



Havering
LONDON BOROUGH

BRIEFING PAPER

PLANNING COMMITTEE REFORM AND CHANGES TO COUNCIL CONSTITUTION

1.0 Introduction

- 1.1 Government reform of the planning system was set out in the Planning and Infrastructure Act 2025, enacted in December 2025. Included in the Act are powers for regulations to be made to reduce the scope of planning applications that can be determined by committee and limiting the size of planning committees (Section 54) as well as the introduction of mandatory national training for planning committee members (Section 53).
- 1.2 The Government have now published enabling legislation in respect of Section 54 through the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026. These Regulations will come into force on 31st October 2026. Mandatory training is not implemented through these Regulations and would be subject to enabling legislation in due course.
- 1.3 Published alongside the legislation is detailed statutory guidance – “Planning Committees and the National Scheme of Delegation of Planning Functions: Guidance for local planning authorities in England.” Paragraph 4 of the Guidance states:
- “For the avoidance of doubt, where local planning authorities do not comply with the Regulations from the date they come into force (31 October 2026) and their planning committees make decisions on applications which must be delegated officers, those decisions may be subject to judicial review by anyone aggrieved by the decision. This may lead to the quashing of the decision.”*
- 1.4 The measures introduced through the legislation make it necessary to review and make changes to the Council’s Constitution so that those decisions made by Planning Committee from 31st October are legally sound and do not conflict with the legislation.

2.0 Summary/Implications of legislative changes and national guidance

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- 2.1 The most significant change from the legislation is that there will no longer be a general right for Members to call-in applications for committee consideration.
- 2.2 The new Regulations sets out a National Scheme of Delegation which categorise planning applications into two groups:

Schedule 1 – all decisions must be delegated to officers and planning committee can play no role – See Appendix A for full list of Schedule 1 applications

Schedule 2 – all decisions are delegated unless they meet a “Gateway Test” that confirms referral to committee
- 2.3 The Gateway Test requires the Chief Planning Officer (in Havering this is the Assistant Director of Planning) and the Chair of the Planning Committee to agree that an application:
 - A. raises an economic, social or environmental issue of significance to the local area; or
 - B. raises a significant planning matter having regard to the development plan and any other material considerations;
 - C. is an own-interest application (applicant is the Council or a member or officer of the Council) that should be determined by committee
- 2.4 It is clear from the legislation and guidance that it is not a requirement, nor is it an intention, that all Schedule 2 applications will be considered through the Gateway test. Based on April 2025 – March 2026 annual application decision figures, 327 applications could be considered through Gateway. This compares with 14 applications that were referred to and decided by Planning Committee/Strategic Planning Committee over the same period. If circa 300+ applications were required to pass through the Gateway test, there would be a significant administrative burden as well as requiring significant dedication of time from the Chair of the Planning Committee and Assistant Director of Planning in terms of both number of Gateway meetings and the length of such meetings.
- 2.5 As per the national guidance, Local Planning Authorities can, through their constitution, set out the criteria for which Schedule 2 and own-interest applications are to go to Gateway or be delegated to officers to make the decision.
- 2.6 Through Governance Committee and Full Council, it is recommended that the constitution in relation to planning decisions be amended, most importantly to ensure compliance with legislation, but also to ensure that only those applications that raise relevant issues are considered by Gateway/Planning Committee and in the interests of efficiency of the service.

3.0 Proposed Changes to Constitution

- 3.1 The current constitution results in the majority of planning applications being decided by officers, with only strategic applications recommended for approval automatically being decided at committee. Planning applications that are subject to a call-in from Members and recommended for approval are also subject to committee decision.
- 3.2 As a result of the new legislation, it is considered that the changes to the constitution must be made, but should reflect as much as possible the current arrangements, with the following significant changes:
- a) Existing Planning Committee and the Strategic Planning Committee to be abolished. New Planning Committee to be constituted in line with the 2026 Regulations, including size of committee and quorum (constitutional and legislative requirements)
 - b) No applications can automatically be considered by committee – relevant applications will need to pass through the Gateway test first (legislative requirement)
 - c) Schedule 1 applications will not be considered at Gateway or committee and will automatically be decided by officers (legislative requirement)
 - d) Only certain Schedule 2 applications will be referred to Gateway for consideration as to whether to refer to committee, but that will include applications where a Ward Member (or adjoining ward member) requests that the application be considered through the Gateway Test and applications that are recommended for approval (in the interests of efficient Gateway process)
- 3.3 The recommended changes to the constitution also make provision for own-interest applications to be referred to Gateway in certain circumstances and for other planning matters not covered by the new legislation (e.g. Local Development Orders) to be referred to Gateway and/or Committee at the discretion of the Assistant Director of Planning.

APPENDIX A – Schedule 1 Applications

- householder development
- minor commercial development (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015)*
- minor residential development which is defined in the Regulations as:
 - development that includes only dwellings and development for the purposes incidental to the enjoyment of dwellings, comprises at least one but not more than nine dwellings, and is to be carried out on a site having an area smaller than 0.5 hectares
 - development of a building containing flats, or development within the curtilage of such a building, for any purpose incidental to the enjoyment of the flats or any of them but excludes development in respect of a building containing flats, or development within the curtilage of such a building, that involves either or both of a change of use or change to the number of flats
 - an application for any consent, agreement or approval required by or under a planning permission, development order or local development order for development within paragraph (a) or (b)**
- to develop land without compliance with conditions previously attached) in respect of which the previous planning permission was a Schedule 1 planning permission (applications under section 73(1) of the Town and Country Planning Act 1990)
- reserved matters approval in respect of an outline planning permission other than a large outline phase permission (i.e. one which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 square metres or more) (applications under Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015)
- discharge of conditions (applications under Article 27(1) of Town and Country Planning (Development Management Procedure) (England) Order 2015)
- prior approval for permitted development rights (applications under Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015)
- permission in principle (as referred to in section 58A of the Town and Country Planning Act 1990)
- where a local planning authority considers a planning obligation is connected to a Schedule 1 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and Country Planning Act 1990)

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- where local planning authority considers a planning obligation is connected to a Schedule 1 application, modification or discharge of a planning obligation (applications under section 106A(3) of the Town and Country Planning Act 1990)
- non-material changes to planning permission or permission in principle (applications under section 96A(4) of the Town and Country Planning Act 1990)
- certificates of lawfulness of existing use or development (under section 191(1) of the Town and Country Planning Act 1990)
- certificates of lawfulness of proposed use or development (under section 192(2) of the Town and Country Planning Act 1990)
- certificates of lawfulness for proposed works to listed buildings (under section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990)
- biodiversity gain plan (duty to approve under paragraph 14 of Schedule 7A to the Town and Country Planning Act 1990)
- certificates of appropriate alternative development (applications under section 17 of the Land Compensation Act 1961)

* minor commercial development applications would be applications to make alterations to ground floor retail units, professional service premises, restaurants, pubs and takeaways

** a dwelling would include an HMO