

Reform of planning committees (England): technical consultation from the Ministry of Housing,

Communities and Local Government (MHCLG)

June 2025

Background

1. Propertymark is the UK's leading professional body of property agents, with over 19,000 members representing over 12,800 branches. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development¹.

Summary

2. The Ministry for Housing, Communities and Local Government (MHCLG) have launched a consultation seeking views on proposals around the delegation of planning functions, the size and composition of planning committees and mandatory training for members of planning committees.

Question areas

Question 1: Do you agree with the principle of having a two tier structure for the national scheme of delegation?

3. Yes. Propertymark agrees with the principle of having a two tier structure for the national scheme of delegation. We think delegating routine or minor applications (Tier A) to officers under delegated decisions allows committees to focus on more complex, controversial, or strategic decisions (Tier B.) The advantage of this approach is that it prevents bottlenecks and reduces administrative burden through the planning system at local authority level while maintaining political accountability and clear democratic decision making for the more complex cases. However, we also think that a local member should have the ability to call in a decision to be heard by the committee for a planning application within their ward. Fundamentally, we think a nationally defined two-tier system can promote consistency across planning authorities, but local thresholds or "call-in" rights could retain local control where appropriate. In order for this approach to be practical, a local member would have to be consulted as would be the case. However, it would be incumbent on them to refer the matter before a period of time. Failure to meet the deadline, the Head of Planning should assume the application will be considered by delegated decision.

¹ <https://www.propertymark.co.uk/>

Question 2: Do you agree the following application types should fall within Tier A?

4. Propertymark agrees with the application types that are proposed to fall within Tier A. However, some development might not be as simple as perceived. This is why we maintain that a local member(s) should have the ability to refer the application to the committee should they have reasonable grounds to do so.

Question 3: Do you think, further to the working paper on revising development thresholds, we should consider including some applications for medium residential development (10-50 dwellings) within Tier A? If so, what types of application?

5. No. Propertymark disagrees. We are concerned that by including medium sized residential developments within Tier A, could erode public confidence in the planning system especially if an area has several multiple medium sized developments that could compromise infrastructure such as roads, medical facilities and schools. Even developments of 10–50 dwellings can have a significant effect on local traffic, schools, healthcare, drainage, and landscape—especially in smaller towns or rural areas. Fundamentally, Tier A decisions should be reversed for less controversial decisions to free up the time and capacity of local planning authority’s committees to determine more complex cases. Additionally, there could be a number of applications where the public expectation would be that they would be heard by a committee from medium sized developments. This could include, applications impacting grade II listed buildings or conservation areas, major infrastructure as part of the application, applications that impact ecology or applications with large and widescale public objection.

Question 4: Are there further types of application which should fall within Tier A?

6. Yes. We think that applications relating to special control applications such as advertising control, Tree Preservation Orders, listed building consent as well as any minor applications relating to small scale maintenance such as tree maintenance and crowing should fall within Tier A. Providing the local member does not refer the case to be heard by the committee.

Question 5: Do you think there should be a mechanism to bring a Tier A application to committee in exceptional circumstances? If so, what would those circumstances be and how would the mechanism operate?

7. Yes. We have already suggested that a local member should have the opportunity to refer an application to be determined by the committee providing they have reasonable grounds to do so.

Question 6: Do you think the gateway test which requires agreement between the chief planner and the chair of the planning committee is suitable? If not, what other mechanism would you suggest?

8. We think that a gateway test involving agreement between the chief planner and the chair of the planning committee is a positive step towards ensuring a balanced decision-making process. It

promotes collaboration between senior officers and elected members, helping to manage which applications proceed to committee. In essence, this approach strikes the right balance between quick decision making from senior officers and political accountability from the Chair of the Planning Committee.

Question 7: Do you agree that the following types of application should fall within Tier B?

9. Propertymark agrees.

Question 8: Are there further types of application which should fall within Tier B?

10. This could be to the discretion of local planning authorities and the local member.

Question 9: Do you consider that special control applications should be included in:

11. We have already indicated that special control applications should be considered under Tier A.

Question 10: Do you think that all section 106 decisions should follow the treatment of the associated planning applications? For section 106 decisions not linked to a planning application should they be in Tier A or Tier B, or treated in some other way?

12. Section 106 decisions linked to planning applications should follow the same tier treatment for consistency. For standalone Section 106 decisions, greater committee oversight (Tier B) is appropriate, with officer delegation (Tier A) reserved for minor or routine matters.

Question 11: Do you think that enforcement decisions should be in Tier A or Tier B, or treated in some other way?

13. Propertymark thinks that enforcement decisions often require timely and expert action to address breaches of planning control effectively. As such, most enforcement decisions should remain delegated to officers to ensure prompt and consistent response. This would ensure that breaches of planning decisions are dealt with even handedly and that a clear constituent approach and policy can be set by officers for enforcement.

Question 12: Do you agree that the regulations should set a maximum for planning committees of 11 members?

14. Propertymark disagrees.

Question 13: If you do not agree, what if any alternative size restrictions should be placed on committees?

15. A one size fits all approach rarely works, especially as local authorities in England vary widely in population, geography, and number of elected members. For example, a small rural council may function well with 11 members, but a large urban authority may need a larger committee to ensure fair representation across wards and communities. Furthermore, we would recommend given local planning authorities a greater degree of flexibility to decide a model that favours their needs. We advocate a flexible approach allowing the number of members to range from 9 to 15, allowing councils to adjust within that based on local need while encouraging streamlined, manageable committees.

Question 14: Do you think the regulations should additionally set a minimum size requirement?

16. Propertymark thinks there should be a set minimum size requirement of the committee and this should be set between 9 for small authorities and 11 for larger urban authorities. It should be a matter for local authorities to decide what the minimum threshold should be. However, they should be mindful to set a limit to allow the committee to be quorate and able to make decisions at all times of the year.

Question 15: Do you agree that certification of planning committee members, and of other relevant decisions makers, should be administered at a national level?

17. Propertymark agrees that certification of planning committee members, and of other relevant decisions makers, should be administered at a national level. As the consultation document acknowledges, certification administered at a national level reduces the burden on individual planning authorities. A national approach also helps ensure all planning committee members meet a baseline standard of knowledge, understanding of planning law and policy while ensuring that the quality of training is universal across England. However, certification should include a number of modules and given the diversity of English planning authorities, they should have a degree of flexibility to consider what certification should be included as part of their member development against a number of mandatory modules.

Question 16: Do you think we should consider reviewing the thresholds for quality of decision making in the performance regime to ensure the highest standards of decision making are maintained?

18. Yes, Propertymark agrees. Regularly reviewing thresholds helps ensure that local planning authorities are held to evolving standards of good decision-making, especially in a changing policy and legal environment. We also recognise that planning decisions are increasingly becoming more complex and can include decisions and understanding that is rapidly outside of the expertise of even local planning authorities. This can be the case especially with complex energy development.

The propensity of having these complex decisions to make should be considered as should the fact that planning authorities differ in resources, caseloads, and the types of applications they receive. Any performance regime must reflect this diversity, not unfairly penalise smaller or under-resourced councils.

Question 17: For quality of decision making the current threshold is 10% for major and non-major applications. We are proposing that in the future the threshold could be lowered to 5% for both. Do you agree?

19. Propertymark neither agrees nor disagrees but suggests that the threshold should be set on individual circumstances of the planning authority. For example, smaller or under resourced planning authorities could be adversely impacted by a lower threshold where one or two appeals could disproportionately impact performance ratings, particularly for councils with lower application volumes.

Question 18: Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how.

20. We do not think that the proposals within this consultation will impact any protected groups within the Equality Act. However, as a membership body, we would recommend that the MCHLG specifically engages with property agents and other stakeholders involved within the housing sector over the proposals. We would be very happy to support MCHLG with access and specific engagement with our members.

Question 19: Is there anything that could be done to mitigate any impact identified?

21. We do not have any further comments.

Question 20: Do you have any views on the implications of these proposals for the considerations of the 5 environmental principles identified in the Environment Act 2021?

22. We do not have any further comments.