



BPF RESPONSE TO MHCLG'S CONSULTATION ON PLANNING COMMITTEE REFORM: STATUTORY CONSULTATION ON DRAFT REGULATIONS AND GUIDANCE

PREPARED AND SUBMITTED BY

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British Property Federation

The British Property Federation (BPF) is the voice of the real estate industry, which accounts for one in thirteen jobs across the UK, contributes 5% (£110 billion) of UK GVA, and pays £14 billion in direct and indirect tax each year. Our members include pension funds and institutional investors who invest for the long term in homes, workplaces and communities.

Overview

We welcome the opportunity to respond to the consultation on planning committee reform. We support the overall direction of travel to increase the use of officer delegation and improve the efficiency, consistency and predictability of planning decision making. Enabling planning committees to focus on strategic and complex applications, while routine and technical matters are determined by officers, should help to streamline the system and reduce unnecessary delays.

However, feedback from our members highlights a number of concerns regarding how the proposed framework will operate in practice, particularly in relation to the treatment of reserved matters applications for phased development.

Our response therefore focuses on ensuring that the proposed framework delivers greater clarity, consistency and efficiency, without introducing additional uncertainty, delay or complexity.

Question 1

Do you have any comments on the draft Regulations?

With the exception of the proposed revisions relating to reserved matters applications for phased development, we support the draft Regulations. In our view, the Regulations represent a positive and necessary step towards improving the efficiency, consistency and timeliness of decision making. We support increased delegation of planning decisions to officers and agree that a two tier structure is an effective mechanism to achieve this. Properly resourced and professionally trained officers are well placed to make timely, evidence based decisions. By contrast, unnecessary committee referrals can delay determination, increase uncertainty and lead to avoidable appeals and costs.

A two tier approach should help streamline decision making and ensure that committee time is focused on applications that genuinely require member input.

Schedule 1

We support the inclusion of routine and technical application types within Schedule 1, including discharge of condition applications.

There is also a case for expanding the scope of Schedule 1 to include additional application types which are similarly technical or low impact in nature:

- applications for advertisement consent
- applications for temporary structures or uses, such as pop up retail or event spaces
- applications for minor works to listed buildings

There is also support for enabling minor Section 73 applications to be determined under delegated powers where they do not alter the fundamental nature or impacts of the approved development. This could include applications limited to technical adjustments, such as phasing or timing, or those resulting in modest changes that remain within minor development thresholds.

Schedule 2

We support the principle that policy compliant proposals should generally be determined by officers, and that any gateway for committee referral should be clearly defined and limited in scope. However, members have raised concerns regarding how the gateway test may operate in practice, particularly in relation to reserved matters applications. These concerns are set out in response to Question 2.

Question 2

Do you agree with our proposed approach to phased reserved matters applications?

We do not support the proposed approach.

There is a strong and consistent view among our members that reserved matters applications, including those submitted in phases, should be determined under delegated powers in all circumstances. Reserved matters applications are tightly constrained by the parent outline planning permission, which establishes the principle of development and the key parameters. Where applications comply with those parameters, there is no clear justification for further committee involvement.

Members questioned the rationale for increased committee involvement in reserved matters applications for phased schemes when other post permission approvals, including discharge of conditions and non material amendments, are expected to be routinely delegated.

Members also highlighted that no evidence has been presented to demonstrate that a delegated approach to reserved matters results in inappropriate outcomes or harm that would justify additional committee scrutiny.

There is a strong concern that the introduction of a gateway test will, in practice, result in more applications being referred to committee. Where such a mechanism exists, it may be used to justify referral in cases where objections are raised, even where those objections relate to matters that have already been considered and established at outline stage.

This creates a risk that committees will revisit issues beyond the scope of the reserved matters application, including the principle of development. Members noted that this could lead to increased delay, uncertainty and potentially refusals on grounds that are not relevant to the application, resulting in a greater likelihood of appeal.

Members also questioned how the gateway test would operate in practice. It was noted that the matters referenced in the test, including economic, social and environmental impacts, are already assessed at outline stage. As a result, subsequent reserved matters applications would not ordinarily raise new issues against these criteria, suggesting that the proposed mechanism may add complexity without a clear or distinct purpose.

The proposed distinction between phased and non phased development has also been raised as a concern. Members noted that this approach does not reflect differences in scale or impact, and could result in smaller phased schemes being subject to additional scrutiny, while larger developments brought forward as single outline applications are not.

In practice, many reserved matters applications relate to phases of large scale developments that have already secured outline planning permission. Members emphasised that these schemes are often central to the delivery of new homes and investment, and that introducing additional committee stages risks delaying the types of development that the government is seeking to prioritise.

The justification relating to the time elapsed between outline permission and submission of reserved matters was also questioned. Members noted that timeframes for submission are already controlled through planning conditions attached to outline permissions, which are set by the local authority having regard to the scale and complexity of the development.

More broadly, there are concerns that the introduction of subjective criteria within the gateway test could lead to inconsistent application across authorities and increase the risk of challenge, depending on how decisions are interpreted, recorded and justified.

Question 3

Do you have any comments on the draft guidance?

We are supportive of the draft guidance, particularly the emphasis on officer delegation as the default position.

Members highlighted the importance of ensuring that the guidance is applied consistently across authorities. In this context, there is support for monitoring how the reforms are implemented in practice, to ensure they deliver the intended improvements in efficiency and clarity.

There is also a view that greater certainty around process would be beneficial. In particular, setting a clear timeframe for decisions on whether an application is referred to committee under Schedule 2 would help provide clarity for applicants and avoid unnecessary delay.

Other than the concerns raised in relation to reserved matters applications, we have no further comments on the draft guidance.