



RESPONSE BY THE CHELSEA SOCIETY

to the Government's Consultation on

"Reform of planning committees: technical consultation"

This is described as a "technical consultation, but it involves important matters of principle.

The Planning System in England is already strictly regulated on a national basis, by the Planning Acts themselves, by regulations made thereunder, and by a plethora of "Policy Guidance Notes" which are essentially instructions from national government.

Superimposed on all this is an Inspectorate consisting of planning professionals appointed by national government, with power to substitute their own opinions for those of the elected representatives of local people.

The Chelsea Society was established nearly 100 years ago to maintain and improve the amenities of Chelsea for the public benefit, and with 1,129 members it is the largest local amenity society in the United Kingdom. Chelsea is the southern part of the Royal Borough of Kensington & Chelsea (RBKC).

The Society has already expressed concern that the planning system unduly favours developers and professional planners at the expense of local people and their representatives. See <https://chelseasociety.org.uk/planning-code-conduct/>

It is true that the Local Plans are made, and periodically reviewed, with public participation, but under the overall control of an Inspector appointed by national government, and managed by professional planners. However, the implementation of the Local Plan in individual cases is often a matter of opinion for the decision-maker, and it is in this area that local democracy and local knowledge is important.

Recently a Planning Inspector appointed by the Government accepted that the Council of RBKC had planning powers over the houseboats at Chelsea Reach, and that the question to be decided was a matter of opinion for the decision-maker.

She then saw fit to substitute her own opinion for the unanimous opinion of fifteen elected Councillors of both political parties, who had listened to all the evidence and to the professional advice of their officers and had made a decision on no less than three separate occasions. She also substituted her opinion for that of the Chelsea

Society and very many other local people and organisations who had submitted their views.

It seems to The Chelsea Society that there must be something wrong with the system if the government can send someone to a locality who may never have been there at any time before, with power to substitute his or her own opinion for the opinions strongly held and carefully considered by the local people and their elected representatives. Inspectors need to be instructed not to do so unless there are compelling reasons, which must be stated in the Inspector's report.

The Government itself says in the Consultation "Planning is principally a local activity, because decisions about what to build and where should be shaped by local communities and reflect the views of local residents."

However, this latest proposal by the Government, ostensibly justified by "modernisation" or "efficiency" is an attempt by national government to squeeze out of the planning system most of what little is left of local democratic accountability.

THE KEY ISSUE

The key feature of this consultation is a new power for national Government to decide which planning functions should be delegated to planning officers and which should instead go to a committee of elected Members.

They are proposing a two-tier system. Tier A would include types of applications which **MUST** be delegated to officers in all cases, and this would include "minor residential development."

This category covers, broadly, residential development for up to 9 dwellings, but in a dense urban environment, a development of this size, and indeed the development of only one dwelling, could have important social and environmental consequences. It could seriously damage the character of a Conservation Area, and the proposal should certainly not apply to Conservation Areas.

Local democracy must be seen to function openly, and local people would be more likely to accept a difficult decision if made by their elected representatives after a debate in public, than by a paid official, who may not live in the area and may have been employed only recently. Also, while most paid officials are honest, partiality and corruption of individuals is not unknown.

It is important to recognise that a local Council comprises its elected members, who have the democratic authority and duty to decide. The duty of the officials is to advise the members, and to carry out such functions as the members may delegate to them. The officials are not themselves the Council.

This is not to say that all planning decisions should be made in Committee, and in RBKC about 90% of planning applications are decided by planning officers. It is

nevertheless important that any planning application, no matter how small, can be heard and determined by a Committee if the Committee so decides.

The Chelsea Society therefore opposes any change in the law which would prohibit the planning Committee from dealing with any category of case. This transfers too much power from elected members to paid officials, and undermines local democracy.

The Government seek to justify such a prohibition on grounds of efficiency, or on grounds of uniformity, but the whole point of local democracy is that each locality is different. Chelsea is completely different to a small town in a rural area.

The government say that uniformity would be more convenient for big developers who operate across the whole country, They propose a “national scheme of delegation so there is greater consistency and certainty about which decisions go to committee.” This is not a strong argument for imposing uniformity, because those companies employ teams of planning advisers who are well aware of the procedures in any locality in which they may wish to build.

The government say that in some local planning authorities too many decisions are being taken by Committee. The answer is to focus on those authorities and to persuade them to change their ways, but in so doing they must not crush local autonomy. Only in extreme cases (which would be rare) would compulsion be necessary.

The Government say there was strong support in their earlier consultation to remove objection-based delegation criteria “on the basis that they artificially encourage objections, lead to non-planning based decisions and create delays to otherwise acceptable development.”

The Chelsea Society does not think that one objection should be sufficient to refer a case to Committee, but the Councillors should take account of the number of objections and whether they are made by more than one Councillor, or a well-established Amenity Society such as the Chelsea Society. The Councillors and their officials must also distinguish objections made on valid planning grounds from those which are not.

The government are also proposing a Tier B for larger developments which would include types of applications which **MUST** be delegated to officers unless the Chief Planner **and** Chair of Committee agree that it should go to Committee. **This essentially gives the paid officials a veto, which The Chelsea Society opposes.** The decision whether to delegate to officials must be taken by the elected members.

The government are exploring the idea of creating a new category of medium residential development which could cover developments between 10 and 50 dwellings. Again The Chelsea Society would **oppose any requirement that such cases MUST be decided by paid officials.**

The government themselves recognise that the inclusion of these categories of applications would mean very few residential development applications in some areas could be scrutinised by Committee.

The Chelsea Society opposes for the same reasons the government's proposal to prevent Committees dealing with commercial developments less than 1,000 square metres of floor space or on a site of less than 1 hectare. In a dense urban environment a hectare is a very large space.

OTHER ISSUES

Training

The Government wants Councillors to be trained, and certified, in key elements of planning. **The Chelsea Society has no objection in principle to better training for Councillors serving on Planning Committees.** A basic understanding of the planning system is of course essential, but Councillors are giving their time as a service to their community, and should not be expected to spend an excessive amount of time on courses. Their function is not to be planning professionals but to understand the local area and the people who live in it. They have a team of highly paid officials to advise them on any matter of difficulty.

Size of Committee

The government are proposing to limit the size of Planning Committees, but **The Chelsea Society considers** that if a particular local authority has a Committee which is so large as to be unreasonable, the answer is for the government to focus on that authority, and not to impose national limits. In RBKC, the Planning Committee comprises five councillors selected from a pool of ten members, with only five members sitting at any given meeting. This is a perfectly reasonable size, and allows for balanced representation of political and other interests.

Special control applications

The Chelsea Society agrees that such applications (e.g. relating to tree preservation orders, listed building consent, advertisement control) should not fall within Tier A or Tier B. In most cases these applications can – and do – get delegated to planning officers, but where they are sensitive or are linked to more substantive applications for planning permissions there is a case for them to be considered at Committee.

Enforcement

The Chelsea Society agrees that planning enforcement functions (including enforcement of section 106 obligations) are in practice largely delegated to officers however there are some large scale, high profile or locally contentious enforcement cases which may warrant additional democratic oversight through the planning committee.

Fees

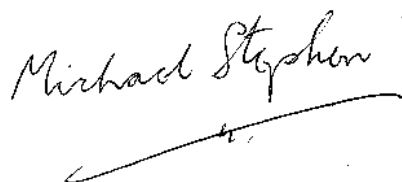
The Government wishes to support skills and resourcing by empowering local planning authorities to set their own planning fees to cover costs of delivering a good planning applications service. **The Chelsea Society agrees that developers should cover the actual costs of their applications.**

Monitoring

The Government has an existing framework to measure the decision-making performance of local planning authorities by committees and delegated officers, looking at quality of decision making by measuring the proportion of total decisions overturned at appeal as well as speed of decision-making.

The Chelsea Society does not consider that quality of decision-making is necessarily related to speed, or whether government-appointed Inspectors agree with the decision. Indeed in many cases speed is inconsistent with quality as sufficient time must be allowed for local people and their representatives to be consulted by the Applicant and the Council, and to prepare a considered response. Delays are often due to insufficient staff resources in the local authority, including staff absences, and/or to time taken within the Applicant's team to prepare and amend their proposals

This submission may be published, and it may be attributed to The Chelsea Society.

A handwritten signature in black ink that reads "Michael Stephen". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

MICHAEL STEPHEN

Vice-chairman

22nd July 2025