This draft Statutory Instrument supersedes the draft of the same title which was laid before Parliament on 1st June 2026 and published on 2nd June 2026 (ISBN 978-0-34-828370-9). It is being issued free of charge to all known recipients of that draft Statutory Instrument.

Draft Regulations laid before Parliament under section 333(3ZAB) of the Town and Country Planning Act 1990 (c. 8), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No.

TOWN AND COUNTRY PLANNING, ENGLAND

LOCAL AUTHORITIES, ENGLAND

The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026

Made - - - -	*****
Coming into force - -	*31st October 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 319ZZC to 319ZZE and 333(2A) and (2B) of the Town and Country Planning Act 1990(**a**).

The Secretary of State has consulted in accordance with section 319ZZE(6)(a) of that Act.

In accordance with section 333(3ZAB) of that Act, a draft of these Regulations has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

(2) These Regulations come into force on 31st October 2026.

(3) These Regulations extend to England and Wales, but only apply in relation to England.

Interpretation

2.—(1) In these Regulations—

(**a**) 1990 c. 8. Sections 319ZZC to 319ZZE were inserted by section 54(1) of the Planning and Infrastructure Act 2025 (c. 34). Section 333(2A) was inserted by paragraph 14(2) of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5). Section 333(2B) was inserted by section 130(1)(a) of the Levelling-up and Regeneration Act 2023 (c. 55).

"arrangements" means arrangements by local authorities under section 101 of the 1972 Act(**a**);

"committee", in relation to a relevant local planning authority(**b**), means a committee or sub-committee of that authority;

"DMPO" means the Town and Country Planning (Development Management Procedure) (England) Order 2015(**c**);

"dwelling" means a house or a flat;

"excluded flat development" means development in respect of a building containing flats, or development within the curtilage of such a building, that involves either or both of—

(a) a change of use(**d**);

(b) a change to the number of flats;

"flat" means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

"householder application" has the same meaning as in DMPO as it has effect when these Regulations come into force(**e**);

"large outline permission" means an outline planning permission which permits development involving either or both of—

(a) the provision of 500 or more dwellings;

(b) the provision of a building or buildings where the floorspace to be created by the development is 50,000 square metres or more;

"Listed Buildings Act" means the Planning (Listed Buildings and Conservation Areas) Act 1990(**f**);

"minor commercial application" has the same meaning as in DMPO as it has effect when these Regulations come into force(**g**);

"minor residential application" means—

(a) an application for planning permission for development that—

(i) includes only dwellings and development for purposes incidental to the enjoyment of dwellings,

(ii) comprises at least one but not more than nine dwellings, and

(iii) is to be carried out on a site having an area smaller than 0.5 hectares;

(b) an application for planning permission for development (other than excluded flat 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 the flats; or

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(**a**) 1972 c. 70. See section 319ZZF(4) of the Town and Country Planning Act 1990 (c. 8), as inserted by section 54(1) of the Planning and Infrastructure Act 2025 (c. 34), for the definition of "the 1972 Act".

(**b**) See section 319ZZF(1) of the Town and Country Planning Act 1990 (c. 8) as inserted by section 54(1) of the Planning and Infrastructure Act 2025 (c. 34) for the definition of "relevant local planning authority".

(**c**) S.I. 2015/595.

(**d**) Section 55(1) of the Town and Country Planning Act 1990 (c. 8) provides that "development" includes "the making of any material change in the use of any buildings or other land".

(**e**) See regulation 2(1) of S.I. 2015/595.

(**f**) 1990 c. 9.

(**g**) See regulation 2(1) of S.I. 2015/595.

(c) 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);

"nominated member" has the meaning given in regulation 3;

"nominated officer" has the meaning given in regulation 3;

"outline planning permission" has the same meaning as in DMPO as it has effect when these Regulations come into force(**a**);

"own-interest application" has the meaning given in regulation 6;

"reserved matters" has the same meaning as in DMPO as it has effect when these Regulations come into force(**b**);

"reserved matters approval application" means an application for the approval of reserved matters;

"Schedule 1 application" means an application that—

(a) is of a kind specified in Schedule 1 to these Regulations,

(b) is not a Schedule 2 application, and

(c) is not an own-interest application;

"Schedule 2 application" means an application that—

(a) is of a kind specified in Schedule 2 to these Regulations, and

(b) is not an own-interest application;

"TCPA 1990" means the Town and Country Planning Act 1990(**c**).

(2) Where an application is to be determined by an officer of a relevant local planning authority pursuant to arrangements made under regulation 4, 5(2) or 6(3), the authority must not make arrangements that limit the officer's discretion as to how to determine that application.

(3) Where arrangements are in force under section 101(1)(b) of the 1972 Act for an application made to a relevant local planning authority ("A") to be determined by another relevant local planning authority ("B"), these Regulations apply in relation to that application as though it had been made to B instead of A.

(4) Where arrangements are in force under section 101(5) of the 1972 Act for two or more relevant local planning authorities to discharge any of their functions jointly, these Regulations apply in relation to those functions as if—

(a) references to a committee of a relevant local planning authority included references to a joint committee of those authorities;

(b) references to an officer of a relevant local planning authority included references to an officer of any of those authorities.

Nominated members and officers

3.—(1) A relevant local planning authority may nominate—

(a) a member of the authority to act as the nominated member for the purposes of regulations 5 and 6;

(**a**) See regulation 2(1) of S.I. 2015/595.
(**b**) See regulation 2(1) of S.I. 2015/595.
(**c**) 1990 c. 8.

(b) an officer of the authority to act as the nominated officer for the purposes of regulations 5 and 6.

(2) When nominating a member or officer under paragraph (1), a relevant local planning authority may—

(a) nominate different members or officers for different purposes;

(b) provide for substitute nominated members or nominated officers.

Applications that must be determined by an officer

4. A relevant local planning authority must make arrangements so that any Schedule 1 application made to that authority is determined by an officer of that authority.

Applications that may be determined by a committee or by an officer

5.—(1) A relevant local planning authority must make arrangements so that any Schedule 2 application made to that authority is determined in accordance with paragraphs (2) to (4).

(2) Any Schedule 2 application that is not referred to a committee in accordance with paragraph (3) must be determined by an officer of that authority.

(3) The nominated member and nominated officer may agree to refer a Schedule 2 application to a committee if in their view it raises—

(a) one or more issues of economic, social or environmental significance to the local area, or

(b) one or more significant planning matters having regard to the development plan and any other material considerations.

(4) In considering whether to make a referral under paragraph (3), the nominated member and the nominated officer must have regard to any relevant guidance issued by the Secretary of State under section 319ZZE(4) of TCPA 1990.

Own-interest applications

6.—(1) An own-interest application is an application to a relevant local planning authority of a kind specified in Schedule 1 or Schedule 2 to these Regulations where—

(a) the application is made (whether or not jointly with any other person) by or on behalf of—

(i) that authority,

(ii) a member of that authority, or

(iii) an officer of that authority, or

(b) in the view of the nominated member and the nominated officer, the authority or any of its members or officers otherwise has an interest in the application.

(2) A relevant local planning authority must make arrangements so that any own-interest application made to that authority is determined in accordance with paragraphs (3) to (5).

(3) Any own-interest application that is not referred to a committee in accordance with paragraph (4) must be determined by an officer of that authority.

(4) The nominated member and nominated officer may agree to refer an own-interest application to a committee.

(5) In considering whether to make a referral under paragraph (4), the nominated member and the nominated officer must have regard to any relevant guidance issued by the Secretary of State under section 319ZZE(4) of TCPA 1990.

Limit on size of committee determining applications

7. A committee determining an application pursuant to arrangements under regulation 5 or 6 must not comprise more than 13 members.

Review

8.—(1) By 31st October 2028, the Secretary of State must—

(a) carry out a review of these Regulations, and

(b) publish a report setting out the conclusions of the review.

(2) The review must, in particular—

(a) set out the objectives intended to be achieved by these Regulations,

(b) assess the extent to which those objectives are achieved,

(c) assess whether those objectives remain appropriate, and

(d) set out any proposals for amending these Regulations.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Minister of State
Ministry of Housing, Communities and Local Government

SCHEDULES

SCHEDULE 1

Regulation 4

Applications that must be determined by an officer

1. An application made under section 17(1) of the Land Compensation Act 1961 (certificates of appropriate alternative development)(**a**).

2. An application made under section 26H(1) of the Listed Buildings Act (certificate of lawfulness of proposed works)(**b**).

3. A householder application.

4. A minor commercial application.

5. A minor residential application.

6. An application for permission in principle(**c**).

7.—(1) An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 1 planning permission.

(2) In this paragraph—

"original planning permission" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;

"Schedule 1 planning permission" means a planning permission granted pursuant to an application which is of a kind specified in this Schedule.

8. An application made under section 96A(4) of TCPA 1990 (non-material changes to planning permission or permission in principle)(**d**).

9.—(1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 1 approval—

(a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations)(**e**);

(b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning obligations)(**f**).

(2) In this paragraph, "Schedule 1 approval" means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in this Schedule.

(**a**) 1961 c. 33. Section 17 was substituted by section 232(3) of the Localism Act 2011 (c. 20) and was amended by section 189(3) of the Levelling-up and Regeneration Act 2023 (c. 55).
(**b**) Section 26H(1) was inserted by section 61 of the Enterprise and Regulatory Reform Act 2013 (c. 24).
(**c**) For the definition of "permission in principle", see section 336(1) of the Town and Country Planning Act 1990 (c. 8).
(**d**) Section 96A was inserted by section 190(2) of the Planning Act 2008 (c. 29). Subsection (4) was amended by regulation 3(4)(c) of S.I. 2017/276.
(**e**) Section 106A was inserted by section 12(1) of the Planning and Compensation Act 1991 (c. 34); section 106A(1)(a) was amended by section 34(2) of the Greater London Authority Act 2007 (c. 24).
(**f**) Section 106A(3) was amended by section 34(3) of the Greater London Authority Act 2007 (c. 24).

10. An application made under section 191(1) of TCPA 1990 (certificate of lawfulness of existing use or development)(**a**).

11. An application made under section 192(1) of TCPA 1990 (certificate of lawfulness of proposed use or development)(**b**).

12. The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to TCPA 1990(**c**).

13. A reserved matters approval application in respect of an outline planning permission other than a large outline permission.

14. An application made under article 27(1) of DMPO (applications made under a planning condition).

15. An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015(**d**) for—

(a) prior approval, or

(b) a determination as to whether prior approval is required.

SCHEDULE 2

Regulation 5

Applications that may be determined by a committee or by an officer

1. An application for listed building consent made under section 10(1) of the Listed Buildings Act (making of applications for listed building consent).

2. An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent).

3. An application for planning permission that the authority concerned considers is connected with an application of a kind specified in paragraph 1 or 2.

4. An application for planning permission that is not—

(a) a householder application,

(b) a minor commercial application, or

(c) a minor residential application.

5.—(1) An application made under section 73(1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission.

(2) In this paragraph—

"original planning permission" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions were granted under section 73(1) of TCPA 1990;

"Schedule 2 planning permission" means a planning permission granted pursuant to an application which is of a kind specified in this Schedule.

(**a**) Section 191 was substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34).
(**b**) Section 192 was substituted by section 10(1) of the Planning and Compensation Act 1991 (c. 34).
(**c**) Schedule 7A was inserted by paragraph 2 of Schedule 14 to the Environment Act 2021 (c. 30).
(**d**) S.I. 2015/596.

6. An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out)(**a**).

7.—(1) In respect of a planning obligation that the authority concerned considers is connected with a Schedule 2 approval—

(a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations);

(b) an application to modify or discharge that obligation under section 106A(3) of TCPA 1990 (modification and discharge of planning obligations).

(2) In this paragraph, "Schedule 2 approval" means any permission, agreement, consent or approval (other than a planning obligation) pursuant to an application which is of a kind specified in this Schedule.

8. A reserved matters approval application in respect of a large outline permission.

9. An application made under regulation 9(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement)(**b**).

10. An application made under regulation 16(1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order)(**c**).

(**a**) Section 73A was inserted by paragraph 16(1) of Schedule 7 to the Planning and Compensation Act 1991 (c. 34).
(**b**) S.I. 2007/783.
(**c**) S.I. 2012/605.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations require relevant local planning authorities ("LPAs") in England (as defined by section 319ZZF(1) of the Town and Country Planning Act 1990 (c. 8) ("TCPA 1990")) to make arrangements for specified planning functions to be discharged by committees (including sub-committees) or by officers.

Regulation 4 provides that the function of determining an application of a kind listed in Schedule 1 must be delegated to an officer, unless—

- the application is also of a kind listed in Schedule 2 (for example, a minor residential application which the LPA considers is connected with an application for listed building consent), in which case regulation 5 applies, or
- the application is made by the LPA itself, or a member or officer of the LPA, or the LPA otherwise has an interest in the application (an "own-interest application"), in which case regulation 6 applies.

Regulation 5 provides that the member and officer nominated by the LPA under regulation 3 may refer the function of determining an application of a kind listed in Schedule 2 to a committee, if they agree that the application raises an issue of economic, social or environmental significance to the local area, or raises a significant planning matter. Any such application not referred to a committee must be delegated to an officer. Regulation 5 does not apply to an own-interest application; regulation 6 applies instead.

Regulation 6 provides that the function of determining an own-interest application may be referred to a committee by agreement of the LPA's nominated member and nominated officer, at their discretion. Any such application not referred to a committee must be delegated to an officer.

Regulation 7 provides that any committee determining an application pursuant to these Regulations may have a maximum of 13 members.

Regulation 8 provides that the Secretary of State must undertake a statutory review of these Regulations and publish it by 31st October 2028.

In making and operating arrangements under these Regulations, section 319ZZE(4) and (5) of TCPA 1990 requires LPAs to have regard to any relevant guidance issued by the Secretary of State. Regulations 5(4) and 6(5) require nominated members and nominated officers to have regard to any such guidance when considering whether to refer an application to a committee.

A full impact assessment of the effect on the costs of business, the voluntary sector and the public sector was undertaken in relation to the primary legislation and has been published alongside this instrument, together with an explanatory memorandum, at www.legislation.gov.uk. The full impact assessment is available for inspection at the Planning Directorate, Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

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