

Planning Control Committee

2 July 2026

Government call-powers for 150+ home schemes and large commercial developments intended for refusal

INFORMATION NOTE OF THE DEVELOPMENT AND CONSERVATION MANAGER

1.0 SUMMARY

- 1.1 This report is prepared to provide a briefing of a Government Direction which requires that the Secretary of State for Housing, Communities and Local Government be consulted when a local planning authority intends to refuse planning permission for a housing scheme of 150 dwellings or more.
- 1.2 Any future applications submitted after 11 May 2026 proposing 150 dwellings or more will need to be referred to the Secretary of State where it is resolved to refuse planning permission.

2.0 BACKGROUND

- 2.1 On 31 March 2026, a new Town and Country Planning (Consultation) (England) 2026 was published following an announcement in a Written Ministerial Statement made on 23 March 2026.
- 2.2 The Written Ministerial Statement from the Housing Minister said (our emphasis) *“To provide further support for housebuilding, a new Consultation Direction will be made this month **specifying that where a Local Planning Authority (LPA) intends to refuse planning permission for a housing scheme of 150 dwellings or more, they must consult the Secretary of State to enable Ministers to decide whether to use their existing powers to call in that planning application**”*.
- 2.3 This direction applies to applications for planning permission not determined before 11th May 2026.

3.0 STATUTORY PROVISIONS

- 3.1 The Town and Country Planning (Development Management Procedure) (England) (Amendment and Transitional Provision) Order 2026 amends article 18 (5) of the Town and Country Planning (Development Management Procedure) Order 2015.

- 3.2 Article 2 of the amendment order applies a requirement to consult before determining a planning application.
- 3.3 Article 3 makes transitional provision, whereby it does not apply to applications that have been submitted to the LPA but not determined before the commencement of the Order (11 May 2026).

4.0 THE MANDATORY REFERRAL MECHANISM

- 4.1 Under the current scheme of delegation all schemes of 150 dwellings or more are reported to Planning Control Committee to determine.
- 4.2 Under this new mandate, if Planning Control Committee are minded to refuse planning permission relating to an application proposing 150 or more residential units, a refusal notice cannot be issued straight away. The Council must formally consult the Secretary of State for Housing, Communities and Local Government before issuing the decision notice.
- 4.3 Under such circumstances, copies of the application, all representations received, the planning officer's report, and the explicit reasons for the intended refusal will need to be submitted to the Secretary of State.
- 4.4 Once notified the Secretary of State has 21 days to decide whether to call in the application. If the Secretary of state decides not to call in the application within the 21-day window the Council can proceed with issuing the decision notice refusing planning permission.
- 4.5 If the application is called-in a Planning Inspector is appointed to consider the application, and report to the Secretary of State. The Planning Inspectorate may cause a hearing or public inquiry to be held.

5.0 CONTACT OFFICER

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