as a parallel system of property rights (with 2.1 million illegally constructed buildings out of 4.9 million in Serbia) with a inconceivable implications for urban planning.

