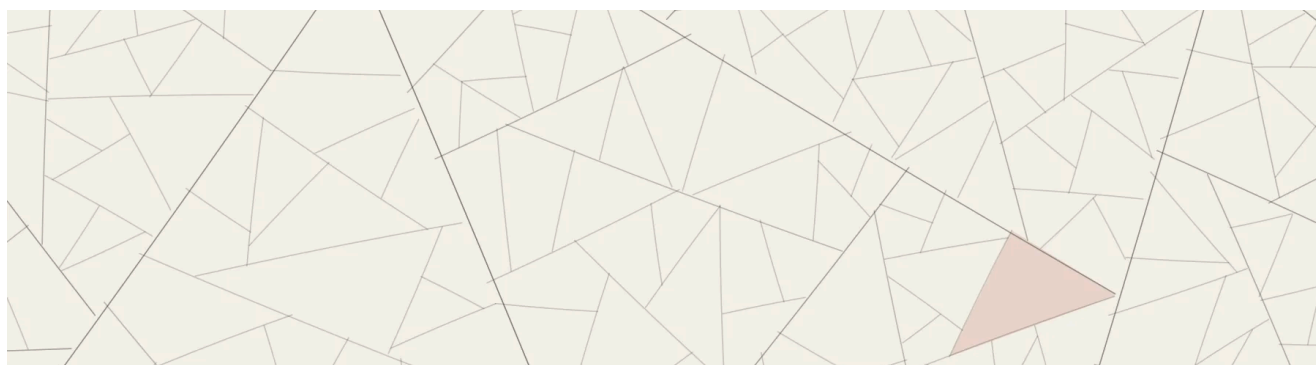


— THE SYSTEM

Who decides a planning application from 31 October, and the call-in that ends.

From 31 October, national regulations set the rules for which planning applications councillors may see. Householder schemes, up to 9 homes on a small site and a list of routine applications must be decided by officers. Most other applications go to committee only if two named people agree. The councillor call-in, and rules that sent an application to committee once enough people objected, end that day.

The Editor



Ground Level, generated

On 23 September Cotswold District Council voted to end its councillors' power to call planning applications in to committee. The motion rewrote the planning parts of its constitution to fit the national rules. Officers already decide 98% of the district's applications, on MHCLG's figures for the year to June 2026, so the change is about the rest.

The draft minutes record Councillor Mike Evemy, who moved it, advising that the changes "had attracted significant opposition and were

not supported by many Members", but that "the Council had a legal obligation to implement them". Members across the chamber described the national scheme as a "reduction in local democratic accountability". The motion passed by 20 votes to none, with 9 abstentions. Failing to adopt it, the minutes note, "would leave the authority without a compliant scheme of delegation".

Every council in England that decides planning applications has had to make the same change.

On 31 October the national scheme of delegation comes into force, and from that day a set of regulations made in Whitehall, not a council's constitution, sets the rules for which applications councillors may see. Some planning authorities are not councils, and the scheme leaves them out. National park authorities, the Broads Authority, development corporations and Homes England keep their own arrangements (guidance, paragraph 2).

This piece sets out what the rules say and who now decides whether an application goes to committee. Then it puts the government's evidence next to its critics'.

What the regulations say.

The rules are the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026, S.I. 2026/854. They were made on 15 July under powers added by section 54 of the Planning and Infrastructure Act 2025, and come into force on 31 October 2026. They sort applications into two schedules.

Schedule 1 must be decided by an officer. It includes householder applications, minor commercial applications and what the regulations call minor residential applications. That last category mainly means 1 to 9 homes, and only homes, on a site smaller than 0.5 hectares. Schedule 1 also takes in permission in principle, the discharge of conditions, prior approvals, certificates of lawfulness and most reserved matters. For all of these, regulation 4 requires the council to arrange for an officer to decide. A committee cannot. There are exceptions. An application connected to listed building consent, or made for work already carried out, moves to

Schedule 2 (guidance, paragraph 19). An own-interest application can be referred to committee by the two nominees described below (regulation 6). That means one made by or for the council, a councillor or an officer, or one in which the nominees think any of them has an interest.

Schedule 2 covers most other applications.

That includes major housing schemes, any housing on a site of 0.5 hectares or more, listed building consent, advertisement consent, tree preservation order consent, reserved matters on outline permissions for 500 or more homes or 50,000 square metres of floorspace, and every retrospective application, whatever its size. These are also decided by officers unless they are referred to a committee. Anything in neither schedule is left to the council's own constitution (guidance, paragraph 8).

Referral is narrow. Under regulation 5(3), a council's "nominated member" and "nominated officer" may agree to refer a Schedule 2 application if, in their view, it raises "one or more issues of economic, social or environmental significance to the local area" or "one or more significant planning matters having regard to the development plan and any other material considerations". If they do not both agree, an officer decides.

Two more rules complete the scheme. A committee deciding applications may have no more than 13 members (regulation 7). And the Secretary of State must review the whole arrangement and publish a report by 31 October 2028 (regulation 8).

Who the two people are.

The regulations leave the choice of nominee to each council. The government's guidance, published on 1 June alongside its response to the consultation, does not. Councils "must have regard to" it under section 319ZZE of the Town and Country Planning Act 1990.

It says the nominated officer should be "the Chief Planning Officer or equivalent officer who has extensive professional planning experience". The nominated member should be "the chair of the planning committee". Cotswold has named the chair of its Planning and Licensing Committee and its Head of Planning Services, with the Vice-Chair and the Assistant Director for Planning Services as substitutes.

So from 31 October, in most of England, whether a contested application is heard in public by elected members turns on the agreement of two people. The guidance sets the bar high. Referral should happen "only exceptionally". Its examples of what might qualify are an outline application for "a large multi-phase residential development allocated in the local plan", the change of use of a rural community shop, and changes to a notable listed building in a town centre. It names two cases that are "unlikely to raise a significant planning matter". One is a scheme that "broadly complies with a detailed site allocation and other relevant policies", though significant matters "may arise if new material considerations are raised by the application". The other is a concern raised by a statutory consultee that has since been resolved to the consultee's satisfaction, unless the nominated officer has compelling reasons to think otherwise.

And it closes off two routes into committee.

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Under the national scheme of delegation, current practices set out in local authority constitutions, such as the power for ward councillors to require cases to be called in for committee consideration or having trigger points for referral to committee if a certain number of objections is reached, will not be possible.

MHCLG, Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England, paragraph 9 · Ground Level, 1 June 2026

Some councils are replacing the call-in with something narrower. Cotswold's new protocol says that "there is no general Member 'call-in' right". A councillor may still send a written Gateway Request within 28 days of being told the application is valid, giving planning reasons. The request goes to a Gateway Review Meeting of the two nominees, held about once a fortnight. In the protocol's words, "the request does not itself refer the application to Committee".

The case for the change.

The government's case starts from a number. Most decisions are already made by officers. In the three months to June 2026, 72,100 of the 74,500 planning decisions made by district-level planning authorities in England were delegated, according to MHCLG's own statistics.

97%

Share of decisions by district-level planning authorities in England delegated to officers in April to June 2026, ahead of the national scheme of delegation. 72,100 of 74,500.

SOURCE · MHCLG, PLANNING APPLICATIONS IN ENGLAND: APRIL TO JUNE 2026, PUBLISHED 24 SEPTEMBER 2026

The explanatory memorandum to the regulations puts it in time: officers made 96% of decisions in the second quarter of 2024, against 75% in 2000.

The argument is about which decisions are left. The government's impact assessment, dated 4 June, estimates that "nearly 40% of major residential decisions are made by committee". In its sample of 35 councils the figure was 38%. Committees decide few applications. They decide a large share of the big housing schemes.

38%

Share of major residential applications decided by planning committees, in the government's sample of 35 councils. Committees decide few applications, but they decide many of the large housing schemes.

SOURCE · MHCLG, PLANNING COMMITTEE MODERNISATION: IMPACT ASSESSMENT, 4 JUNE 2026

The impact assessment then turns to what happens when committees disagree with their officers. It cites research by the consultancy Lichfields on appeals for schemes of 50 or more homes in England between January 2021 and August 2024. In that sample, 33% followed a committee refusing a scheme its officers recommended for approval, and 79% of those appeals

were allowed. It puts the delay an appeal adds at about 200 days. A survey by the Planning Advisory Service found that committees typically meet monthly and discuss two to four applications each time, so a scheme can wait weeks for a slot.

79%

Share of appeals allowed where a committee had refused a scheme of 50 or more homes against its officers' advice, England, January 2021 to August 2024, on Lichfields' figures quoted by the government

SOURCE · MHCLG, PLANNING COMMITTEE MODERNISATION: IMPACT ASSESSMENT, 4 JUNE 2026, CITING LICHFIELDS

The explanatory memorandum states the aim: committees should play "their proper role in scrutinising development without obstructing it, while also maximising the use of experienced professional planners".

The case against.

The Local Government Association supported speeding up decisions but objected to the method. In its response to the consultation on the draft regulations, reported by Local Government Lawyer, it warned of the "potential erosion of local democracy and the limited flexibility created by a highly standardised national scheme of delegation". It called the councillor's call-in a "vital democratic safeguard" and said committee size "does not determine effectiveness".

The Cotswold debate gives the local version. The chair of its planning committee, Councillor Dilys Neill, seconded the changes, advising that

the council had no choice but to comply. The minutes also record the chair's view that the council's existing arrangements "already provided robust scrutiny and democratic oversight". Several members said those arrangements "did not contribute to unnecessary delays". They also record concern that "residents and parish councils would feel their views carried less weight".

Both sides' figures can be true at once. A 79% overturn rate on large schemes is an average across councils whose committees behave differently, and the regulations apply one scheme to all of them. The government's stated aim is "greater clarity and consistency about the role of planning committees" (guidance, paragraph 5). The Local Government Association's objection was to that uniformity, the "limited flexibility" of a single national scheme. A committee that rarely overturns its officers loses its call-in along with one that often does.

What changes for a resident.

Nothing changes in how you comment. Representations are made in the same way, and the officer must take material planning points into account before deciding. What changes is who hears them, and whether anyone hears them in public.

Most small housing schemes leave the committee system entirely. A scheme of up to 9 homes on less than half a hectare is decided by an officer. Apart from the exceptions above, no councillor can change that. There is no committee meeting, so there is no public speaking slot.

Site area matters as much as the number of homes. Schedule 1 needs both conditions. On 14

October Cotswold's committee had before it 8 homes on a field at Bath Road, Tetbury. The officer report says it went to committee because it was "a 'major' application for residential development upon a site exceeding 0.5ha in area". From 31 October an application like it is a Schedule 2 case. It would go to committee only through the gateway.

Large schemes lose their automatic hearing.

Some councils sent every major housing application to committee as a matter of course. Cotswold's rules did so for new applications made valid after 25 September 2024. They covered 10 or more homes, housing on 0.5 hectares or more where the number of homes was not known, 1,000 square metres or more of non-residential floorspace, and any development on 1 hectare or more. From 31 October no application in either schedule goes to committee automatically. A scheme of 300 homes reaches councillors only if the two nominees agree.

Retrospective applications stay in reach.

Every application for permission for work already carried out falls in Schedule 2, even a householder extension (guidance, paragraph 19). It can still be referred.

Parish and town councils lose any automatic trigger.

Where a council's constitution sent an application to committee because the parish objected, that rule cannot survive. A parish council can still ask its ward councillor to make a request, and can still speak if the application reaches committee.

The referral record should be public. The guidance says councils should record every case the two nominees consider, the outcome and the reasons, report it to the planning committee

regularly and publish it on their website (paragraph 34). Cotswold's protocol commits to publishing each decision to the planning record and reporting a summary to committee every quarter.

The committees that remain.

The 13-member cap will force change wherever a committee is larger. It will not in Cotswold, whose committee already has 11 members. The guidance asks councils to "consider whether a smaller number of members would be more appropriate".

A committee that keeps deciding Schedule 1 applications after 31 October is exposed. The guidance warns that such decisions "may be subject to judicial review by anyone aggrieved by the decision", which could lead to them being quashed (paragraph 4).

The Planning and Infrastructure Act 2025 also gave ministers power to require training for committee members. The impact assessment says the detailed arrangements "will be taken forward at a later date". No training requirement is in force yet.

What to watch.

The referral records. The guidance says the reasons an application did or did not go to committee should be recorded and published. They will show whether "only exceptionally" means a handful of cases a year or almost none.

Disagreement between the two nominees. Where the chair wants a hearing and the chief planning officer does not, the officer decides the application (guidance, paragraph 15). How often that happens will show how much a chair's view now counts.

The 2028 review. The regulations require the Secretary of State to assess whether their objectives were achieved and whether they "remain appropriate". The evidence for that review starts accumulating on 31 October.

For residents, the practical change is who has to be persuaded. From 31 October the case for a committee hearing has to convince two people. In Cotswold it is made through a councillor's written request, on planning grounds, which must arrive within 28 days of the councillor being told the application is valid, unless they ask for more time before then.