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Our Ref: Gov Response/AD/TB/NC

Date: 22 July 2025

By Email: planningcommittees@communities.gov.uk

Dear Sir/Madam

Reform of planning committees: technical consultation – Response from London Borough of Wandsworth

Thank you for the opportunity to respond on this matter. As this matter is extremely important to local democracy, I considered that the response needed the following context before the Council's responses to the technical consultation questions.

The Council is committed to open and transparent decision making in all the decisions that the Council makes. The Council has a positive and forward thinking planning team which assisted in the delivery of a high number of new properties in London, and with the renewed focus on high quality affordable housing within the borough. As such, we feel well placed to comment on this paper, which is a reaction to slow delivery of housing across the country.

In this regard we are confident that the Council, working with all local residents, achieves the best buy-in for new developments. This is best undertaken by ensuring that the Council is open in its decision making and that local democracy is at the

Interim Director of Place: Paul Moore



centre of this process. Outcomes from planning committee often give legitimacy to decision making process, that can be lost if made by planning officers.

With this in mind you will note that while we do not disagree with a 2 tier system nationally, as can be seen in the questions, The Council considers that Tier A applications should constitute delegated decisions, unless a request by a ward cllr, and agreed by the Chair of the committee and the Chief Planning Officer is made, while Tier B applications should all be decided by a planning committee.

The Council sees the opportunity to strengthen local democracy and decision making. This is underlined in the proposed reforms and that development should be shaped by local communities and reflect the views of local residents.

In the same vein, Wandsworth Council is concerned that swift, local and democratic decision making is being undermined by the current appeal process. While the Council accepts that a third party, independent arbiter is necessary and a part of the democratic process, at present, the appeal system is not working efficiently and undermines local decision making. Appeals against refusal of minor development proposals frustrates local decision making by taking planning decisions away from the Council to be determined by the Planning Inspector. The Inspectorate is overburdened and under-resourced, frequently missing its own targets for decision making, leading to a protracted and frustrated system. This disenfranchises residents and undermines confidence in the planning regime. It is clear that for minor development proposals, the current appeal system adds to the burden of bureaucracy and is counter-productive to swift, local and effective decisions that supports local engagement and economic growth.

A full appeal process is better suited to major or complex development proposals. Minor, less contentious scheme should not be subject to the current, full appeal procedures, perhaps other than where a council has unnecessarily delayed making a planning decision. Wandsworth Council is of the view that an express or expedited appeal system should be considered for minor developments, appeals against conditions, minor enforcements and advertisement appeals. Appeals could, indeed, be one avenue where Planning Committees could be useful and where appeals against delegated decisions could be referred to committee to resolve. This would retain local engagement, remove bureaucracy and free-up the Inspectorate to deal with the more significant and impactful proposals and, importantly, the plan making process.

2. Delegation of planning functions

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

Response: Yes. However, you will see from further responses, it is the Council's opinion that Tier A could be delegated with a proviso to ensure scrutiny of controversial or important decisions by elected members, while applications in Tier B should be referred to committee.

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: Yes

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: These should remain within Tier B.

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

Response:

- Applications for Listed Building Consent – when relating to minor development
- Applications for Advertisement Consent
- Observations on planning applications within adjacent boroughs
- S73 applications relating to Tier A permissions
- Scoping opinions

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, given that some minor applications, can have considerable public interest, there should be an opportunity to review the delegated process, especially if a request from a Ward councillor is made. This should be agreed by both the Chief Planning Officer and Chair of committee. Perhaps a formalised gateway approach for Tier A applications should be developed.

Tier B applications

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: Although the Council's response is that Tier B applications should be referred to committee, if this is not agreed, then while the gateway test provides some guidance on the considerations for taking applications to committee. However, this could be open to some abuse as considered subjective and reliant on the opinions of the Chair and Chief Planner. In addition, and in an authority which receives a number of Pre-Action Protocol letters each year, unless this is formalised it could be open to a legal challenge.

We would suggest that the criteria for the gateway becomes more structured and definitive.

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

Response: Applications where the Council, council officer, including those employed on a contract or as consultant, councillor or local MP is the applicant should be dealt with in the same way as any other application with in Tier A/B, perhaps with oversight of the Chair of committee and chief planning officer, to ensure no improbity.

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

Response: Section 73 application should only be referred to where original consent would fall within Tier B and would be a substantial change to the initiating consent. Again, this could be decided by the Chief Planning Officer, in consultation with the Chair of committee.

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

Response: Not aware at this stage.

Special control applications

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

- Tier A or
- Tier B?

Response: Generally, within Tier A, although if a gateway test is advocated there could be a referral process where significant public interest/sensitivities are involved.

Section 106 and planning enforcement

Question 10: Do you think that all section 106 decisions should follow the treatment of the associated planning applications?

Response: Yes.

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: Tier A, with an option for the discretion of the Chair and Chief Planner within Tier B if the changes are viewed as making significant changes to the nature/mitigation of the development .

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 unless as agreed by the Chief Planning Officer and Chair of committee. Having enforcement matters at planning committee, especially those with significant/controversial matters, or those with legal implications can benefit from a public hearing and committee decision. This however, should be a very small minority of cases.

3. Size and composition of committees

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

Response; Yes, a maximum number should be established, although 11 appears a rather arbitrary number. Our current membership is 10 and this works well.

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

Response: Although substitute members can be useful to ensure a full committee, any substitute member should be trained as per all other members.

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

Response: Yes, would suggest a minimum size of 5 to be democratic and enable effective decision making.

4. Mandatory training for planning committee members

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

Response: Yes, we currently undertake annual refresher training and training before any new member can join the committee. In addition, we undertake additional training

sessions regarding areas of interest to committee members, e.g. local plan making, affordable housing and viability, sustainability.

It is the Council's opinion that mandatory refresher courses every 2 years to ensure members remain up to date with planning changes should be undertaken as a minimum. While a national certification would ensure consistency, for example a minimum online video and test programme could be developed, there should also be flexibility for additional local/regional certifications to be developed.

5. Delegated decision making

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: Not at this stage; however this should be open to review, which may assist in identifying the impact of any proposed changes.

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: In the future, once the changes to planning committees are established this should be reviewed to assess impact of any changes.

6. Public Sector Equality Duty and Environmental Principles

Any potential impacts of the proposals in the consultation on businesses, or of any differential impacts on persons with a relevant protected characteristic as defined by the Equality Act 2010 compared to persons without that protected characteristic, together with any appropriate mitigation measures, which may assist in deciding the final policy approach in due course

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: No

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

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: No

I hope you will find this response useful and officers and members are happy to engage further on this important matter of local democracy.

Yours sincerely

Cllr Aydin Dikerdem

Cabinet Member for Housing & Planning