

The Town and Country Planning (Appeals) (Written Representations Procedure) (England) (Amendment and Saving Provisions) Regulations

Lead department	Ministry of Housing, Communities and Local Government
Summary of proposal	The proposal is to expand the expedited written representations appeals procedure to more types of planning appeals, which can then benefit from quicker decisions. The Department wants to extend this expedited procedure to major residential, minor residential, major commercial and other types of minor commercial planning appeals.
Submission type	Impact Assessment – 2 October 2025
Legislation type	Secondary legislation
Implementation date	
RPC reference	RPC-MHCLG-25086-IA(1)
Date of issue	7 November 2025

RPC opinion

Rating¹	RPC opinion
Fit for purpose	The Department evidences the problem under consideration, alongside the links to wider government objectives. The IA has considered a long-list of five policy options. The Department has used SMART objectives, but could have referenced these as part of the long-list appraisal. The IA provides sufficient discussion on impacts to all stakeholders, and the methodology behind the appraisal is explained clearly.

¹ The RPC opinion rating is based only on the robustness of the rationale, options identification (including SaMBA) and justification for preferred way forward, as set out in the [Better Regulation Framework guidance](#). RPC ratings are fit for purpose or not fit for purpose.

RPC summary

Category	Quality ²	RPC comments
Rationale	Green	The IA identifies delays in planning appeals as a barrier to timely housing delivery and economic growth. However, the rationale remains heavily intervention-focused rather than problem-focused. The IA provides suitable objectives, which follow the SMART framework.
Identification of options (including SaMBA)	Green	The IA presents five long-list options including do-nothing, the preferred option, two other regulatory options and a non-regulatory option. The IA draws on the previous consultation to develop the long-list of policy options. The IA provides a sufficient SaMBA that outlines why exemptions for SMBs are not appropriate.
Justification for preferred way forward	Green	The IA sets out the methodology behind each of the quantified costs and benefits. The Department has described the evidence gaps and uncertainties within the IA. The Department has undertaken sensitivity analysis to account for these. The preferred option is deregulatory.
Regulatory Scorecard	Satisfactory	The proposal is expected to have a positive impact on businesses and society. The Net Present Social Value of the preferred way forward is estimated to be £119 million. The preferred option is expected to have a positive impact on businesses. The Department states that the policy may have a negative impact on decarbonisation.
Monitoring and evaluation	Very weak	The monitoring and evaluation section lacks sufficient detail to ensure a robust assessment. The Department should commit to undertaking a PIR within five years of policy implementation. The IA lacks a theory of change, which constrains the development of a structured monitoring and evaluation framework.

² The RPC quality ratings are used to indicate the quality and robustness of the evidence used to support different analytical areas. The definitions of the RPC quality ratings can be accessed [here](#).

Summary of proposal

The proposal is to expand the expedited written representations appeals procedure to more types of planning appeals, which can then benefit from quicker decisions. The procedure was established in 2009 for householder appeals, and extended in 2013 for advertisement consent and minor commercial appeals. The Department proposes to extend this procedure to major residential, minor residential, major commercial and other types of minor commercial planning appeals.

The IA has considered five long-list options for intervention, of which two have been short-listed:

- Option 0 – Do Nothing (shortlisted). Under the 'do nothing' scenario, appeals will still be decided under the existing process.
- Option 1 - Non-legislative option – Carry out a review of the existing procedures to identify why appeals are taking longer than they should.
- Option 2 - Preferred option (shortlisted) – Extend the expedited written representations appeals procedure to s78(1) planning appeals.
- Option 3 – Extend the expedited written representations appeals procedure to most appeal types, excluding enforcement appeals and non-determination appeals.
- Option 4 – Extend the expedited written representations appeals procedure to all appeal types (including enforcement and non-determination appeals).

The preferred option achieves a Net Present Social Value (NPSV) of £119 million and a quantified EANDCB of -£12.7 million.

Rationale

Problem under consideration

The IA identifies delays in planning appeals as a barrier to timely housing delivery and economic growth. The Department cites statistics on appeal timelines and notes that prolonged processes increase costs and uncertainty for developers. Evidence from industry sources, such as Lichfields, suggests larger developments face longer planning periods, though the IA would benefit from more evidence from independent sources. The IA also references declining homeownership rates and systemic challenges in the planning regime. However, the link between appeal delays and overall housing supply is not strongly evidenced, given the small proportion of decisions that reach appeal. Strengthening this causal link with robust data would have improved the rationale.

The Department provides context on government ambitions and the failures of the planning regime but devotes significant space to describing the proposed policy rather than diagnosing and evidencing the underlying problem. Rebalancing the

narrative to focus on systemic issues and evidencing their scale would enhance the clarity of the case for change.

Argument for intervention

The IA argues that government intervention is necessary to deliver time savings in the appeal process and reduce unnecessary bureaucracy but fails to specifically reference this as a regulatory failure. The IA links expedited appeals to faster housing delivery and economic growth, aligning with strategic objectives. The rationale emphasises benefits for small businesses and diversity in the housebuilding sector. However, the argument would be stronger if supported by quantitative evidence demonstrating the magnitude of delays and their impact on housing output.

The IA notes that existing expedited services for certain appeal types have achieved shorter decision times, suggesting scalability of the approach. It anticipates that extending these procedures will reduce backlog and improve certainty for applicants. The argument would have benefitted from clearer articulation of risks if intervention does not occur.

Objectives and theory of change

The IA sets out the policy objective as expediting decisions on planning appeals to reduce delays and support housing delivery, aligning with the Government's ambition to build 1.5 million homes. The objectives broadly follow the SMART framework, specifying measurable time savings and a clear implementation timeline. However, the IA does not include a theory of change, which limits clarity on causal pathways and assumptions underpinning expected outcomes.

Alignment with wider government objectives on housing and growth is clearly stated, and the IA provides evidence of current delays and their impact on smaller developers. However, the rationale remains heavily intervention-focused rather than problem-focused. A more balanced articulation of the underlying systemic issues and how the intervention addresses them would improve clarity.

Identification of options (inc. SaMBA)

Identification of the 'long-list' of options

The IA presents five long-list options including do-nothing, the preferred option, two other regulatory options and a non-regulatory option.

The IA draws on the previous consultation to develop a long-list of policy options. The Department could have linked the long-list options directly to the policy objectives and included consideration of whether each policy option met the Green Book's Critical Success Factors. In addition, the IA could have used the Green

Book's Strategic Options Framework Filter to demonstrate how scope, solution, delivery, implementation and funding was considered when constructing the long-list.

Consideration of alternatives to regulation

The Department has considered one non-regulatory option at long-list stage – carrying out a review of the existing procedures to identify why appeals are taking longer than they should. The IA explains that this minimal option would consist of a review of the operation of the existing written representations procedure to identify the elements of the current process which are not working efficiently. The Review would make recommendations as to how the operation of the written representations appeals procedure could be improved within the current legislative framework.

The IA provides qualitative reasoning to reject this alternative to regulation, stating several reasons against this option: a review would not be able to remove any of the current administrative burden on appeal parties, because the documentation requirements are set out in secondary legislation. It would also be unable to truncate the appeals process because the appeals procedure is set out in secondary legislation. In addition, the review would take time and resources to carry out and implement.

Justification for the short-listed options

The IA presents two short-listed options, including the do-nothing option and the preferred option (Option 2). The Department details these options in the IA but would have benefitted from appraising them against Green Book Critical Success Factors and the policy's SMART objectives.

Where an option has been discounted at the long-list stage and has not been carried forward to the short-list, the IA provides a qualitative explanation of why the option would not be considered a proportionate approach. Overall, the explanation provided is sufficient, however, the IA could have been improved by showing why the more expansive deregulatory options were discounted due to differences in scope and feasibility, which could have been clearer through structured use of SOFF and CSFs.

SaMBA and medium-sized business (MSB) assessment

The IA provides a sufficient SaMBA, noting that smaller developers face disproportionate burdens under the current system due to limited resources for lengthy appeals. The preferred option is expected to benefit these businesses by reducing delays and associated costs, therefore small businesses should not be excluded. The Department includes some quantitative evidence on the number of different sized businesses impacted.

The IA explains that small businesses contribute to diversity in the housing sector and often develop smaller sites unattractive to large developers. The intervention is therefore expected to support market diversity and housing supply.

Potential impacts on medium-sized businesses are only mentioned briefly, so the Department could have expanded its medium-sized business assessment.

Justification for preferred way forward

Identifying impacts and scale

The IA provides a full Net Present Social Value (NPSV) estimate for the preferred option; this meets the IA-stage requirement for monetisation of key impacts. The assessment identifies the main affected groups: businesses, households (through accelerated housing delivery), the public sector (Planning Inspectorate resource implications and Local Planning Authorities), and wider society (economic growth and housing supply). The Department monetises several costs and benefits for both businesses and public sector organisations.

The direct monetised impacts are:

- Reduction in employee costs (to appellants): £14.9m
- Reduction in employee costs (to LPAs): £10.7m
- Reduction in costs of holding capital related to appeal determination times (to appellants): £96.5m
- Familiarisation Costs: £3.0m
- Transition cost of digital infrastructure (to PINS): £0.2m

Appraisal of the shortlisted options

The IA sets out a detailed counterfactual, noting that appeal timelines would remain lengthy without intervention, with some backlog reduction expected over time. This analysis is coherent and supported by historical data.

The IA sets out the methodology behind each of the quantified costs and benefits. The Department uses a standard 10-year appraisal period, using 2025 prices and 2026 present value base year, but could have explained whether other standard adjustments had been applied, such as discounting and optimism bias. The Department has described the evidence gaps and uncertainties within the IA. The Department has undertaken sensitivity analysis to account for these and models the costs and benefits resulting from two different forecasting scenarios of house building – using OBR forecasts and government targets.

Selection of the preferred option

The preferred option is for the expedited written representations procedure to be the default procedure for all planning appeals submitted under section 78(1) of the Town and Country Planning Act 1990, i.e. planning appeals against a decision from the LPA. This is deregulatory.

The Department held a consultation from 6 March to 1 May 2024. The Department conducted analysis of the consultation responses and detailed consideration of what legislation would need to be amended for different appeal types and the number of appeals which would be affected. It was concluded that extending the expedited written representations appeals procedure to just s78(1) appeals was the most proportionate option to take forward, considering the numbers of appeals affected and the resources needed to implement the policy.

Regulatory Scorecard

Part A

Total welfare impacts

The proposal is expected to have a positive impact on total welfare. The Net Present Social Value of the preferred way forward is estimated to be £119 million. The Department expects that the reform will simplify the process for written representation appeals. This will yield direct benefits to developers and LPAs.

The regulatory scorecard presents no possible downsides to the proposal and could have been improved by assessing possible loss of quality in appeal decision-making, as flagged in paragraph 26 of the IA.

Impacts on business

The preferred option is expected to have a positive impact on businesses. By reducing appeal times, developers will face a reduction in costs of holding capital and a reduction in employee hours devoted to appeals. Overall, the expected net present benefit for businesses is £108.9 million and the EANDCB is -£12.7 million. The monetised impacts include a reduction in employee costs, a reduction in costs of holding capital related to appeal determination times, and familiarisation costs.

Impacts on households, individuals or consumers

The Department does not expect any direct impacts to fall on households. The measures result in reduced costs to developers. While some of the cost savings may be passed through to households in the form of lower prices, this pass through would be indirect. Households may also benefit from the faster delivery of housing and there may be localised impacts on housing availability and affordability.

Distributional impacts

The Department concludes that the overall distributional impacts of the preferred option will be positive. The policy will be in effect across England - the department could have provided proportionate spatial analysis of where appeals bottlenecks are

most acute, and which areas therefore stand to gain the most from faster appeals processing.

For businesses, the measure is expected to mostly impact minor and less complex appeals. The expedited written representation process will mostly be used for smaller applications, which are typically the focus of smaller developers who will benefit. The Department could have provided additional quantitative evidence to support this statement within the Scorecard, although these impacts are discussed further elsewhere.

The distributional impacts on households are neutral because no impacts have been identified. The Department could have provided additional narrative to support this statement.

Part B

The Department considers the impact of the proposal on wider government priorities, stating that it may support the UK business environment by incentivising developers and investors to bring forward more development.

The Department indicates that the international impact of the policy is neutral, stating that the measure is not expected to directly impact trade.

The Department states that the policy may have a negative impact on decarbonisation the embodied carbon associated with new development may be brought forward by reducing delays in the planning process.

The Department should have included further narrative and evidence to justify the statements and ratings made in Part B of the Regulatory Scorecard.

Monitoring and evaluation

The monitoring and evaluation section is very weak and lacks sufficient detail to ensure a robust assessment. While the IA notes existing forums for stakeholder feedback and mentions potential quantitative data sources, this is presented only at a high level. The IA outlines plans to use PINS data to monitor appeal timelines and outcomes. While this provides a basis for tracking implementation, the IA does not commit to a Post-Implementation Review (PIR). The Department should commit to undertaking a PIR within five years of policy implementation.

To be satisfactory, the IA should set out a clear monitoring and evaluation plan, including a list of questions that an evaluation would seek to answer, alongside metrics that could be used to assess the outcomes and impacts of the policy. Without these elements, the plan does not provide confidence that the Department will be able to evaluate the policy effectively.

The IA lacks a theory of change or logic model, which constrains the development of a structured monitoring and evaluation framework. Adding these elements would enable clearer linkage between activities, outputs, and outcomes, supporting robust evaluation.

Regulatory Policy Committee

For further information, please contact enquiries@rpc.gov.uk. Follow us on X [@RPC_Gov_UK](https://twitter.com/RPC_Gov_UK), [LinkedIn](#) or consult our website www.gov.uk/rpc. To keep informed and hear our views on live regulatory issues, subscribe to our [blog](#).