

Research Briefing

4 April 2024

Number SN 0930

By Felicia Rankl

Call-in of planning applications (England)

1

What is call-in of a planning application?

Under [section 77 of the Town and Country Planning Act 1990](#), the Secretary of State for Levelling Up, Housing and Communities (DLUHC) can call-in any planning application for their own determination.¹ This means that the Secretary of State, rather than the local planning authority (LPA), will make a decision on the application (and decide whether the development should be granted or refused planning permission).

1.1

Until what point can the Secretary of State call-in an application?

The Secretary of State can call-in a planning application at any time until the LPA has formally issued its decision on the application. There is sometimes a difference between an LPA determining to approve or reject an application and the actual decision being issued. In a court case, the judge explained:

¹ [Section 77 of the Town and Country Planning Act 1990](#)

[...] a mere resolution to grant planning permission by a LPA does not itself constitute a planning permission. [...] Planning permission is not granted until a decision notice is given to the applicant. [...] This power of call-in may be exercised before or after the LPA has resolved to grant planning permission, but cannot be exercised once a LPA has granted planning permission by issuing a decision notice.²

A planning application is not necessarily paused if someone requests that it should be called-in. Under [article 31 of the Development Management Order 2015](#), however, the Secretary of State can issue a ‘holding direction’, directing an LPA to delay issuing their decision until the Secretary of State has decided whether to call-in the application.³ The Secretary of State is not required to issue a ‘holding direction’ if they received a request for a planning application to be called-in.

2 Which planning applications can be called-in?

In theory, the Secretary of State can call-in a planning application for any reason (until the LPA has formally issued its decision on the application). In practice, very few applications are called-in every year.

2.1 What are the criteria for call-in?

A [written ministerial statement \(26 October 2012\)](#) sets out the government’s criteria for call-in. It states that cases that may be called-in include those that may conflict with national policies, those that could have significant effects beyond their immediate locality, or those that give rise to substantial cross-boundary issues.⁴

The statement notes, however, that each case will be considered on its individual merits. It is ultimately it is up to the Secretary of State to decide whether to use their call-in powers.

For developments set out in the [Town and Country Planning \(Consultation\) \(England\) Direction 2024](#), if the LPA intends to grant planning permission, the LPA must first notify the Secretary of State to give them the opportunity to call-in the application.⁵ For example, an LPA must notify the Secretary of State if it intends to grant permission for a major development in an area at

² [Goesa Ltd, R \(On the Application Of\) v Eastleigh Borough Council \[2022\] EWHC 1221 \(Admin\)](#)

³ [Article 31 of the Development Management Order 2015](#)

⁴ [HC Deb 26 October 2012, 72WS](#)

⁵ [Town and Country Planning \(Consultation\) \(England\) Direction 2024](#)

medium or high risk of flooding against Environment Agency's advice.⁶ The LPA must not grant planning permission for these developments, until the Secretary of State decides whether to call-in the application or 21 days have passed without a response from the Secretary of State.

2.2 Who can request call-in?

Anyone can ask for an application to be called-in. The request does not have to be made by an MP.

Further information on how to request call-in is set out in [government guidance on determining a planning application](#). It sets out that requests should be sent to the DLUHC's casework unit: pcu@communities.gov.uk.

The final decision on whether to call an application in or not rests with the Secretary of State.

3 How does the Secretary of State decide called-in planning applications?

A planning inspector (from the Planning Inspectorate) will examine planning applications that have been called-in by the Secretary of State. The planning inspector will carry out an inquiry and issue recommendations to the Secretary of State, who will make the final decision.⁷ The Secretary of State does not have to follow the planning inspector's recommendations.

In examining an application and preparing a report, the planning inspector will consider the local plan for the area, government policy and guidance and "any other matters that are material to the case". The inspector will also consider any representations made by interested parties indicating support for, or opposition to, a proposed scheme.⁸

Further information on the examination process is set out in [the Planning Inspectorate's procedural guidance on called-in planning applications](#).

⁶ Department for Levelling Up, Housing and Communities (DLUHC) and Ministry for Housing, Communities and Local Government (MHCLG), [Flood risk and coastal change](#), August 2022, para 39

⁷ DLUHC and MHCLG, [Planning applications: Called-in decisions and recovered appeals](#), March 2024

⁸ Planning Inspectorate, [Called-in planning applications: procedural guide](#), April 2022, paras 1.8; 2.5

3.1 How can interested parties get involved?

If an application is called-in, the LPA must notify people with an interest in the land (for example, landowners), people who own or occupy properties near the site and anyone who made representations at the public consultation stage.⁹ Interested parties can submit further representations to the Planning Inspectorate during the public inquiry. Further information on how to get involved is set out in [the Planning Inspectorate's guide to taking part](#).

Interested parties who have 'substantive case' and wish to get involved further in a public inquiry can also apply for 'rule 6 status'.¹⁰ Further information is set out in [the Planning Inspectorate's guide to rule 6 status](#).

3.2 How often has the Secretary of State not followed the inspector's recommendations?

In response to parliamentary questions, the government has set out how often the Secretary of State did not follow the planning inspector's recommendations:

- Between 2010 and 2017, the Secretary of State did not follow the planning inspector's recommendations in 15 of 73 cases (21%).
- In the financial years between 2017/18 and 2019/20, the Secretary made decisions that were not in line with the inspector's recommendations in four of 22 cases (18%).¹¹

The government publishes [the Secretary of State's individual decisions on called-in applications and recovered appeals](#), going back to 2018. Decisions on called-in applications and recovered appeals made between 2012 and 2017 can be found on the [website of the National Archives](#).

4 Recovery of appeals

If an LPA refuses planning permission, an applicant can appeal that decision under [section 78 of the Town and Country Planning Act 1990](#). An applicant can also appeal the non-determination of their application if an LPA fails to

⁹ Planning Inspectorate, [Called-in planning applications: procedural guide](#), April 2022, para B7

¹⁰ Planning Inspectorate, [Called-in planning applications: procedural guide](#), April 2022, para A2.5

¹¹ PQ 143135 [[Planning: Public Inquiries](#)] 11 May 2018; PQ 59247 [[Planning: Public Inquiries](#)] 12 June 2020

determine an application within statutory time limits.¹² Further information on appeals is set out in the [Library briefing on planning appeals \(England\)](#).

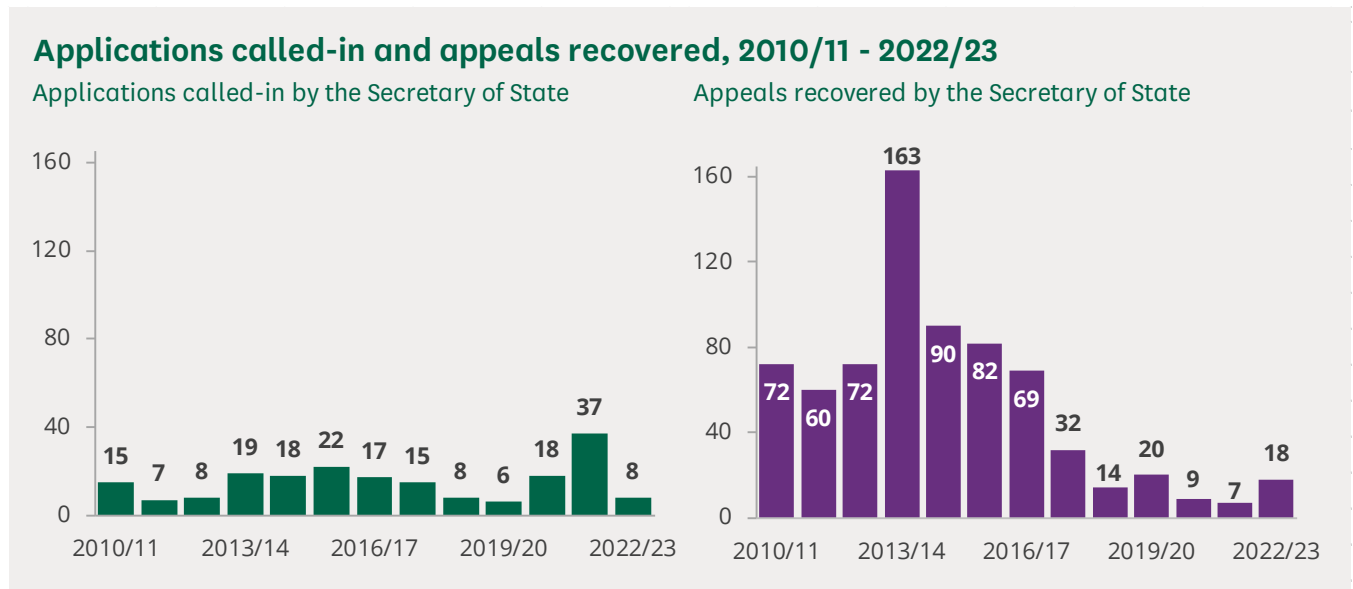
Appeals are formally made to the Secretary of State for DLUHC. In practice, most appeals are handled by the Planning Inspectorate. However, the Secretary of State can decide to make the final decision on an appeal rather than it being made by a planning inspector under [section 79 of the Town and Country Planning Act 1990](#).¹³ This is called a ‘recovered appeal’.

The Secretary of State can choose to recover an appeal at any stage of the appeal process until the planning inspector has formally issued their decision on the appeal.

5 Call-in and recovery statistics

The Planning Inspectorate publishes data on how many applications and appeals the Secretary of State has called-in or recovered.¹⁴ Between 2010/11 and 2022/23, the Secretary of State called-in 198 applications and recovered 708 appeals.

Some called-in applications and recovered appeals were withdrawn by applicants: between 2010/11 and 2022/23, applicants withdrew 50 applications that were called-in and 117 appeals that were recovered.



Source: Planning Inspectorate, [Quarterly and Annual Volume Statistics](#): Table 1.4a, last updated 19 October 2023 [accessed 27 March 2024]

¹² [Section 78 of the Town and Country Planning Act 1990](#)

¹³ [Section 79 of the Town and Country Planning Act 1990](#)

¹⁴ Planning Inspectorate, [Quarterly and Annual Volume Statistics](#): Table 1.4a, last updated 19 October 2023 [accessed 27 March 2024]

The Planning Inspectorate also publishes data on the outcome of called-in applications and recovered appeals for the past five years.¹⁵ Of the 43 called-in applications that the Secretary of State decided between January 2019 and December 2023, 26 (61%) were granted permission and 13 (30%) were refused permission. The outcome was not recorded for the remaining four cases.

Of the 76 recovered appeals the Secretary of State decided between January 2019 and December 2023, 31 (41%) were granted permission and 34 (45%) were refused permission. The outcome was not recorded for the remaining 11 cases.

Decisions on called-in applications and recovered appeals, January 2019 - December 2023

	Called-in planning decisions		Recovered planning appeals	
	Number	% of total	Number	% of total
Allowed	26	60%	31	41%
Dismissed	13	30%	34	45%
Unknown	4	9%	11	14%
Total	43		76	

Source: Planning Inspectorate, [Planning Inspectorate Casework Database](#), last updated 19 January 2024 [accessed 27 March 2024]

6 Call-in powers of the Mayor of London

6.1 Which applications are referred to the Mayor?

LPAs in London must consult the Mayor of London on certain ‘referable’ applications under [article 4 of the Mayor of London Order 2008](#). Applications for developments that will have over 150 residential units, will be over 30 metres in height (outside the City of London) and/or will be located on Green Belt or Metropolitan Open Land are ‘referable’.¹⁶

An LPA must take the Mayor’s comments into account when making its decision. Once it has decided whether to grant planning permission or not, an LPA must refer the application back to the Mayor. The Mayor can allow the LPA’s decision to stand, direct it to refuse planning permission or ‘call-in’ the application if it is of ‘potential strategic importance’.

¹⁵ Planning Inspectorate, [Planning Inspectorate Casework Database](#), last updated 19 January 2024 [accessed 27 March 2024]

¹⁶ [Article 4 of the Mayor of London Order 2008](#); Planning Aid for London, [The Mayor and the call-in process](#), last updated February 2023

6.2 Which applications can be called-in?

The Mayor can only call-in applications for developments that are of ‘potential strategic importance’, as defined in [article 7 of the Mayor of London Order 2008](#):

- The development would have a significant impact on the implementation of the [London Plan \(the spatial development strategy for London\)](#).
- The development would have significant effects that are likely to affect at least two London boroughs.
- There are sound planning reasons for the intervention.¹⁷

Between May 2016 and April 2024, the Mayor of London, [Sadiq Khan, has called-in 28 applications](#). Between May 2008 and April 2016, the then Mayor of London, [Boris Johnson, called-in 17 applications](#).¹⁸

Further information on which applications are ‘referable’ and of ‘potential strategic importance’ and the Mayor’s powers with regards to them, see [the London Assembly’s guide to the Mayor’s planning powers](#).

6.3 How does the Mayor decide applications?

Before making a decision on called-in planning applications, the Mayor will hold a public hearing. At the hearing, the Mayor will hear views from the LPA and the applicant. Anyone who commented on the planning application at the public consultation stage is also given the opportunity to register to speak at the hearing.¹⁹ Further information can be found on [the London Assembly’s list of the past and future public hearings](#).

¹⁷ [Article 7 of the Mayor of London Order 2008](#); Planning Aid for London, [The Mayor and the call-in process](#), last updated February 2023

¹⁸ Mayor of London and London Assembly, [Public hearings](#), undated [accessed 27 March 2024]; Mayor of London and London Assembly, [Past Public Hearings](#), undated [accessed 27 March 2024]

¹⁹ Greater London Authority, [Procedure for Representation Hearings](#) (PDF), June 2021

Disclaimer

The Commons Library does not intend the information in our research publications and briefings to address the specific circumstances of any particular individual. We have published it to support the work of MPs. You should not rely upon it as legal or professional advice, or as a substitute for it. We do not accept any liability whatsoever for any errors, omissions or misstatements contained herein. You should consult a suitably qualified professional if you require specific advice or information. Read our briefing '[Legal help: where to go and how to pay](#)' for further information about sources of legal advice and help. This information is provided subject to the conditions of the Open Parliament Licence.

Sources and subscriptions for MPs and staff

We try to use sources in our research that everyone can access, but sometimes only information that exists behind a paywall or via a subscription is available. We provide access to many online subscriptions to MPs and parliamentary staff, please contact hoclibraryonline@parliament.uk or visit commonslibrary.parliament.uk/resources for more information.

Feedback

Every effort is made to ensure that the information contained in these publicly available briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Please note that authors are not always able to engage in discussions with members of the public who express opinions about the content of our research, although we will carefully consider and correct any factual errors.

You can read our feedback and complaints policy and our editorial policy at commonslibrary.parliament.uk. If you have general questions about the work of the House of Commons email hcenquiries@parliament.uk.

The House of Commons Library is a research and information service based in the UK Parliament. Our impartial analysis, statistical research and resources help MPs and their staff scrutinise legislation, develop policy, and support constituents.

Our published material is available to everyone on commonslibrary.parliament.uk.

Get our latest research delivered straight to your inbox. Subscribe at commonslibrary.parliament.uk/subscribe or scan the code below:



 commonslibrary.parliament.uk

 [@commonslibrary](https://twitter.com/commonslibrary)