

Horsham District Council consultation response: Reform of Planning Committees, Technical consultation

Start: 28 May 2025

Close: 23 July 2023

Full details of the consultation can be found here:

<https://www.gov.uk/government/consultations/reform-of-planning-committees-technical-consultation/reform-of-planning-committees-technical-consultation>

Horsham District Council response sent 22nd July 2025

The Government have asked the following questions which Horsham District Council has responded to as follows. Please note where a response is in bold, this is the Council's answer to a mandatory field in the online form i.e. agree or disagree.

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

Response: Disagree

No. Horsham District Council strongly opposes a national scheme of delegation which would curtail the role of democratically elected councillors in the planning process, and significantly limit the ability of Parish and Neighbourhood Councils and local residents to have a say in the future of their District.

Horsham District Council already has a scheme of delegation which is working successfully where more minor applications are considered under delegated powers, and only around 4% of the largest and/or most controversial applications are considered by planning committee.

If the Government pursues a national scheme of delegation contrary to our views, we are supportive in principle to a two tier approach though have significant concerns regarding the application types currently within Tier A as per the Government's consultation.

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

- applications for planning permission for:
- Householder development
- Minor commercial development
- Minor residential development
- applications for reserved matter approvals
- applications for non-material amendments to planning permissions

- applications for the approval of conditions including Schedule 5 mineral planning conditions
- applications for approval of the BNG Plan
- applications for approval of prior approval (for permitted development rights)
- applications for lawful development certificates
- applications for a Certificate of Appropriate Alternative Development

Response: Disagree

Notwithstanding the response to question 1, Horsham District Council is of the view some of the draft Tier A list should still be able to be called to committee if the application is particularly complex, controversial and would benefit from a decision being made in an open forum. This decision should rest with the Authority rather than having a national exclusion. It is considered that householder, minor commercial, minor residential, minor other (including changes of use) and applications for reserved matters should still all be able to be called to planning committee and should therefore sit in Tier B.

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?

Response: No

Horsham District Council is not supportive of medium scale development being within Tier A and therefore excluded from being able to be called to planning committee. Particularly, as a rural District developments of up to 50 homes could have a significant impact on settlements and should be able to receive scrutiny at a planning committee.

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

Response: Yes

Horsham District Council is of the view that Conservation Area consent, Listed Building consent, advertisement consent, application for works to protected trees and a high hedge applications should fall within Tier A. However, where a Listed Building consent is submitted alongside any other tier B application, these should be brought to committee for consistency.

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?

Response: Yes

We consider there should be an ability to call Tier A applications to planning committee in exceptional circumstances. This should include significant policy, economic, social and / or environmental impacts within the Local Planning Authority area.

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?

Response: No

Horsham District Council is opposed to a national scheme of delegation. It should be for each Local Planning Authority to set their own scheme of delegation to decide what triggers an application to planning

committee. Given this, the ability to be able to call applications to committee should not solely rest with the Chief Planner and the Chair of Planning Committee.

If the Government pursue a gateway test this should be broader than the Chief Planner and Chair of Planning committee.

If this remains the Chief Planner and Planning Committee Chair, they should be able to call in applications independently of each other rather than both having to agree to each application.

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

a) Applications for planning permission aside from:

- Householder applications
- Minor commercial applications
- Minor residential development applications

b) notwithstanding a), any application for planning permission where the applicant is the local authority, a councillor or officer

c) applications for s73 applications to vary conditions/s73B applications to vary permissions

Response: Disagree

Horsham District Council is of the view that householder, minor commercial, minor residential, minor other (including change of use) and reserved matters applications should fall within Tier B which would still enable these applications to be called to planning committee if they are particularly complex, controversial and would benefit from a decision being made in an open forum.

We agree that any applications by the Local Authority, a councillor or an officer should be able to be brought to planning committee notwithstanding the Tier the application type sits in. We would also wish to see this expanded to immediate family members of officers / councillors to ensure transparency and fair decision making.

We are of the view all S73 and S73B applications should be able to be called into planning committee. Though if the Government does decide that minor applications should be within Tier A we are of the view this would create inconsistency if a S73 application to amend a minor scheme can be called to committee, but the initial application could not be called to planning committee.

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

Response: Yes

Horsham District Council is of the view that householder, minor commercial, minor residential, minor other (change of use) and reserved matters applications should fall within Tier B which would still enable these applications to be called to planning committee if they are particularly complex, controversial and would benefit from a decision being made in an open forum.

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

- Tier A or
- Tier B?

Response: Tier A (predominately)

Horsham District Council is of the view that Conservation Area consent, Listed Building consent, advertisement consent, applications for works to protected trees and a high hedge application should fall within Tier A. However, where a Listed Building consent is submitted alongside any other tier B application, these should be brought to committee for consistency.

Tree Preservation Order applications should sit within Tier B as there should remain an ability for these type of applications to be called to planning committee. These are often locally sensitive and there should be an ability for decisions to be made in an open and democratic forum.

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?

Response: Yes if an application is within Tier A its related S106 should be considered under Tier A, and if an application is within Tier B its related S106 should be considered under Tier B.

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

Response: Tier A

It is considered that enforcement decisions should sit within Tier A though we recognise the value of councillor engagement in the process.

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

Response: Disagree

The size of planning committee should be set locally in local constitutions and should not be mandated by national government. We recognise that large planning committees can be unwieldy, but also recognise very small planning committees could be unrepresentative. Individual LPAs are therefore best place to consider the size of planning committee based on the particular circumstances in their area. The consultation is silent on substitutions. It is considered that Councils should have the option to have a small pool of substitutes in addition to a core planning committee members if they wish to.

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

Response: A maximum of 15 is reasonable.

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

Response: No

LPAs should be able to set their own committee sizes.

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

Response: Agree

A national scheme of certification is considered to be helpful to understand the basics of planning. This should not though replace more detailed and Local Planning Authority specific training, which may be time sensitive and require immediate implementation. At Horsham we have mandatory quarterly training for all

planning committee members. There is some concern that imposing a national scheme of training could potentially reduce the level of detailed training already carried out by some Local Planning Authorities. A national scheme, if imposed, should be supported by guidance for additional local training, with a pool of training tools available for officers and members via the Planning Advisory Service.

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?

Response: Yes

The time lag inherent in the Quality of Decision statutory measure makes it impossible for LPAs to identify if they are at risk of exceeding the threshold until it is too late to respond. Once a planning application is determined, applicants have six months to appeal, and PINS figures (December 2024) show it currently takes 23-31 weeks for appeal decisions. Therefore it is often more than halfway through the 2-year measurement period before the LPA receives any appeal results, particularly for major applications. The actual value for the Quality measures are not reached until after the 2-years has expired (during the additional 9-month period). By this point, the LPA can't do anything to avoid designation if there is an issue. The proposed lower 5% threshold makes this even more challenging, as detailed in question 17.

MHCLG often doesn't announce the thresholds until after some of the Speed of Decision periods have ended and the first Quality of Decision periods are nearly ended. We have to set council KPIs on the assumption that the same thresholds as last time will be used. If MHCLG were to change the thresholds, there would be no opportunity for LPAs to respond. The thresholds should be announced before the periods begin, not at the end.

It would be fairer to only count appeal losses if costs were awarded against the LPA. This is better evidence that the LPA has been unreasonable in its decision-making.

If any new measures are put in place there would need to be a significant lead in time to enable LPAs to prepare.

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?

Response: Disagree

No, even as an LPA with a relatively larger number of applications, Horsham District Council only determined around 80 major applications over a two-year period. The current 10% threshold allows for 8 appeal losses, whereas 5% would mean as few as 4 appeal losses could lead to designation. There is virtually no leeway for an occasional appeal decision which could go either way, which would be a matter of planning judgement, rather than poor decision making on the part of the LPA.

Lowering the threshold for major development will therefore not maintain or improve a high standard of decision making and may end up counterproductive to quality decision making. Applying a lower threshold for major development will limit the ability of local authorities to exercise their professional planning judgements with the fear of special measures potentially taking precedence over good place making.

Furthermore, with the recent changes in national policy alongside significant increases in housing targets approximately half of all authorities across England do not have a housing land supply. It appears ludicrous to seek to change the thresholds at a time when LPAs will likely see unprecedented growth and there will be a resultant rise in appeals; not because of poor decision making, but because more applications will be submitted. LPAs need support to ensure we can continue to make quality and timely decision making, not a stick to beat us with.

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.

Response: Having a national scheme of delegation removes the ability of LPAs to set their own scheme of delegation with broader call in rights, which allows protected characteristics to be more carefully considered.

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

Response: An ability for Local Planning Authorities to call in applications in exceptional circumstances.

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?

Response: A Local Plan Authority should have an ability to call in applications to committee which are considered to have implications for the 5 environmental principles in the Environment Act.