Impacts and solution in the context of connection delays

The Great Grid Upgrade is indispensable, but connection certainty has become a scarce commodity, and investors and developers are increasingly forced to plan for uncertainty, explains Charles Hardcastle

The complexity of re-mapping of Britain's energy system is inevitable. Previously, power flowed out from large stations. Now, with generation increasingly coming from Scotland and the coast, demand growth is uneven and involves two-way flows, storage and new high-intensity loads.

The problem is that investors do not fund principles, they fund programmes with reliable dates. In the last few months, the industry has been reminded that there is a difference between an upgrade strategy and an investable delivery plan.

Following its publication of an Update on delays to connection dates for some TMO4+ Protected Projects, Ofgem admitted frustration that of 340 transmission projects with protected dates, 210 were expected to have their connection date and or connection point changed. Likewise for anyone trying to commit or attract capital, it was disappointing that projects believed to have a degree of certainty were in fact far from certain.

Our team works in the context of consents, land rights and programme delivery and we regularly see the impact of grid delays. A connection date is not just a technical milestone, but the point at which debt can be drawn, construction risk priced, revenue assumptions clarified and supply chain commitments made. Uncertainty in the timing changes not only the programme but the risk profile too.

It is easy to underestimate the true costs of a six-month delay. Retaining development teams, and renegotiating land and procurement options can be expensive but what makes the situation more difficult is that the queue itself is changing. Before the reform reset, according to NESO, the pipeline of projects seeking connections was over 700 GW, far beyond what was envisaged.

An inability to connect power has significant consequences. The Greater London Authority's West London Electrical Capacity Constraints paper warned in 2022 that major new applicants to the distribution network, including housing and commercial schemes, could face waits of several years for connections. The Old Oak and Park Royal Development Corporation went further in its Q4 2022/23 Performance and Finance Report, listing electricity capacity issues in west London as a risk that stalls delivery of new housing.

Oxfordshire has provided similarly direct testimony. Written evidence to a parliamentary committee said over 7,000 homes in Bicester had been paused while awaiting grid connection reinforcement. Furthermore, in a House of Commons debate in December, it was claimed that up to 9,000 homes north-west Bicester were stalled due to a lack of grid capacity.

Then there is strategic demand. Ofgem's demand connections update shows contracted offers in the demand queue rising from 41 GW in November 2024 to 125 GW by June 2025.

For many, the option of waiting does not exist because capital and supply chains do not pause. The only practical response is to plan on the basis of connection uncertainty and design the project so it can survive that risk. There are investment strategies that can mitigate the impact of delay, as I have seen in practice in the work of experienced advisory teams.

> The only practical response is to plan on the basis of connection uncertainty and design the project so it can survive that risk

One is to treat the grid as a scenario set: model a base case, a delayed case and a reconfigured case, then build decision points into the programme so that early spending buys options rather than locks in irreversible commitments.

Secondly, it can be possible to stage capital in line with deliverability evidence. Enablement works, land assembly, surveys and consents can move ahead while larger spend is held behind pending the clearance of hurdles such as a confirmed connection offer, secured route or defined reinforcement solution.

Charles Hardcastle, is Partner Head of Energy & Marine, Carter Jonas

There is also the possibility of designing for modularity and flexibility, perhaps accepting a smaller connection earlier and expand later and working in flexible connections, storage and demand management.

Sometimes the answer is co-location and private wire. In others, behind-the-meter generation paired with storage can keep a site operational.

Finally, I advise aligning consenting strategy with delivery risk. Planning consents expire if not implemented. That risk needs managing from the start through phasing, conditions strategy and a clear plan for what constitutes meaningful commencement if a scheme needs to preserve a permission while the grid position is resolved.

The need for the Great Grid Upgrade is indisputable because the alternative is curtailment, higher system costs and investment drifting to jurisdictions that can offer firmer delivery. But confidence will only return through greater transparency, discipline in sequencing where possible and a more joined-up view of future demand. ■

How systems thinking can safeguard placemaking in the next generation of new towns

Alison Coutinho writes: Since the post Second World War period, new towns programmes have created planned settlements across the UK, aimed at tackling housing shortages and supporting regional development. Yet too often, the complex journey from concept to delivery erodes this ambition.

The housing design audit for England found that 75 per cent of new housing schemes delivered "mediocre" or "poor" outcomes, with one in five so poor they should have been refused. These outcomes arise from fragmented delivery, siloed decision making and governance structures which struggle to hold the original placemaking vision intact as programmes evolve.

Architects and designers set a clear vision, only to see their influence narrow once decisions move into delivery structuring, phasing, land release, commercial strategy and construction.

Placemaking is central to wellbeing and long-term community resilience, but the mechanisms that uphold it typically weaken after the early design stages. Architects and designers set a clear vision, only to see their influence narrow once decisions move into delivery structuring, phasing, land release, commercial strategy and construction.

What begins as a coherent, place-led concept can gradually be reshaped by short-term pressures, with design intent diluted along the way. This gap between ambition and delivery is common across complex programmes, where long time-frames, multiple actors, shifting priorities and external pressures – from policy cycles to market conditions – can overwhelm early intentions unless they are actively protected.

The governance gap at the heart of new town delivery

New towns rarely behave like unified major programmes. Instead, they emerge from a constellation of top-down and bottom-up projects, including transport schemes, utilities, housing parcels and community assets, delivered over extended timeframes by a mix of organisations. That reality poses a fundamental question: who holds long-term responsibility for place?

Development corporations can provide the necessary custodial function where they are established. However, many large-scale new settlements now progress outside that model. National agencies, such as Homes England, also have an important role to play. This moment presents a clear opportunity to give equal weight to the quality, resilience and longevity of places as to the number of homes delivered, and to consider what structures and behaviours can safeguard these aims over decades rather than months.

How systems thinking protects design intent

To safeguard placemaking, new towns must be understood as integrated systems rather than a sequence of unrelated projects. Organisations with experience navigating major, multi-stakeholder programmes recognise that success rarely hinges on a single decision. Instead, it emerges from the way that decisions interact and influence one another over time.

A systems approach acknowledges this interplay, how procurement shapes design, how phasing affects community cohesion, and how governance determines whether placemaking principles persist or fade. With clearer visibility of these interdependencies, multidisciplinary teams can anticipate unintended consequences, maintain alignment across diverse partners and keep the original vision alive throughout delivery. This is the kind of discipline required on programmes where thousands of decisions accumulate into outcomes that will define a place for generations. In motorsport, a powerful engine does not win a race on its own; performance comes from the whole system working together. It is the same with new towns. Placemaking is protected when every part of delivery pulls in the same direction, and every decision reinforces the design intent.

Embedding systems thinking to secure long term placemaking legacies

Protecting placemaking requires governance and delivery arrangements that are clear, empowered and resilient. This includes creating frameworks where placemaking principles are genuinely embedded in decision making rather than referenced only at the outset.

It involves keeping the strategic, place-wide design custodians engaged beyond early planning stages so that their insight continues to shape how projects evolve. It also relies on clear lines of accountability for place outcomes across the organisations involved, supported by custodial roles, whether within local authorities, combined authorities or national agencies, that maintain continuity of vision throughout the lifespan of a new town.

Alison Coutinho is an architect and head of development advisory services at Mace Consult

Ultimately, these arrangements underpin the long term stewardship required to safeguard placemaking quality over decades.

When teams are empowered to challenge assumptions, escalate risks early and collaborate across organisational boundaries, place-led outcomes are far more likely to be sustained

Just as importantly, delivery partners and consultancy teams need a way to understand the cumulative impact of multiple dispersed projects, so that day-to-day decisions continually reinforce rather than dilute the overarching ambition for place.

This is an area where partnerships with experienced delivery specialists, accustomed to integrating complex systems, creating certainty, spotting risks early and driving real outcomes, can help public bodies, development corporations and other programme leaders establish the structures and processes that keep programmes aligned even when circumstances shift.

Experience from major programmes shows that, when teams are empowered to challenge assumptions, escalate risks early and collaborate across organisational boundaries, place-led outcomes are far more likely to be sustained. Delivery leaders who understand how programmes behave in practice, not just in theory, can help to navigate uncertainty, maintain visibility of placemaking priorities and translate ambition into tangible outcomes with clarity and confidence.

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>>> **A moment to reset how we deliver new towns at scale**

The UK now has a rare opportunity to rethink how new towns are delivered and governed. By embedding systems thinking and ensuring that placemaking principles endure throughout the lifecycle, it is possible to move from fragmented, output-driven development toward genuinely place-led new towns that create lasting legacies.

Placemaking cannot rely on early ambition alone. It requires systems, behaviours and governance structures which ensure that good intentions survive the complexities of real-world delivery. Getting this right means the next generation of new towns will not only deliver the homes we need, but also thrive as resilient and valued places where people genuinely want to live, work and grow. ■

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Alison Coutinho is an architect and head of development advisory services at Mace consult Consult, where she leads the UK Development Advisory Services team. She is also a member of the advisory panel for Building Design's Designing Tomorrow's Housing campaign.

Seven new towns proposed – what it could mean for you

from MHCLG

The government is proposing to build seven new towns across England to support the biggest housebuilding programme in over fifty years. This will help more people buy a home and live close to jobs and transport links. In addition, it is also announcing more details about the new National Housing Bank, backed by up to £16billion in funding to support building 500,000 new homes.

Where will the new towns be?

• Tempsford, Bedfordshire: over 40,000 homes to be built around a new East West Rail station, connecting you to vibrant cities Cambridge, Oxford, London and Milton Keynes.
• Leeds South Bank, West Yorkshire: circa 20,000 homes, capitalising on the city's economic momentum and a £2.1 billion local transport investment.
• Crews Hill and Chase Park, Enfield: up to 21,000 homes to help meet London's housing need
• Thamesmead, Greenwich: up to 15,000 homes unlocking riverside land in London, enabled by a planned Docklands Light Railway extension.
• Manchester Victoria North, Greater Manchester: at least 15,000 homes regenerating the heart of Greater Manchester, with a new Metrolink stop linking residents to jobs across the city.
• Brabazon and the West Innovation Arc, South Gloucestershire: up to 40,000 homes at the heart of a world-class research and advanced engineering economy.
• Milton Keynes, Buckinghamshire: building on its history as one of the original new towns, to take forward the 'renewed town' vision to expand the city by around 40,000 homes and reinvigorate the centre with a new local transport system, boosting connectivity in the Oxford-Cambridge Growth Corridor.

What will these towns be like?

• Every new town will be designed for modern, everyday life – with neighbourhoods that people can easily get around without a car, shared green spaces and vibrant high streets.
• Every new town will aim for at least 40% affordable housing - these are homes that are priced below the usual market rate, so people on ordinary incomes can afford them.
• At least half of those will be available at social rent - these are properties typically owned by the council or a housing association, with rents set low enough that even people on the lowest incomes can afford a stable, secure home.

The National Housing Bank - what is it and how does it help you?

• Launching on 1 April, the new National Housing Bank will be backed by up to £16 billion of public investment which is designed to unlock a further £53 billion of private investment and support the building of over 500,000 new homes.
• This is a government-backed financial institution that will make it easier, faster and less risky for developers to build the homes the country needs, including on large, complex sites that might otherwise sit empty for years.
• With an additional £400 million of support, both the National Housing Bank and regional Mayors will be able to issue loans and investments at lower interest rates to close viability gaps and unlock housebuilding across the country.
• For you, this means more homes being built, sooner, in the places where people want to live.

What happens next? • Final locations will be confirmed later this year after the consultation and an environmental assessment are complete. • The National Housing Bank becomes operational on 1 April 2026.
• Together, all these measures form part of the government's commitment to build 1.5 million new homes this Parliament. ■

The good location trap

Matt Harmsworth on why station-proximity doesn't make a simple site

Matt Harmsworth is founder of ROAVR Group

There is a moment that most architects and planning consultants will recognise. The site looks good on paper. It has a strong policy narrative, proximity to a station, existing infrastructure nearby, and the kind of location story that writes itself in a committee report. Everyone involved feels quietly confident.

Then reality arrives.

The UK planning system is currently in the grip of a very particular kind of excitement.

The draft revised National Planning Policy Framework, published in December 2025, has placed station-led development at the centre of its growth agenda. Under policies S5 and GB7, proposed reforms involve establishing in-principle support, effectively a default yes for suitable proposals developing land around rail stations within existing settlements and around well-connected stations outside settlements.

On paper, this makes compelling sense.

Rail stations are well-placed to be the focus of wider investment in housing, local regeneration and the growth of commercial activity and are a natural focus for densification of housing across grey, brown and greenbelt sites. The logic is hard to argue with. Good connections mean less car dependency. Existing infrastructure means lower delivery costs. Higher demand means a stronger financial case. A policy framework pointing in your direction means a smoother planning story.

All true. All genuinely useful.

But here is what the policy does not tell you: none of that changes what is actually on the site.

The oldest mistake in development is to confuse a strong policy narrative with a simple site.

They are entirely different things. In fact, sites that look appealing on account of their location frequently come with more physical, ecological, and arboricultural complexity than their promoters first assume and that complexity has a habit of surfacing at the worst possible moment.

Consider what actually sits between a railway station and a development site. Older station environs often feature mature tree canopies that have been growing largely undisturbed for decades. A comprehensive BS5837 tree survey will outline how best to protect the roots and branches of retained trees, and mapping the Root Protection Area of each tree ensures that trees within the site remain healthy during and after construction. Those root protection areas do not shrink because the planning policy framework has become more permissive. Under section 197 of the Town and Country Planning Act 1990, local planning authorities are under a specific duty to ensure that, in granting planning permission for any development, adequate provision is made for the preservation or planting of trees.

The trees do not care about Policy S5.

The same principle applies to ecology. Station catchment areas often contain brownfield scrub, boundary habitats, and linear features that are functionally excellent wildlife corridors. Bat presence and absence surveys can only be carried out between May and September, and many protected species surveys required to support planning applications can only be undertaken at certain times of year. Miss the window and you miss the programme. A scheme that could have moved forward in autumn is suddenly delayed until the following spring, and a strong policy position does not buy back lost survey time.

There is also a subtler complexity that tends to get underweighted in the early enthusiasm of a station-proximate site. Tighter site boundaries mean less flexibility in layout. Relationship issues with neighbouring uses, often more varied and intensive around stations, mean more pre-application negotiation. Level changes affecting access and design efficiency are more common than people expect. The cumulative weight of all these factors landing simultaneously, on a site that was supposed to be straightforward, is a story that plays out on planning desks across the country every week.

Design quality and sensitive masterplanning will be crucial to ensure that this new opportunity results in the creation of successful new communities around transport hubs. That is the considered view of those who have examined the draft NPPF most closely. But design quality and sensitive masterplanning require information. They require surveys. They require the kind of early-stage arboricultural and ecological input that gives the design team something real to work with, rather than assumptions that unravel at validation.

The answer is not to be pessimistic about station-led development. It is genuinely a significant policy shift, and the opportunities it creates for well-prepared sites are real. Policy GB7(1h) now includes certain housing and mixed-use development near well-connected stations as not inappropriate development in the Green Belt, thereby circumventing the very special circumstances test and widening opportunities for development. That is meaningful progress for the delivery pipeline.

But the opportunity only becomes deliverable when the site has been properly understood.

Good locations matter enormously. They always have. However, the site still gets the final vote. The sooner the design and planning team let the site speak, through proper tree survey work, through preliminary ecological appraisal, through an honest assessment of what is actually there, the better the scheme usually becomes.

Not because it will be smaller or more constrained, but because the constraints are understood, designed around, and no longer capable of derailing the programme at a critical moment.

We are now in the heart of the survey season. Ecological surveys have narrow seasonal windows, and with bat surveys running only from May to September, the available time for data-gathering is compressing rapidly as summer progresses. Tree survey capacity follows the same pattern.

The policy framework has opened a door. The question is whether the site work is in place to walk through it.

Get the surveys done early. Let the site tell you what you are working with. Then build a scheme that deserves to succeed, because it was designed around reality, not just a railway timetable. ■

Matt Harmsworth is the founder of ROAVR Group, a national arboricultural and ecological consultancy.

1.5 million homes, but no one to buy them

Demand side policy was never just about buyers, explains Hugo Owen

Hugo is the policy and politics lead at Pocket Living

A small developer spots a plot of land. She can build nine homes on it. The numbers are tight, and with everything going on in the world, the Middle East, the cost of everything, they are tighter than ever. But she can just about make it work. She lines up the finance. She is ready to go.

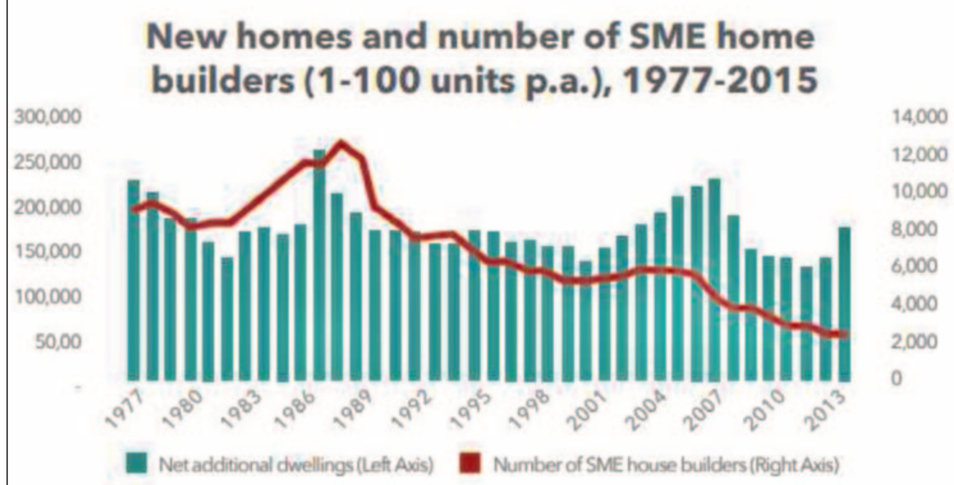
All she needs now is some confidence that when the homes are built, people will be able to buy them. And yet for the first time in almost two decades, she has no idea if they will.

Help to Buy was never properly understood for what it was – some viewed it as a buyer subsidy whilst critics called it a developer handout. What it actually did was make the dream of home ownership real for many who wouldn't otherwise be able to get on the ladder.

We have watched what happened next in our own numbers. The IFS argued last week that Help to Buy mainly benefited higher earners. The data from our own sales tells a different story about its absence. Since the scheme closed, the income of a typical buyer has risen by around 20%, on a home that costs almost the same now as then. At our most recent development, nearly a third of buyers paid cash. The IFS says Help to Buy helped the wealthy. Our data since closure suggests scrapping it helped them more.

When buyers disappear, so do the developers building for them. Smaller housebuilders borrow money to build homes and pay it back when they sell. Unlike institutional players who can hold an asset against a substantial balance sheet, smaller developers rarely have that luxury. They need to sell to repay the loan and reinvest the profits in the next scheme. There is an immediate a direct correlation between rate of sale and rate of starts.

Help to Buy was the most visible part of the FTB mission but it was not the only part. The whole architecture around first-time buyer access, mortgage affordability rules, LTI caps, stamp duty, and government backed equity products, has been quietly eating away at peoples ability to buy over a number of year. Pocket spent the first part of this year working with Enfield Council on the Rebuilding the Ladder report, handed directly to Secretary of State Steve Reed, which tried to map exactly what needs fixing. The conclusion was not complicated. There are 5 things government can pull on: tenure and access, affordability rules, support schemes, fiscal measures& education. All need to be pulled at the same time.



There's a clear link between the 1987 post-war peak in net housing supply and the 1988 peak in SME housebuilding.

A Pocket Living development: West Green Place in Haringey

What came after Help to Buy is illuminating. First Homes was supposed to deliver 10,000 homes a year. In 2024/25 it delivered none. The Mortgage Guarantee Scheme ran for five years. In that time not a single Pocket buyer was able to use the scheme. Not through choice, but because no major lender would apply it to new build flats.

Demand side intervention has always made ministers uncomfortable. The argument that it inflates prices plays well in certain rooms. It has never played well with someone paying London rent while their deposit target moves further away each year. People grasp fairly quickly that if you want them to buy a home you have to help them buy a home.

There is real energy in housing policy right now, we have the most pro-development government in recent memory and all of it is pointed at one question, how do we build more homes. Too little debate is undertaken asking what happens at the other end and what can be done, not just through equity schemes. You can fix every brownfield planning application in London. If the buyer cannot get a mortgage, the developer with a ticking loan does not build.

Every quarter the ONS publishes GDP figures and every quarter the 7am news leads with the same story: growth is flatlining. Dig into the data and construction is consistently one of the biggest drags. It is hard to know what people expect. A whole segment of the market has stopped functioning. Without first-time buyers, new homes do not get built. When they cannot buy, smaller developers do not build, and the growth figures say so.

Demand side policy was never just about buyers. It was the thing that made a whole tier of housebuilding function. Lose it and you do not just lose the buyer. You lose the developer too. ■

Wishful thinking: CIL & A/C units

MHCLG published two pieces of advice at the end of June that might be construed as wishful (and therefore potentially misleading) thinking, comments Simon Ricketts

CIL

On 25 June the housing and planning minister wrote to all CIL charging authorities in England in relation to household developer exemptions:

"While the CIL Regulations provide clarity on the criteria that must be met and procedures that must be followed to secure relief or an exemption, the Government is aware of some historic cases where householders have failed to obtain an exemption due to procedural errors, which may have been inadvertent or unintentional.

In some instances, despite meeting the qualifying criteria, householders may not have followed the procedures set out in the regulations, and may not have applied for or received a CIL exemption before commencing development. In others, an exemption may not have been obtained because retrospective planning permission was granted after further works had already begun on a development that had previously benefitted from an exemption or was otherwise not liable for CIL. The Government recognises that this has, in some cases, resulted in the imposition of significant CIL charges under the regulations."

Too true! See for example my previous blog posts CIL The Merciless (19 January 2019), Trent Won, Cil Nil (14 April 2021) and CIL: There Is No Equity About A Tax (10 July 2021).

So what is it proposing to do? First: "The Government is proposing to consult on a proposed package of targeted regulatory changes to make the operation of CIL clearer and more proportionate for householders and self-builders."

So far so good (although if you asked me I would either entirely remove CIL liability for householder development or I would entirely remove the self-build exemption).

But, the second section of the letter is headed "historic cases" and has three strands:• "First, we strongly recommend all authorities to review their local CIL guidance and communication methods to ensure any household developers in their area are aware of the current exemptions and the necessary procedures to access them." (What more or better communication does anyone suggest? Authorities do in my experience communicate the position both on their websites and via informatives on permissions – the problem is the complexity of the system itself for people without the sophisticated tax administration advice needed).• "Second, while charging authorities have a duty to collect CIL that is due, they continue to have a degree of discretion over the steps they take to do so and when. This includes considering what is reasonable and proportionate in any given case and the appropriate timescales for enforcement activity. It has been brought to the Government's attention that escalated enforcement actions, including threats of forced sale or criminal proceedings, have led to serious consequences for some individuals and families. Such action, or similar, is not required by the regulations without regard to local authorities' broader legal obligations – and the precise approach to CIL collection in any individual case will depend on the specific facts and circumstances.

Exactly what enforcement steps to take, and when, to collect CIL in each case is a matter for the judgement of the authority concerned."• "Third – where an authority feels this is justified – collecting authorities are able to make ex gratia payments of compensation from their general funds in exceptional CIL cases where payment has been made. Such payments would not constitute a waiver or refund of CIL, but rather a discretionary payment made from general funds, outside the CIL regime. These circumstances may arise where a charging authority considers that redress is appropriate because a householder developer would have been entitled to an exemption but, as a result of an administrative error, failed to claim it in accordance with the required procedure and now faces significant hardship as a consequence. There will be a range of considerations for local authorities in making such a decision, and in all cases, they should seek their own legal advice based on the facts and circumstances of individual cases."

These last two suggestions in my view paint an over-optimistic picture to those who have incurred CIL liability through (often understandable) mistakes. Just look at the case law cited in the blog posts I mention, or indeed more recently R (Luck) v Bracknell Forest Borough Council (Lieven J, 14 November 2025) which reviews that previous case law:

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Personal views, et cetera

"A number of points in respect of the CIL regime can be drawn from this caselaw:

a. CIL is akin to a tax, see Gardiner at [35];

b. The purpose of CIL is to provide funding for necessary development and to provide certainty to developers and the collecting authority as to when and how such liability arises, see s.205 PA and Heronslea at [120];

c. The statute and Regulations form a detailed statutory code which is self-contained and carefully constructed, see Gardiner at [48];

d. The imposition of CIL is not discretionary, see Shropshire at [44];

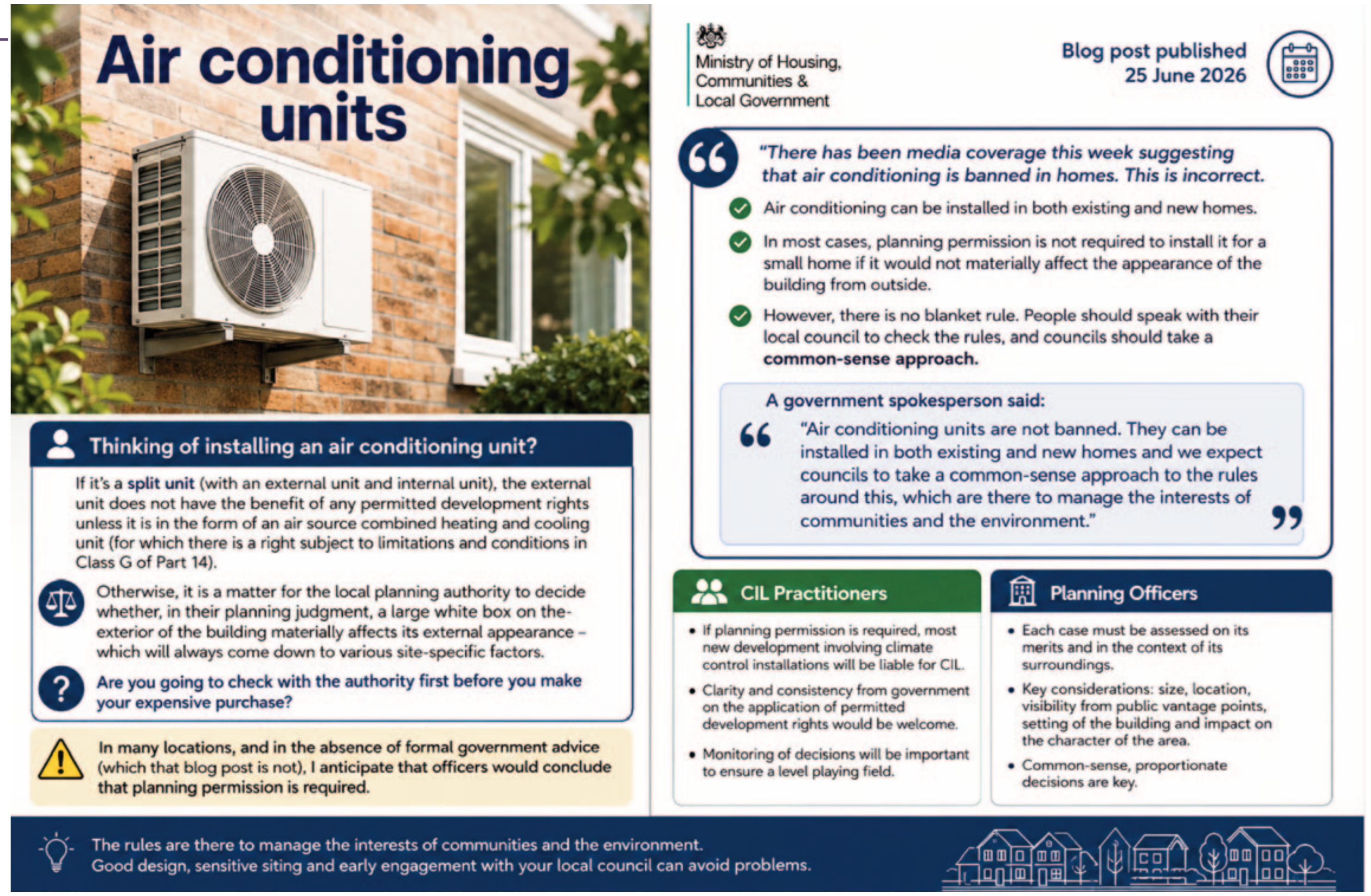
e. There is a strict procedure set out in Regulation 54B, which is obligatory, see Gardiner at [57];

f. Liability for CIL must be precisely and reliably calculated on an objective basis, see Gardiner at [63]."

"Given that the Court of Appeal have held that CIL is a form of taxation, it is relevant to consider the caselaw on the scope of HMRC's powers to waive tax which would otherwise be liable. In R (Clamp) v HMRC [2022] 1 WLR 1067 Butcher J was considering a judicial review concerning HMRC's powers to enter into assurances with taxpayers as to tax liability."

Butcher J in Clamp: "HMRC cannot properly, however, make concessions that tax should not be payable, where this is done not to facilitate the overall task of tax collection, but because they consider that a tax which Parliament has clearly imposed should not as a matter of principle or policy, or by reasons of considerations of equity, be payable."

Lieven J in Luck: "Quite apart from the detail of the Regulations, there are two overarching reasons why it would be surprising if there was a broad discretion to waive CIL. Firstly, as is set out by the High Court in Clamp, one would not normally expect a tax collecting authority to have an unfettered discretion to waive the tax that Parliament had set. That point is even stronger here than in Clamp, because the local authority under the CIL regime is not in the same position as HMRC with broad management powers and a fairly wide discretion to reach "arrangements" with the taxpayer. So, it is even less likely that the local authority would have such a broad discretion to waive liability."



"Secondly, to construe Regulation 65(7) as a broad discretion to waive CIL seems inconsistent with the rest of the Regulations. It would be a wholly unfettered discretion, with no criteria set out, in marked contrast to Regulation 55. There is no parallel power in relation to demand notices, so if the liability notice can simply be withdrawn, the court would have to imply into the Regulations a power for the demand notice to be withdrawn or to cease to have effect. The Claimant argues that by withdrawing the liability notice the underlying liability itself ceases. However, for Regulation 65(7) to have this effect would be inconsistent with the Court of Appeal decision in Braithwaite, which held that the liability continues to exist even where the liability notice is withdrawn."

Yes, the collecting authority does have some discretion as to the enforcement steps it will take. It also specifically has discretion as to whether to impose surcharges. But other than that it has to operate within the narrow tramlines of the legislation. For someone who has made a very expensive mistake which has caused them to lose the benefit of, say, the self-build exemption, the fact that the authority may (may, no guarantee at all) choose not to resort to prosecution or an injunction to enforce payment is of little consolation if the house is ever to be mortgaged or sold.

As for the suggestion of the authority making ex gratia payments where the householder has made the administrative error rather than the authority… .really?? All that this is going to lead to is many detailed, often heart-wrenching, requests, often backed by increasingly assertive legal submissions, as to why in the particular circumstances an ex gratia payment should now be made. And it's the hope that kills because surely the authority's response, after spending time and resources as they "seek their own legal advice based on the facts and circumstances of individual cases" is going to be "no"?

Isn't all this papering over the cracks rather than making proper repairs?

Air conditioning units

On the same day, 25 June 2026, MHCLG published a blog post, Air conditioning rules. It starts like this:

"There has been media coverage this week suggesting that air conditioning is banned in homes. This is incorrect.

Air conditioning can be installed in both existing and new homes.

In most cases, planning permission is not required to install it for a small home if it would not materially affect the appearance of the building from outside.

However, there is no blanket rule. People should speak with their local council to check the rules, and councils should take a common-sense approach."

It ends like this:

"A government spokesperson said:

"Air conditioning units are not banned. They can be installed in both existing and new homes and we expect councils to take a common-sense approach to the rules around this, which are there to manage the interests of communities and the environment."

So let's assume I'm a member of the public and I'm thinking about installing an air conditioning unit. I assume that government spokesperson is not thinking of one of those internal units with a hose that waggles inefficiently out of the part-opened window?

If it's a split unit device with an external unit and internal unit, the external unit does not have the benefit of any permitted development rights unless it is in the form of an air source combined heating and cooling unit (for which there is a right subject to limitations and conditions in class G of Part 14). Otherwise the question is one for the local planning authority as to whether in its planning judgment a large white box on the exterior of the building materially affects its external appearance, which will always come down to various site-specific factors. Are you going to check with the authority first before you make your expensive purchase? In many locations, and in the absence of formal government advice (which that blog post is not), I anticipate that officers would conclude that planning permission is required.

CIL and planning officers: I would welcome your respective thoughts on both of these announcements. ■

A counterpoint to the death of the high street

Jonathan Eastwood on why saving Britain's high streets means building a place where people belong

It seems as though we've been reading about the high street's demise for years. Post-covid, signs of revival are emerging as occupiers and shoppers recalibrate how stores fit within a multichannel model. But what if the most profitable thing we can add to a high street isn't another shopfront, but the ability to slow down?

The first question to ask about our high streets is deceptively simple: do people actually want to be there? In debates about vacancy rates, online competition and shifting retail mixes, a more fundamental truth is often overlooked: streets are not just supply chains for shops, but social environments. Where they succeed, people feel relaxed enough to linger and meet. Where they fail, they are simply conduits: efficient for movement, but poor for meaning. In other words, it isn't only just the retail mix that will save the high street, but rather a focus on connection, calm, managed commerce, fluidity, and human-scale design. All of which create and promote convenience. A practice known as placemaking.

Pedestrianisation and high street recovery: what the data shows

Research carried out for Sicilian Avenue in Bloomsbury points to a clear preference for pedestrian-first environments among people who visit London for leisure.

Sixty-three percent of U.K. residents say they are more likely to choose cafés and restaurants on pedestrianised streets, rising to 67 per cent among 16–24s. This preference is not about convenience, but connection, and it aligns with wider findings that people are roughly 50 per cent more likely to spend time in spaces enhanced through placemaking, with large increases in feelings of safety, relaxation and cultural vibrancy.

People are increasingly intentional about where they spend time and money, choosing fewer places, staying longer, and demanding higher quality social experiences. More than half of visitors now seek more premium dining and social options than in 2019, climbing to 64 per cent for 25–34s.

The implications for high streets are profound. For decades, our town centres were engineered to move people through them, maximising flows and minimising friction. That mindset delivered footfall, but not necessarily dwell time. The evidence reinforces a simple point: designing for dwell, rather than flow, is now the commercial differentiator.

Slowing down to create visitor value

This is not just a theory. Heritage-led pedestrianisation is emerging as a pragmatic, commercially sound strategy. Sicilian Avenue demonstrates how treating the public realm as social infrastructure first, and commercial infrastructure second, changes behaviours. In surveys, 95 per cent of business visitors and 88 per cent of tourists said they would visit the area for high-quality socialising. When the setting encourages people to slow down and connect, the surrounding businesses benefit from longer dwell time, higher average spend and more frequent returns.

This is supported by government-backed research, which finds that retail-led development on its own shows limited wider impact, while positive spillovers occur when schemes have explicit placemaking objectives. For London landlords and developers, this shift reframes value creation. Third spaces – those cafés, courtyards and plazas that sit between home and work – are no longer peripheral amenities; they are core infrastructure that underpins tenant demand and resilience.

Planning and policy: from footfall to dwell-time metrics

This being the case, local authorities face a parallel recalibration of priorities. High street recovery will not be engineered by retail mix alone, nor by chasing headline footfall.

The next phase of regeneration will be defined by metrics that track dwell time, repeat visits, and sentiment – quite literally how places make people feel, as well as convenience. Planning processes need to value human-scale design, reduced carriageway dominance, and friction points that invite people to stop.

Designing third spaces: making retail work better

Of course, none of this negates the importance of good retail. But it does make good retail work better.

Jonathan Eastwood is Head of Retail Agency at Knight Frank

A restaurant with a terrace shielded from traffic, audible conversation, and a view framed by trees does not compete on discounting, but on memory. A bookshop that spills into a car-free mews, with benches and a kiosk window, converts browsers into regulars.

When the public realm signals calm and care, tenants can elevate their offer and pricepoint without alienating the audience, because the place itself is doing more of the heavy lifting.

A playbook for people-centred planning

- Prioritise people: continuous, high-quality pedestrian routes with safe crossings and generous dwell spaces.
- Prioritise occupiers: environment, outside seating, extraction, servicing.
- Embrace heritage: lean into existing textures, from materials to proportion and, façades, and edit, don't erase.
- Program for pause: seating, micro-activation, and evening lighting that extends the day. Promoting convenience.

Build places that people choose, and performance follows

For those developing or stewarding urban assets, the question shouldn't be "how do we drive more footfall?" but rather "how do we earn more of people's time?" Because it is time that is the scarcest, most valuable resource. As shown by the latest government research, design guidance and industry case studies, pedestrianisation and placemaking, carried out with care, is the most reliable way to earn it.

If we build places that people want to be in, the high street will look after itself. ■

The health of the high street

Can healthcare help drive town centre regeneration, or is this too far beyond its remit, asks Clare Strachan

The decline of traditional retail has prompted a rethink of what our high streets and town centres are for. As consumer habits have changed and online shopping has grown, many local authorities have been forced to look beyond retail-led regeneration and consider new ways to attract visitors, support local economies and sustain community life. Health hubs, GP practices, diagnostic centres and wellbeing facilities are finding their way into town centre regeneration schemes. At the same time, the NHS is seeking to modernise its estate and deliver services closer to the communities it serves.

Yet while healthcare has much to offer, it is not a cure-all for struggling town centres. If it is to play a meaningful role, it must be embedded within a broader regeneration strategy, rather than simply filling empty units.

Beyond Retail The debate around high streets is evolving. Housing, leisure, culture, education, and community infrastructure are now established ingredients of successful town centres. The National Planning Policy Framework reflects this, requiring local planning authorities to promote diverse uses supporting vitality and viability, and to apply a "town centre first" approach, including in relation to health facilities.

Projects such as the Bromley by Bow Centre in east London demonstrate how healthcare can be integrated with wider community services, creating places that support wellbeing and social inclusion.

The planning system has also created a permissive framework. The introduction of Use Class E in September 2020 brought retail, offices, light industrial, and medical or health services within a single use class. In many cases, former shops and banks can now be repurposed as GP surgeries or physiotherapy clinics without the need for planning permission, removing many of the regulatory hurdles that historically constrained healthcare uses.

An Anchor for Change? Healthcare's appeal as a regeneration anchor is understandable. Unlike many commercial occupiers, healthcare providers are not dependent on changing consumer spending patterns. Demand is driven by population need, giving it a degree of resilience that many other occupiers cannot match.

GP surgeries, outpatient clinics and diagnostic centres can generate regular weekday footfall, which can support local businesses and increase town centre visits.

Healthcare can also improve accessibility to essential services. Town centre locations are often well served by public transport and can allow people to combine healthcare appointments with other activities. As planners increasingly focus on healthy placemaking, social value and inclusive growth, healthcare within town centres also aligns with wider policy objectives and offers benefits that extend beyond economic regeneration alone.

The Barriers to Delivery If the benefits are clear, why are healthcare-led schemes not more common? The issues are the practical, financial and legal challenges of delivery.

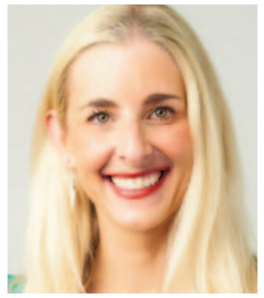
Many town centre properties were never designed for healthcare use. Converting former retail space often requires significant investment to meet accessibility requirements, accommodate specialist layouts and provide the infrastructure needed for modern healthcare services.

Funding remains a major hurdle. While healthcare-led regeneration can deliver significant long-term social benefits, upfront capital costs can be substantial. At a time when both NHS organisations and local authorities face budget pressures, securing funding for new projects can be challenging.

Class E flexibility, while valuable, has limits. It does not assist where the existing use falls outside Class E, or where a proposed health use is sui generis. Nor does it override existing lease restrictions. Even where planning law permits a change of use, a landlord may have granted a lease restricting the premises to retail use only, requiring the tenant to obtain landlord consent or vary the lease before a healthcare use can be introduced.

Cultural barriers persist too. Healthcare has traditionally been delivered from purpose-built facilities, often located away from town centres. Relocating services to high streets may require changes in operational models and investor expectations.

Vacant space alone, therefore, is not enough. Successful healthcare-led regeneration requires the right building, the right location and the right supporting infrastructure.



Clare Strachan is Managing Associate at Stevens & Bolton LLP

Making It Work If healthcare is to contribute meaningfully to town centre regeneration, collaboration will be essential.

Local authorities, NHS Trusts, Integrated Care Boards, landlords, developers and local communities all have a role to play. Healthcare requirements should be considered early in regeneration and strategy discussions rather than introduced later to fill empty units.

There is also considerable potential in co-location. Combining healthcare services with libraries, community hubs, education providers and other public services can help maximise the use of public assets while creating destinations that attract a broad range of users.

Most importantly, solutions must reflect local circumstances. What works in a metropolitan borough may be inappropriate for a market town. Successful delivery depends on understanding local health need, estate capacity, and site-specific constraints.

A Role for the Commission The Health on the High Street Commission has an important opportunity to help move the debate forward.

By bringing together planners, healthcare providers, local authorities and regeneration professionals, it can help identify barriers to delivery, share best practice and encourage more joined-up thinking between the health and planning sectors.

Healthcare is unlikely to rescue every struggling high street. But where it forms part of a coherent, long term strategy, it has the potential to become a valuable component of town centre renewal.

The real opportunity lies not in replacing retail with healthcare, but in using healthcare as one component of a broader vision for healthier, more resilient and better-connected places. The challenge now is aligning planning, funding and delivery to realise that vision. ■

Simplify pre-commencement conditions for BNG

The simplest win for planning reform would be to streamline pre-commencement conditions for BNG and unblock delivery, says Nicky Brock

There is no question that the planning system requires more speed and more certainty and much of what the government has put in place in the last year is on track to achieve this. But while, on a macro level, planning reform is heading in the right direction, for those of us dealing with planning applications day-in, day-out, it's the small procedural frictions that cause the biggest frustrations.

The requirement for local planning authorities to approve pre-commencement conditions for biodiversity net gain (BNG) is perhaps one of the most important to unpick. BNG is doing exactly what it was designed to do: placing nature recovery at the heart of (almost) all development. The problem is how it is being sequenced. The current approach requires an extra post-consent approval step that can cause material delays.

If government wants a simple win that supports both nature recovery and delivery, it should focus on streamlining the pre-commencement mechanics of BNG.

How the problem manifests itself. I recently gained planning consent for a mid-sized greenfield housing scheme in Oxfordshire. Planning consent was issued within three months. The BNG solution, which was off-site, was straightforward: the units were purchased and the certificate submitted; yet eight weeks after consent we were still waiting for the BNG approval outcome. The knock-on effect is delays to housing delivery, including affordable housing, and to wider economic activity.

Where a scheme has already secured off-site units, the local authority is not being asked to weigh up competing habitat proposals or negotiate a bespoke ecological strategy: the developer is presenting a package that is designed to be compliant. Yet the statutory framework still requires a formal approval period before the condition is discharged and commencement can take place lawfully. This is not a theoretical scenario. Historically, I would work hard to avoid pre-commencement conditions and potential delays by submitting all necessary documentation at application stage so that technically, a development could start the day after consent. BNG is the outlier – and this sequencing is particularly hard to justify where the off-site gain is already verified and could be paid for.

What makes BNG different. We are used to pre-commencement conditions. They are a routine feature of planning permissions, and they exist for good reasons. Contamination, archaeology, drainage strategies, construction management and ecological mitigation can all be controlled through conditions that must be discharged before works start. The difference is that these conditions can usually be addressed either by providing the supporting information alongside the planning application or by discharging them swiftly following consent. In the case of BNG, however, legislation requires a specific document, the Biodiversity Gain Plan, to be submitted and approved after permission is granted and before commencement, as a requirement of the statutory 'general condition' introduced through the *Environment Act* changes to the *Town and Country Planning Act*. There is no flexibility for LPAs to alter this process because the mechanics are embedded in the regulatory framework for BNG, *The Biodiversity Gain (Town and Country Planning) (England) Regulations 2024*.

What's more, the Regulations (Paragraph 031) are explicit that the biodiversity gain plan must be submitted no earlier than the day after planning permission has been granted.

The broader impacts. Not only does this issue cause delays to specific schemes, it also exacerbates pressures on local authority planning departments precisely when capacity is most stretched. BNG submissions are arriving at scale, while many authorities are still bedding in a new regime and dealing with skills gaps that often include ecology and biodiversity. It also produces inconsistency. Some authorities require a full biodiversity gain plan to be submitted as part of the application and then a post consent pre-commencement condition discharge, thus double counting while others are willing to accept an outline approach with details to be submitted post consent. For developers, that variability makes programmes harder to manage and increases risk.

Another important point is that BNG can become uniquely rigid in a system where other forms of planning gain are often subject to negotiation and viability testing. It is hard to defend a process where some obligations may be revisited when viability is tight, yet BNG has so little flexibility, even when compliance is not in doubt.

Nicky Brock is a partner with Carter Jonas

The need for a review. Defra has now published its response on improving the implementation of BNG for minor, medium and brownfield development. The proposed changes focus on proportionality; particularly exemptions, the small sites metric and access to the off-site market

All of that is useful, but it fails to address the key question of how the requirement for BNG can be realised without significantly delaying the planning process.

What a workable reform could look like. Streamlining does not have to mean weakening. A better approach is to align BNG with how we already manage other technical matters: clear principles at decision stage, with proportionate detail secured through staged approval and enforcement.

My recommendation is, where appropriate, to allow the required biodiversity gain plan to be approved prior to determination.

Crucially, this is a practical solution that should not require primary legislation. The Environment Act sets the principle, but much of the operation is controlled through regulations and guidance. Government could amend the *Biodiversity Gain (Town and Country Planning) (England) Regulations 2024* and update *Planning Practice Guidance* to create flexibility around timing while maintaining enforceable outcomes.

BNG should remain non-negotiable in principle, but it should not be uniquely immovable in practice. If we want planning permissions to translate into homes and infrastructure quickly, streamlining the pre-commencement mechanics of BNG is one of the most straightforward changes that could be made - and one that could improve both delivery and confidence in the system. ■

Culture in the City

The City of London urgently needs a cultural strategy – with architecture at its heart, says Leanne Tritton

Leanne Tritton is chair of The London Society

The announcement that Universal Studios in Bedfordshire is going ahead has prompted a great deal of excitement.

The country's most senior politicians have celebrated the arrival of the proposed £5 billion theme park, and we have heard about visitor numbers, economic growth, jobs, tourism and international profile. All worthwhile ambitions.

But why are we so focused on creating a new visitor destination when one of the world's greatest cultural destinations already exists, yet isn't properly fulfilling its promise – the City of London.

The comparison highlights something curious about the way Britain thinks about culture and place. We seem far more comfortable investing in the creation of new attractions than recognising the extraordinary value of those we already possess.

The City contains one of the most remarkable collections of architecture, public spaces and historic environments anywhere in the world. Within a relatively compact area, visitors can experience nearly 2,000 years of urban evolution, from Roman remains and medieval churches, to Victorian engineering and some of the most ambitious contemporary architecture on the planet.

Generations of architects, engineers, craftspeople, merchants, institutions and communities have collectively created something extraordinary in the square mile and, unlike a theme park, it is entirely real.

Its stories are authentic. Its history is lived. Its streets reveal layer upon layer of human ambition, ingenuity, conflict, faith, commerce and reinvention. Yet despite this, architecture and the built environment continue to sit surprisingly low in our cultural thinking.

That feels like a missed opportunity. It is precisely why The London Society has recently led a collective response to the City of London Corporation's Cultural Strategy consultation, bringing together organisations and individuals who share a belief that architecture and the built environment should sit much closer to the heart of the City's cultural offer. Our argument is a simple one: architecture is not a specialist interest.

Every year, hundreds of thousands of people attend the Open House Festival. The London Festival of Architecture continues to grow. Visitors queue to enter buildings, explore neighbourhoods and discover the stories behind the places around them. What is currently missing is not public demand; it is coordination, ambition and year-round delivery.

The City already possesses many of the ingredients required to create a world-leading cultural programme centred on architecture and place. The London Centre, Open City, the NLA, the RIBA, the London Society, Blue Badge Guides, Livery Halls, cultural institutions and building owners all contribute valuable pieces of the puzzle.

But we have yet to bring them together into a coherent proposition.

Imagine if we treated architecture with the same seriousness that we apply to other cultural sectors.

Imagine if visitors could access a coordinated programme of tours, talks, exhibitions and open buildings throughout the year. If every significant building, public space, alleyway and route helped tell part of a larger story about London and Britain? If the City's streets themselves were recognised as one of the country's greatest cultural assets.

The economic benefits would follow naturally. Longer dwell times. More repeat visits. Greater footfall for cafés, restaurants and local businesses. Stronger civic identity. Better public understanding of how cities evolve and function. Open City already has the data that shows this to be true.

Most importantly, we would be making better use of a cultural asset that previous generations have already invested centuries in creating.

It's surely right that Britain should be ambitious and invest in new destinations. But perhaps the greatest opportunity is not always to build something new. Let's look at what we already have and finally recognise its value.

The City of London is not a museum. It is a living, evolving urban landscape that tells the story of Britain better than almost anywhere else. The question is whether we are prepared to start treating it as one of our greatest cultural assets. ■

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CIL and viability

Government's ability to influence delivery through viability policy is limited unless accompanied by more flexible, market-responsive planning and a stronger focus on land supply, argues Andrew Golland

There is no shortage of commentary in the planning and property press about the challenge of delivering housing in a market where construction costs continue to rise while sales values remain stubbornly flat. Developers are understandably focused on maintaining viability, but local authorities face a parallel challenge: how to fund the infrastructure needed to support new communities when market conditions are so fragile.

Where planning obligations can be negotiated, there is usually scope to find a workable solution. But what happens when the charge is fixed? That is the fundamental problem with the Community Infrastructure Levy (CIL). Unlike Section 106 obligations, CIL is a non-negotiable charge based on floor area. It operates, in effect, as a tax on development.

For years, government has wrestled with the balance between certainty and flexibility. The previous Conservative administration proposed replacing CIL and much of Section 106 with a single Infrastructure Levy. Fortunately, that proposal has been shelved. A rigid, nationally applied levy would almost certainly have rendered many developments undeliverable, particularly in weaker housing markets.

Has CIL been a success? The evidence suggests not. Only around half of English planning authorities have adopted CIL, while in Wales just three authorities have implemented it. Many councils in the Midlands and North examined the system but concluded that local market conditions simply could not support it. Politics has also undermined its effectiveness. Councillors often welcomed the principle of CIL until it became clear that receipts are pooled and redistributed across a wide area. Communities expecting direct benefits from nearby development frequently discovered that funding would instead support projects elsewhere.

London has been the notable exception. Stronger development values have made CIL more workable, and the Mayoral CIL has successfully contributed towards strategic infrastructure projects such as Crossrail, where the benefits extend across the whole capital.

Even there, however, questions remain about how CIL receipts are spent. Authorities have accumulated significant unspent balances because suitable projects have not been identified or delivered. Neighbourhoods entitled to a share of receipts often receive sums too small to fund meaningful improvements.

While Section 106 contributions have also experienced delays, particularly because of the difficulties housing associations face in delivering affordable housing, CIL has hardly proved the simple, effective funding mechanism originally envisaged.

Dr Andrew Golland specialises in the field of housing, planning and regeneration

The challenge of setting CIL. Establishing CIL charging schedules has always been difficult. Preparing a CIL Viability Study requires local planning authorities to make difficult choices about which infrastructure should be funded through CIL and which should remain the responsibility of Section 106 agreements. The process often produces cautious outcomes. Either land value benchmarks are increased to ensure development remains viable, or CIL rates themselves are set conservatively for the same reason. In neither case is infrastructure funding maximised.

The relationship between CIL and affordable housing thresholds also creates anomalies. Smaller residential developments escape affordable housing requirements but frequently pay the same CIL rates as larger schemes carrying substantial Section 106 obligations. Only rarely are CIL rates adjusted to reflect this imbalance.

Site-specific complications. Despite its reputation as a straightforward levy, CIL is far from simple. Although the basic rules are clear—charging only applies to net increases in floorspace, with exemptions for certain forms of development such as self-build housing—the detailed regulations surrounding occupancy and existing floorspace are highly technical. For example, buildings that have not been occupied for the required period cannot have their existing floorspace deducted from the CIL calculation, dramatically increasing liability.

Administrative arrangements can make matters worse. Planning permission and Section 106 agreements may be completed before a separate CIL officer identifies an occupancy issue, forcing agreements to be revisited because the CIL liability is substantially higher than originally anticipated.

Such complexities introduce uncertainty into a process that should facilitate, rather than hinder, development.

Exceptional Circumstances Relief. Recognising the rigidity of CIL, the regulations allow authorities to offer Exceptional Circumstances Relief (ECR). However, this is available only where authorities have adopted the relief, a Section 106 agreement is already in place, and a viability assessment demonstrates that CIL itself makes the scheme unviable.

In practice, obtaining relief is far from straightforward. CIL is often a relatively modest component of overall development costs. Affordable housing obligations typically have a much greater effect on viability than the levy itself. Consequently, many schemes are already unviable before CIL is considered, making it difficult to demonstrate that removing CIL alone would enable development to proceed. Developer profit assumptions also become heavily scrutinised, with debates over whether reduced returns might restore viability.

While ECR can unlock individual developments, it remains the exception rather than the rule.

Time for reform. Current market conditions expose the fundamental weakness of a fixed, non-negotiable levy. When development values are rising, CIL can usually be absorbed by adjusting other planning obligations. When values stagnate and costs continue to increase, however, every fixed charge adds significantly to development risk The system has also become unnecessarily complicated, undermining one of its original objectives—greater certainty.

Ultimately, infrastructure is best funded through a healthy land market, where landowners bring sites forward at prices that properly reflect infrastructure costs. Where that cannot be achieved, local planning authorities need flexible mechanisms that allow infrastructure contributions to be negotiated according to changing market conditions.

Rigid national thresholds, such as those governing affordable housing and Section 106 contributions, run counter to that objective.

Infrastructure delivery should be guided by flexibility rather than inflexible rules. The Government should therefore take this opportunity to undertake a fundamental review of CIL. If the levy is to survive, it should be replaced by a system that is simpler, more responsive to viability, and capable of reflecting the realities of today's development market. ■

Planning appeals

Appeals are increasingly a route to planning consent - but at what cost? asks Andy Cowan

Andy Cowan is an Associate Partner, with Carter Jonas (Manchester)

As appeal activity rises, it is becoming necessary to question why local authority approval so often struggles to reach a timely conclusion.

A planning appeal should be a safeguard, not a default planning strategy. Yet, in the current market, an increasing number of applicants are advised to see appeal as a rational commercial option rather than a last resort.

In our experience applicants are not necessarily eager to appeal, as appeal is expensive, uncertain and rarely helpful to relationships with local authorities or communities. Furthermore, we cannot assume that an inspector will take a more favourable view than the council. But where a policy-compliant scheme moves slowly, Section 106 negotiations drift or members refuse against officer recommendation, appeals may become the preferred option.

The Planning Inspectorate's latest figures point towards a rise in appeal activity: Section 78 appeals received in January to March 2026 were 18.2% higher than in the same period in 2025, while the allowed rate for Section 78 appeals was 32% for April 2025 to March 2026.

In England, the government has put in place reforms intended to make appeal less necessary. The revised NPPF is more supportive of housing delivery. Planning committee reform and the proposed national scheme of delegation should make routine and technical decisions less dependent on committee cycles. New call-in arrangements require authorities to consult the Secretary of State before refusing applications for 150 homes or more. The Section 106 roadmap also signals that delay and inflexibility are no longer tolerable.

These measures are about speed and certainty. They also carry the risk of creating the perception that as more decision-making moves upwards, local voices appear to become more absent. Is this a genuine threat to local democracy, or more a question of appearance than the reality?

My sense is that any democratic concern should not be overstated. Appeals do not remove local input, because inspectors must still take account of the local development plan (itself adopted by the LPA) and responses to consultations on a planning application made by members of the public or consultees. In non-determination cases, councils can still take an application to committee to determine what their view would have been or respond to changes in circumstances. For example, Wrexham Council's members reintroduced reasons for refusal on a housing scheme after a legal decision on the adoption of their Local Development Plan.

The appeal route is not a democratic void but part of the planning system that Parliament has created. It can test whether local objections are planning objections, whether a refusal is robust and whether delay has become unreasonable.

Another way of looking at this is how towns and communities are impacted when policy-compliant development is delayed. With housing delivery facing acute pressure and the Government's housing targets looking increasingly challenging, there needs to be a mechanism whereby a timely decision can be made.

That said, when more decisions move away from committee, what is lost is the visible, public part of local planning: the debate in the room, the local explanation and the sense that a decision has been argued through in the place affected by it.

Committees can be political and inconsistent, but they can also provide a valuable forum in which local trade-offs are made in public. If residents believe that committee is only a staging post before the real decision is made by an inspector or minister, trust may suffer.

For this reason, appeal should not become the default answer to delay. Instead, for developers it should remain a strategic decision with risk attached. For councils, every avoidable appeal is a sign that the local process has not worked as it should. For government, a faster appeal system may help delivery in the short term, but it cannot substitute for well-resourced planning departments, up-to-date local plans and committees that are trained and willing to make difficult decisions.

The appeal system will remain necessary and important for as long as demand for new homes exceeds the capacity of local authorities to determine applications efficiently. The aim should not be to weaken appeal rights but to restore confidence in first-instance decision-making, so that appeal returns to its proper role as a safeguard for difficult cases, rather than the route by which too many acceptable schemes finally secure consent. ■

Geospatial data for planning

Planning reform is accelerating, but the 2025 data shows a system still operating below capacity, says Josh Rains

Total application volumes remained subdued in 2025, with the national rate falling to 995 applications per 100,000 people – the lowest level in our dataset – and just under 690,000 applications processed nationwide.

Policy intent is clearer, but delivery conditions are tougher

The Government's pledge to deliver 1.5 million new homes in England, alongside the December 2025 draft National Planning Policy Framework (NPPF) reforms and the wider planning reform programme, signals an unmistakable "build" agenda.

Alongside this, the Planning and Infrastructure Act is intended to streamline the delivery of homes and major infrastructure, and to create greater certainty in how decisions are made. However, although reform can improve the mechanics of planning, delivery will ultimately be shaped by the interplay of people, process and technology. Progress will only move at the pace of the slowest of these three.

Lower-risk delivery, not expansionary delivery

Last year, I suggested we were likely to see continued focus on feasibility and lower-risk pathways to delivery, with smaller residential activity remaining muted until confidence returned. The 2025 data supports that hypothesis.

Extensions fell again to 193,721 (28.1% of all applications) and new-build volumes declined to 198,240 (28.8%), while alterations and conversions rose to 274,366, now accounting for 39.8% of all planning activity.

In plain terms, the market is adapting, reusing and optimising what already exists rather than expanding at scale.

Decision outcomes reinforce the same picture of caution rather than collapse. In 2025, 463,089 applications were granted, with the national grant rate easing to 67.2% (down from 68.4% in 2024). Refusals accounted for 8%, slightly lower than the previous year. Stable decision rates, however, do not automatically translate into delivered homes.

Planning capacity is the limiting factor – and it is now widely acknowledged

Even if reforms simplify decision-making in principle, delivery will not accelerate at the pace intended unless local authorities have the resources and specialist capability to process and evaluate schemes effectively. Without sufficient planning capacity, expertise and resourcing, the people element remains a significant constraint.

At the same time, expectations around technology – from digital plan-making to the use of data and artificial intelligence – are rising faster than many parts of the system can currently absorb. Planning reform will only deliver its full benefits when these three pillars are aligned and working in concert.

Brownfield first, intensification and well-connected growth

This year's data also makes clear that delivery is no longer defined purely by speed. It is increasingly defined by certainty and by the ability to assess risk, feasibility and policy alignment at an early stage.

England's policy direction now firmly prioritises brownfield-first development, greater density and growth in well-connected locations. That places greater emphasis on understanding both the location and the context of development long before capital is committed.

Making place real through earlier data-based decisions

All of this reinforces the core point: reform may improve the how of decision-making, but delivery will ultimately be determined by the where, the whether and the constraints.

In 2025, we saw subdued application volumes and a clear shift towards adaptation and reuse.

Josh Rains is Managing Director, Landmark Geodata

Meanwhile, England's policy direction points to brownfield-first development, greater density and better-connected locations.

This is where placemaking moves from principle to practice. Creating successful places requires more than allocating land or securing planning consent; it depends on accessibility, infrastructure capacity and the availability of the everyday amenities that make locations liveable and sustainable over time.

Data allows these qualities of place, often regarded as subjective, to be assessed more rigorously. By quantifying access to transport, services and community infrastructure, developers and planners can test whether a location genuinely supports the type of place they are seeking to create.

In this environment, geospatial and planning data become enablers of better outcomes, not simply faster decisions. They help identify constraints earlier, reveal opportunities with greater confidence and align schemes with policy objectives before risk escalates. In short, they help make place real at the point decisions are made, rather than after planning permission has been granted.

As our report shows*, reform may change how decisions are taken, but delivery will depend on where development is located, how well it is supported, and how effectively people, process and technology are brought together. In a planning system under pressure, early certainty and data-led insight are no longer nice to have; they are fundamental to turning ambition into delivery. ■

Landmark Geodata's report: Data insights report: Planning Applications 2025 may be found here:
https://tinyurl.com/bdzzfzhk