

Appendix 1B

Proposed Constitution and Planning Protocol

Section E of Part Five of the Constitution - Planning Protocol

2. PLANNING FUNCTIONS

Administration of Planning Functions in Haringey

2.04. The performance of the Council's planning function is largely delegated to officers of the Council pursuant to arrangements made under Section 101 of the Local Government Act 1972 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (See table below). Approximately 9 out of 10 planning decisions in Haringey are made by officers, through authority delegated to them by the Council. This level of delegated decision making is consistent with other Councils across the Country and allows the majority of planning decisions to be determined promptly, allowing Members of the Committee to focus on the most significant proposals.

Schedule 1 and Schedule 2 and Own-Interest Applications

2.09 All Members of the Council receive copies of the weekly list detailing which applications have been received. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 requires applications identified in Schedule 1 to the Regulations summarised in the table below to be determined by officers and Schedule 2 also summarised below, unless the Nominated Member (Chair or in their absence the Vice-Chair of the Planning Sub-Committee) and the Nominated Officer (Head of Development Management and Planning Enforcement or in their absence the Director of Built Environment & Highways or one of the team managers within the Development Management Service) agree that the application should be referred to Planning Sub Committee.

Category	Delegated to	Application type
Schedule 1	Officers	1. Certificates of appropriate alternative development 2. An application made under section 26H (1) of the Listed Buildings Act (certificate of lawfulness of proposed works) 3. A householder application

		4. A minor commercial application (floorspace less than 1,000 sq,m. on a site less than 1 hectare) 5. A minor residential application (between one and 9 dwellings on a site less than 0.5 hectare) 6. An application for permission in principle 7. An application made under section 73(1) of Town and Country Planning Act (TCPA) 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 1 planning permission – i.e. material amendments 8. An application made under section 96A (4) of TCPA 1990 (non-material changes to planning permission or permission in principle) i.e. non-material amendments 9. In respect of a planning obligation that the authority considers is connected with a Schedule 1 approval— (a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations) (b) an application to modify or discharge that obligation under section 106A (3) of TCPA 1990 (modification and discharge of planning obligations) 10. An application made under section 191(1) of TCPA 1990 (certificate of lawfulness of existing use or development) 11. An application made under section 192(1) of TCPA 1990 (certificate of lawfulness of proposed use or development) 12. The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to TCPA 1990 13. A reserved matters approval application in respect of an outline planning
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		permission, other than a large outline permission 14. An application made under article 27 (1) of the Development Management Procedure Order (applications made under a planning condition) 15. An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015(21) for— (a) prior approval, or (b) a determination as to whether prior approval is required.
Schedule 2	Officers UNLESS the Chair of the Planning Subcommittee and the Director of Built Environment & Highways (or their substitute(s)) decide the application should be referred to a planning committee'	1. An application for listed building consent made under section 10(1) of the Listed Buildings Act (making of applications for listed building consent).* 2. An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent).* 3. An application for planning permission that the authority considers is connected with an application specified in 1 or 2. 4. An application for planning permission that is not— (a) a householder application, (b) a minor commercial application, or (c) a minor residential application. 5. An application made under section 73(1) of TCPA 1990 i.e. material amendment application (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission. 6. An application made under section 73A (1) of TCPA 1990 i.e. material amendment application (planning permission for development already carried out)

		7. In respect of a planning obligation that the authority concerned considers is connected with a Schedule 2 approval— (a) a request to agree to modify or discharge that obligation under section 106A(1)(a) of TCPA 1990 (modification and discharge of planning obligations); (b) an application to modify or discharge that obligation under section 106A (3) of TCPA 1990 (modification and discharge of planning obligations). 8. A reserved matters approval application in respect of a large outline permission (at least 500 homes and/or 50,000m² floorspace created) 9. An application made under regulation 9 (1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement)* 10. An application made under regulation 16 (1) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (application for consent under tree preservation order)*
Own-interest applications	Officers. UNLESS the Chair of the Planning Sub-committee and the Director of Built Environment & Highways (or their substitute(s)) decide the application should be referred to a planning committee	Schedule 1 and/or Schedule 2

Gateway Test

2.10 Deciding which Schedule 2 or Own-Interest applications are to be referred to Planning Sub Committee is referred to in the statutory guidance issued by the

Secretary of State, which states that regard must be had to the 'Gateway Test'.

The matters for consideration at the Gateway Test are whether the application raises:

- (a) one or more issues of economic, social or environmental significance to the local area, OR
- (b) one or more significant planning matters having regard to the development plan and any other material consideration

The statutory guidance provides that the following circumstances are unlikely to raise a significant planning matter:

1. where the application for development broadly complies with a detailed site allocation and other relevant policies set out in a local or neighbourhood plan and national decision-making policies set out in the National Planning Policy Framework. Significant planning matters may arise if new material considerations are raised by the application;
2. where a specific planning matter (e.g. highways or flood risk) was initially raised by a statutory consultee as a concern, but the development proposal has been modified to make it acceptable in the view of the statutory consultee (unless the Nominated Officer has compelling reasons to consider otherwise).

Gateway Request

- 2.11 For Schedule 2 applications (* with the exception of applications for Advertisement Consent, Listed Building Consent, applications to vary/modify applications to discharge conditions for a listed building consent, works to a tree protected under a TPO and works to a tree located within a conservation area) any Member of the ward within which the application site is situated may make a 'Gateway Request', asking that the application be considered by the Nominated Member and Nominated Officer against the Gateway Test. The request must be in writing within the statutory consultation period for the application, and set out the planning reasons why it is considered that the matter should be referred to the Planning Sub Committee for decision. A Gateway Request does not confer any entitlement for the application to be referred to Planning Sub Committee and does not constitute a member call-in. The Nominated Member and Nominated Officer shall determine whether referral is justified having regard to the Gateway Test.

Own-Interest Applications

- 2.12 The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 do not require that the Nominated Member and Nominated Officer consider the Gateway Test when deciding whether a Schedule 1 or 2 application made by or on behalf of the Council, a member or officer of the Council, a member or an officer has an interest in should be referred to the Planning Sub-committee, but the statutory guidance provides that such applications may be referred in the interests of transparency and public accountability.

Sections 2 and 3 of Section B of Part Three of the Constitution - Responsibility for Functions: Full Council & Non-Executive Bodies.

SECTION 2 – COMMITTEES

8. The Strategic Planning Committee

There is a Protocol outside this Constitution setting out how the Strategic Planning Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

There is also a Protocol setting out how members of the Planning Sub-Committee will exercise any functions delegated to the Sub-Committee, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office, which will also be followed by members of Strategic Planning Committee when exercising the same functions as the Sub-Committee. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

The Planning Sub Committee has power to determine those applications identified in paragraph (a) (Schedule 2 Applications) and (b) (Own-Interest Applications) of section 4.2 (Planning Sub-committee) of this Part of the Constitution that the nominated member and the nominated officer agree requires reporting to and determination by the Strategic Planning Committee, because it raises (a) one or more issues of economic, social or environmental significance to the local area, or (b) one or more significant planning matters having regard to the development plan and any other material considerations; and for own-interest applications, is in the interests of transparency and public accountability.

SECTION 3 - SUB-COMMITTEES AND PANELS

Section 4.2 Planning Sub-Committee

There is a Protocol setting out how members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

The Sub-Committee has power to determine:

(a) Schedule 2 Applications

Those applications in Schedule 2 of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 listed below that the Nominated Member and the Nominated Officer agree requires reporting to and determination by the Planning Sub-Committee, because it raises (a) one or more issues of economic, social or environmental significance to the local area, or (b) one or more significant planning matters having regard to the development plan and any other material considerations:

1. An application for listed building consent made under section 10(1) of the Listed Buildings Act (making of applications for listed building consent)
2. An application made under section 19(1) of the Listed Buildings Act (variation or discharge of conditions of listed building consent)
3. An application for planning permission that the authority concerned considers is connected with an application of a kind specified in paragraph 1 or 2
4. An application for planning permission that is not (i) a householder application, (ii) a minor commercial application, or (iii) a minor residential application
5. An application made under section 73(1) of the Town and Country Planning Act 1990 ("TCPA 1990") (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 2 planning permission
6. An application made under section 73A(1) of TCPA 1990 (planning permission for development already carried out)
7. In respect of a planning obligation that is considered is connected with a Schedule 2 approval, a request to agree to modify or remove that obligation under section 106A(1)(a) or section 106A(3) of TCPA 1990
8. A reserved matters approval application in respect of a large outline permission [at least 500 homes and/or 50,000m² floorspace created]
9. An application made under regulation 9(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (application for express consent to display advertisement)

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

(b) Own-Interest Applications

An application listed in paragraph (a) above or in Schedule 1 of The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 listed below, made by or on behalf of the Council, a member or officer/the Council, a member or an officer has an interest in, that the Nominated Member and the Nominated Officer agree requires reporting to and determination by the Planning Sub-Committee [in the interests of transparency and public accountability].

1. An application made under section 17(1) of the Land Compensation Act 1961 (certificates of appropriate alternative development)
2. An application made under section 26H (1) of the Listed Buildings Act (certificate of lawfulness of proposed works)
3. A householder application
4. A minor commercial application
5. A minor residential application
6. An application for permission in principle
7. An application made under section 73 (1) of TCPA 1990 (application to develop land without compliance with conditions previously attached) in respect of which the original planning permission was a Schedule 1 planning permission
8. An application made under section 96A (4) of TCPA 1990 (non-material changes to planning permission or permission in principle)
9. In respect of a planning obligation that is considered is connected with a Schedule 1 approval, a request to agree to modify or discharge that obligation under section 106A(1)(a) or section 106A (3) of TCPA
10. An application made under section 191(1) of TCPA 1990 (certificate of lawfulness of existing use or development)
11. An application made under section 192(1) of TCPA 1990 (certificate of lawfulness of proposed use or development)
12. The submission of a biodiversity gain plan under paragraph 13(2)(a) of Schedule 7A to TCPA 1990
13. A reserved matters approval application in respect of an outline planning permission other than a large outline permission
14. An application made under article 27(1) of DMPO (applications made under a planning condition)
15. An application pursuant to provision in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order

2015(d) for prior approval, or a determination as to whether prior approval is required

The Nominated Member is the Chair (or in their absence the vice-Chair) of the Planning Sub Committee and the Nominated Officer is the Head of Development Management and Planning Enforcement (or in their absence the Director of Built Environment & Highways or one of the team managers within the Development Management Service).

The Nominated Officer shall keep a record of the applications that the Nominated Officer and Nominated Member have considered for referral to Planning Sub Committee, the outcome of their consideration and the reasons for their decision regarding such applications, which shall be reported to the Planning Sub Committee on a regular basis and made available on the Council's website.

For the purposes of clarity:

1. Planning obligations connected with major planning applications will, if the Nominated Member and Nominated Officer agree that such application should be referred to the Planning Sub Committee, be considered by the Planning Sub Committee when determining the application.
2. The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 provides that the applications identified in Schedule 1 of the Regulations must be determined by officers unless made by or on behalf of the Council, a member or officer/the Council, a member or an officer has an interest in the application; in which case the Gateway Test is engaged.
3. The Nominated Officer and the Nominated Member should make every effort to reach agreement on which cases should be referred to committee. However, where agreement is not possible, the case must be determined by officers.
4. Responses on planning consultations from other boroughs are to be determined by Officers.