

Full article can be found here: <https://www.planningresource.co.uk/article/1740937/why-uttlesford-first-ever-council-lose-planning-powers-poor-quality-decision-making>

Why Uttlesford is the first ever council to lose planning powers for poor quality decision-making

or is the government signalling a focus on standards rather than speed?



Uttlesford District Council offices, Saffron Walden. Photograph: Peter Trimming/Geograph (CC BY SA-2.0)

Last week Uttlesford District Council in Essex became the first English council to be placed in planning 'special measures' for the quality of its decision-making, and the first for any reason since Bromsgrove District Council in 2015. In one of his last acts before being reshuffled out of the housing minister role, Chris Pincher designated the council on the basis of its record of determining major planning applications between April 2018 and December 2020.

According to published data, Uttlesford saw 11.4 per cent of its 79 major applications overturned on appeal, above the government's ten per cent threshold for considering designation. However, once data errors identified by the council are taken into account, the real proportion overturned rises to 16.4 per cent of applications, the department said.

So does the decision to designate Uttlesford, run since 2019 by an anti-development residents' party, mark the start of a new phase of designations of 'under-performing' authorities?

Peter Ford, principal consultant at the Local Government Association's Planning Advisory Service, which is paid by government to help authorities at risk of designation, said it wasn't the case that the planning performance regime had been paused in the past seven years since Bromsgrove's designation in 2015. "In recent years lots of letters have gone out warning of designation," he said, "but councils have always been able to argue their case and persuade ministers that exceptional circumstances apply [meaning they shouldn't be designated]."

The latest guidance on planning performance states that any council failing to determine 60 per cent of major and 70 per cent of non-major applications in the statutory period, or having more than ten per cent of major or non-major applications overturned on appeal, can be put in 'special measures'. However, the housing minister ultimately decides whether any sanction is applied, said PAS's Ford. The minister "can take into account many factors", he said.

Where designation does occur, applicants have the choice of whether to make their application – and pay the relevant fees – to the council, or directly to the Planning Inspectorate (PINS) for determination. Uttlesford's specific designation refers just to major applications, meaning only major schemes are affected.

A government spokesperson declined to answer directly whether or not the designation was likely to be the first of many. However, the spokesperson made clear the government has not yet taken a decision on those authorities at risk of designation for their speed of decision-making.

The [most recent data shows that 13 authorities](#), including Somerset, Bolton, Kensington and Chelsea, South Gloucestershire and Nottingham, are under the threshold on decision speed. Ford said he did not expect any further designations on grounds of quality, but added: "At the moment the government is talking to those councils below the threshold for speed of decision-making to decide if it wants to intervene."

Some commentators suggested the decision to put Uttlesford in special measures might reflect a desire to send a message to planning authorities on standards, amid growing concern over development management performance and stalled plan-making efforts.

Colin Brown, head of planning and development at consultant Carter Jonas, said: "This is a government indication that it stands ready to act to get more permissions through, that it is willing to take the necessary steps."

Brown said the fact that Uttlesford is run not by the Conservative Party but by an independent party, Residents for Uttlesford, originally set up to fight housing plans in the area, will have made the designation decision easy to take. Simon Cox, founder and managing director of land agency Walter Cooper, agreed. "I don't think you have to be cynical to notice that Uttlesford just happens to not be a Conservative authority. Previous threats to intervene were never followed up – you have to ask why now? Why Uttlesford?" he said.

It is not clear how much impact the designation will have on Uttlesford, with Ford stating that previous experience suggested many applicants will still choose to submit their schemes to the local authority. Carter Jonas' Brown said this stemmed both from a desire to preserve the relationship with the council, and because applications made to PINS could not be appealed. "There's a feeling that if you apply to the council, you at least still get two bites of the cherry," he said.

The crisis may even prove to be beneficial to Uttlesford's planning service in the long run. Following an LGA-run peer review of the council's service commissioned in the autumn when it was first threatened with intervention, which found it was "widely acknowledged to be an underperforming service", it now has a turnaround plan and new investment. A recently approved implementation plan said the council had allocated £380,000 to five new planning posts and two lawyers as part of the turnaround, most of which have already been filled.

A statement issued by the council following the intervention said: "Councillors and planning staff are hard-working and passionately dedicated to delivering an effective planning service that supports quality development. Both the ongoing improvements to the planning service and the emergence of a new local plan are critical to the successful future of the district, and the council is already making steady and welcome progress in the right direction."