

Condition Impossible

Analysing the time it
takes for local
authorities to discharge
planning conditions, and
effect delayed
timescales have on
home builders

paragon

October 2026

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Forewords



“Improving these timescales would not only help homes to be delivered more quickly but also reduce a significant source of uncertainty and unpredictability that can undermine developers’ confidence and deter investment in new sites.”

Neil Jefferson, Chief Executive at the Home Builders Federation

The home building landscape may have changed considerably over the years, but one thing that has remained consistent are the delays SME home builders face in navigating the planning process.

While much attention has been given to timescales needed to secure a planning consent, there has been far less focus on the time it takes Local Planning Authorities (LPAs) to discharge the conditions attached to a development, and the impact this can have on a smaller home builders’ ability to start on site.

The Government has taken great strides to reform planning policy and its commitments to simplifying the planning process for medium sized sites and putting LPAs on a more sustainable financial footing are welcome.

However, the planning and development process does not end when a consent is granted. Through this report, developed in partnership with Paragon Development Finance, we hope to shine a light on the challenges home builders are experiencing in getting LPAs to discharge conditions in a timely manner and the impact it is having on their ability to deliver much needed new housing.

Improving these timescales would not only help homes to be delivered more quickly but also reduce a significant source of uncertainty and unpredictability that can undermine developers’ confidence and deter investment in new sites.



“Delays in discharging conditions - particularly pre-commencement - stalls progress on site, prolongs build programmes and creates uncertainty long after planning permission has been secured.”

Neal Moy, Managing Director at Paragon Development Finance



Securing planning permission is a major milestone for any housebuilder, but what isn't widely known is that it's often just the first hurdle with local authorities in a much longer journey towards housing delivery.

Paragon Bank's Development Finance division works with hundreds of SME developers nationwide, which means we gain direct insight into the obstacles developers face navigating an increasingly fraught planning environment. While conditions serve an important purpose in ensuring high-quality development, this report reveals the scale at which many local authorities are failing to determine discharge applications on time.

For developers, delays bring significant consequences. Delays in discharging conditions – particularly pre-commencement - stalls progress on site, prolongs build programmes and creates uncertainty long after planning permission has been secured.

This drives up borrowing costs and places pressure on cash flow, with SME housebuilders hardest hit - limiting their ability to reinvest capital, acquire new sites and grow their businesses. Repercussions then ripple across the market. Predictability is one of the most important variables for lenders, since decisions to invest are only made when there is confidence that projects can progress in a timely way. Entrenched delays and uncertainty increase risk for lenders, slowing the flow of capital supporting housing delivery.

Reform of the planning system by this Government has moved in a positive direction, but it needs to go further still. Improving the discharge of planning conditions must form part of this agenda. With greater transparency and performance monitoring and further investment in planning capacity, we can create a more efficient and predictable system which supports developers to build more homes and gives lenders the confidence to funnel more finance into the sector.



Introduction

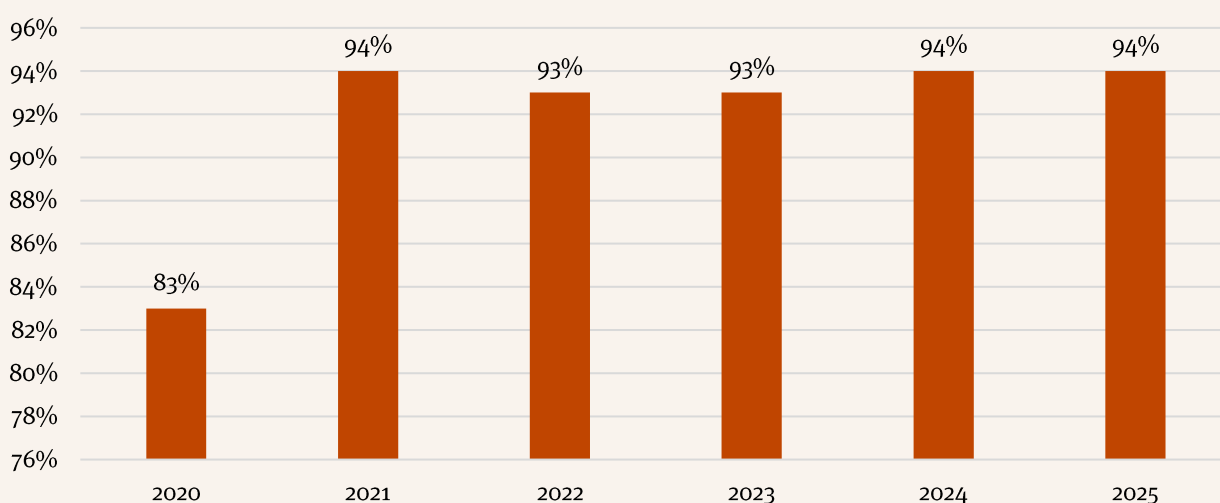
While the Government has taken important steps to reform planning policy, it nevertheless remains the case that delays in the planning process are continuing to slow the delivery of new homes across the country. One particular aspect of the planning process that is causing significant delays in the delivery of new homes is the time taken by local authorities to discharge planning conditions.

Planning conditions are requirements attached to a planning permission that oblige developers to submit additional information for approval by the local authority at specified stages of a development. According to the Government, planning conditions are intended to *“enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects.”*¹

There are various types of planning condition but the use of pre-commencement conditions is most discussed among home builders, as these need to be formally discharged *prior* to construction and or development starting on site². Other conditions frequently mentioned by home builders include pre-slab conditions and above ground conditions.

The statutory timeframe for determining discharge of condition applications is eight weeks (56 days), unless an Environmental Impact Assessment (EIA) is required, in which case it extends to 16 weeks. In practice, however, the time taken to discharge pre-commencement conditions varies significantly between local authorities, regardless of whether an EIA is required and is frequently cited by SME developers as a key barrier to growth³.

% of SMEs who consider delays in granting planning permission/discharging conditions as a major barrier to growth



Freedom of Information exercise

Against this backdrop and to better understand the extent to which conditions are being discharged within statutory timescales, HBF issued a Freedom of Information request to Local Authorities asking, for each of the past three financial years (2023-24, 2024-25 and 2025-26 to date):

- *The number of applications submitted to discharge the following types of planning conditions attached to residential developments involving new build dwellings:*
 - *Pre-commencement conditions*
 - *Pre-slab / pre-foundation conditions*
 - *Above-ground conditions*
(i.e. conditions that must be discharged before development can progress above ground floor level)
- *For each of the categories listed above, the number of discharge applications determined within the statutory 8-week period.*

The following analysis draws on data relating to more than 14,000 applications to discharge planning conditions, collected through a Freedom of Information exercise. However, the findings must be interpreted in light of limitations in the data.

As extracting this information was often resource-intensive, many Local Planning Authorities (LPAs) could provide only the total number of conditions discharged, rather than a breakdown by condition type. Some were also unable to isolate applications relating specifically to residential development.

These limitations reflect a wider gap in the monitoring of the planning process. Although LPAs are required to report on the speed of their planning decisions and whether these are made within statutory or agreed timescales, there is no equivalent requirement to report on the time taken to discharge planning conditions.

Consequently, as this research demonstrates, obtaining a clear picture of performance often requires the manual extraction and review of individual records, placing a significant burden on local authority resources. This lack of consistent reporting is particularly concerning given the potential for delays in discharging conditions, especially pre-commencement conditions, to hold up housing delivery.



Without a reliable national overview, it is difficult to establish the scale of the problem, compare performance across authorities or identify where changes are needed to reduce delays and support the timely delivery of new homes. As such, the findings should therefore be treated as an indicative snapshot, rather than a comprehensive assessment of LPA performance nationally.

Nevertheless, the responding authorities represent a broad cross-section of LPAs in terms of geography, size and development activity, providing valuable insight into the variation in performance and approaches to discharging planning conditions.

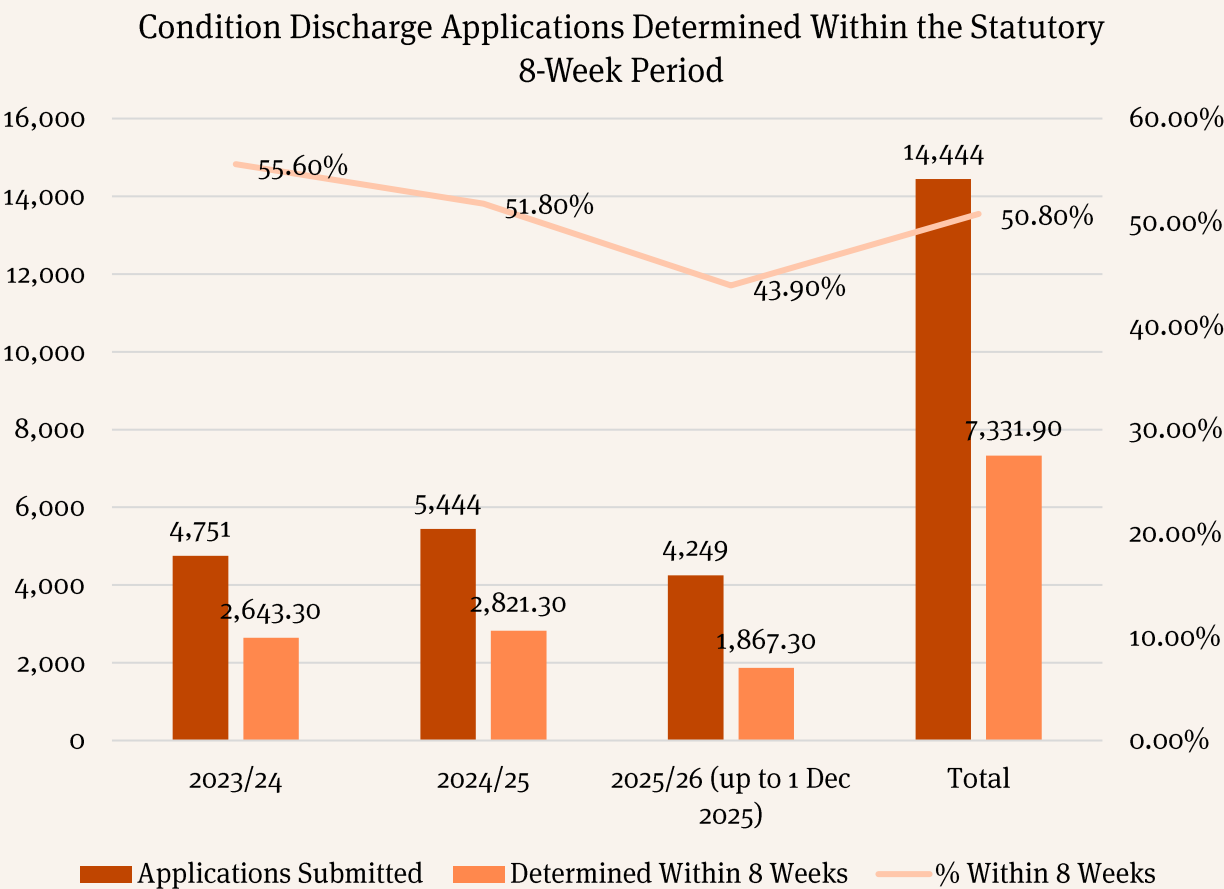


Key findings

Many local authorities are failing to meet the 8-week target

Following analysis of the data, the results demonstrated:

- Across the three-year sample period, only half of discharge of condition applications (50.8%) were determined within the statutory eight-week timeframe, showing that many authorities struggle to meet the target.
- Performance appears to be worsening year on year with the percentage of applications being determined on time falling from 55.6% in 2023/4 to 51.8% in 2024/5, the last full year for which data was available.
- Data among individual local authorities varied considerably. While some local authorities performed strongly against statutory targets, with more than 75% of discharge applications determined on time, others met the deadline in just 18% of cases.



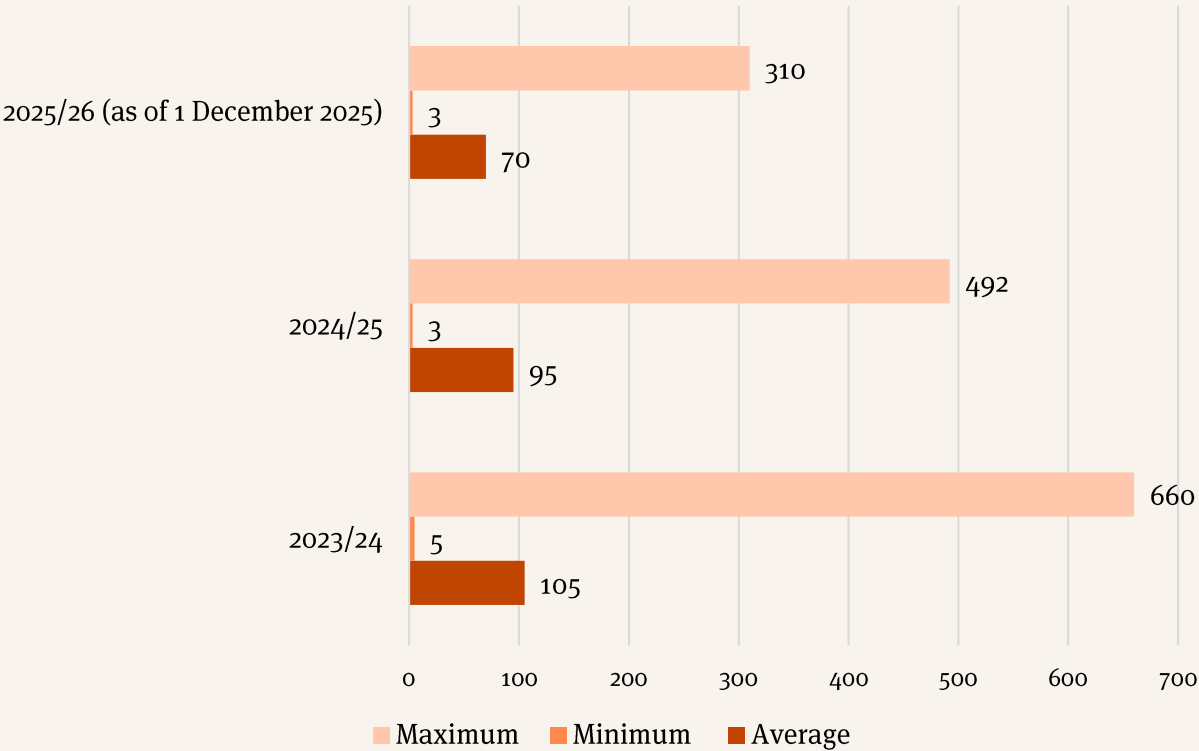
Average, minimum and maximum determination times

Local authorities were also asked to provide the average, minimum and maximum determination times, in calendar days, for discharge-of-condition applications. 30 local authorities responded.

Even within this relatively small sample, there were considerable differences between local authorities over the three-year period:

- The maximum number of calendar days for determination varied between 2282 (highest) and 53 (lowest).
- The average number of calendar days for determination varied between 183 (highest) and 42 (lowest)
- The lowest number of calendar days for determination varied between 1 (lowest) and 42 (highest)

Median Average, Minimum and Maximum Determination Times for Discharge of Conditions



It is encouraging that the median **maximum** time taken by local planning authorities to determine discharge of condition applications appears to be decreasing, although it should



be noted that the 2025/26 data covers only part of the year and is therefore not directly comparable with previous years.

The typical discharge of conditions application takes substantially longer than the statutory target

More concerningly, the results showed that the **median determination time** remained well above the statutory eight-week target.

- In 2023/24, the typical application took **105 days**, almost double the statutory target.
- In 2024/25, the typical application took **95 days**, around 70% longer than the target.
- Even in 2025/26, for which a full year's data was not available, the typical application still took **70 days**, around 25% longer than the target.

It is also important to acknowledge that delays are systemic rather than confined to a small number of poorly performing authorities. For example, in 2024/25 of the 25 authorities that provided data, 17 had average determination times above the statutory target of 56 days.



Impact on SME developers

Delays in the discharge of planning conditions, and the planning process more generally, can have significant consequences for house builders. While all developers are affected, the

impacts are often most acute for SME developers which typically have limited financial resources, fewer sites under construction at any one time and are less able to absorb delays.

The potential consequences of delays in discharging planning conditions include:

► Delays to commencing construction

Where development cannot begin until pre-commencement conditions have been discharged, delays can postpone the start of construction for several months.

In the current economic environment, such delays can substantially increase development costs through higher borrowing costs and inflation in labour and material prices.

► Cash flow and financing pressures

SME developers are often more reliant on development finance than larger volume house builders. Delays in discharging conditions can extend loan periods, increase interest payments and place additional pressure on cash flow, affecting the overall viability of projects.

► Reduced ability to reinvest capital

Delays to site starts and consequently the sale of properties can slow the recycling of capital into future developments. This can hinder the ability of SME developers to acquire new sites and expand their businesses.

► Increased development risk and uncertainty

Extended periods between the grant of planning permission and the commencement of development can create uncertainty around project delivery, costs and market conditions. This can make it more difficult for SME developers to plan future investment and secure funding.



Impact on housing delivery

Delays in discharging conditions can slow the delivery of new homes, infrastructure and community facilities, even where planning permission has already been granted.

This can contribute to a perception that developers are not building out approved schemes when, in practice, development may be awaiting the discharge of planning conditions.

Delays to the occupation of Affordable Housing

Registered Providers (RPs) will not accept Affordable Homes if the conditions have not been discharged. In some cases, this has resulted in completed homes sitting empty while the developer and RP wait for the conditions to be discharged, a concerning situation given the critical need for more homes of all tenures across the country.

Impact on business reputation

Delays to the commencement or progression of development can affect relationships with landowners, investors, lenders and local communities. Where the causes of delay are not well understood, responsibility may be incorrectly attributed to developers, potentially affecting their reputation and future opportunities.

Why are Local Authorities struggling to meet statutory targets?

Although HBF's research did not ask local authorities why statutory targets were being missed, it is reasonable to consider that it is likely linked to chronic under-resourcing and staffing pressures within planning departments.

Indeed, HBF research published earlier this year (2026) found:

- 90% of LPAs are operating below full staffing capacity
- An estimated 2,660 planning officers are needed across England and Wales to address the shortfall⁴.

At the same time, it is well understood that the planning conditions attached to residential developments have become increasingly numerous and complex over time.



Indeed, as early as 2015 the then Government issued a consultation on improving the use of planning conditions on the basis that there is a *“tendency of local authorities to impose too many planning conditions at the decision-making stage and, after planning permission is granted, delays in getting those conditions cleared, which prevent development from commencing.”*⁵

Since then, the situation has arguably become more challenging, with increasingly detailed requirements on biodiversity and environmental mitigation, for example.

Even where the number of conditions has not risen significantly, the evidence needed to discharge them has often become more technical and specialist, increasing the burden on both developers and local planning authorities.

As such, it is not surprising that 92% of LPA respondents to a survey run by the Local Government Association (LGA) last year considered the current fee schedule for the discharge of conditions to be underpriced, with the schedule fee representing around just 62 per cent of costs incurred⁶.

The ringfencing of planning fees and the increase in the national default fee should strengthen the financial position of local planning authorities (LPAs), potentially enabling them to discharge conditions and progress planning applications more efficiently. In the longer term, the introduction of locally set planning fees should provide further support for LPA finances.

However, as this change is likely to increase costs for developers and in particular SME developers, it will be essential for the Government to monitor LPA performance closely.



Case studies

The real-world impacts of the issues raised in this report are illustrated by the following case studies, provided by a range of large, medium and small house builders from across the country.

Case study: Multiple consultees, overlapping conditions and a lack of ownership

Background to the development

The scheme is a residential development brought forward by an SME developer in Bristol. It involves a relatively complex brownfield site with numerous technical planning conditions and a number of separate statutory and technical consultees. The development includes Affordable Housing delivery.

Conditions involved

A significant number of the outstanding matters were pre-commencement conditions. The most difficult issues have related to land stability, retaining walls and structural/highway matters. In particular, structural elements on the site have been considered under several different conditions and by different consultees, creating uncertainty over which condition and which consultee should ultimately deal with each element.

One example is an existing retaining wall where information had already been submitted and reviewed under the land stability condition. During the discharge process, the Local Authority subsequently advised that elements might also require consideration through a separate Approval in Principle / Technical Approval process. This resulted in overlap between conditions, further consultant involvement and additional submissions being requested. The developer had to explore a non-material amendment to the planning permission to enable standalone retaining-wall enabling works to commence while the wider pre-commencement conditions remained outstanding.

Length of time and reasons for delay

The initial package of information had been with the Council for more than six months while the developer was still trying to establish a clear process for discharging some of the structural conditions. Revised information continued to be submitted promptly in response to comments, but progression was dependent on responses from a number of consultees and external technical advisers.



The issue has not simply been the time taken to review individual submissions. A significant cause of delay has been the lack of clarity over the scope of individual conditions and responsibility between consultees. The same structural elements have at times been referred to under multiple conditions, which has led to duplication of technical review and additional rounds of correspondence and information.

On a separate Bristol scheme, a discharge application was acknowledged in November 2025 and remained an issue more than five months later. On that project, drawings associated with a Section 278 highway application had been submitted in early 2025, but design comments were not received until January 2026. The scope then expanded during the technical approval process to include additional matters such as Traffic Regulation Orders (TROs), street lighting and drainage surveys.

Impact on the business and development

The delays have had a direct impact on development programmes. On the first scheme, unresolved pre-commencement conditions have prevented the main development progressing as originally programmed and created uncertainty around contractor appointments and the sequencing of enabling works.

On the second scheme, 23 social-rent homes for a housing association were complete, but occupation was being held up by an outstanding pre-occupation condition while the associated highway matters continued to be resolved.

More generally, the extended process has resulted in repeated consultant involvement, additional professional fees and management time, as well as difficulty providing certainty to contractors and affordable housing partners over commencement and occupation dates.

For the developer concerned, the key issue is not simply the formal determination period for discharge applications. It is the cumulative effect of multiple consultees, overlapping conditions, evolving technical requirements and the absence of clear ownership of individual matters. Even where information is provided promptly by the developer, this can leave a development unable to commence or be occupied for an extended period.



Case study: Delays in discharging conditions and its impact on development finance

Background

An SME developer sought planning permission for a 14-home development in Nuneaton. Although the application was approved on 28 January 2025, the developer subsequently experienced lengthy delays while the local planning authority discharged several of the 25 conditions attached to the permission.

Pre-commencement conditions

Of the 25 conditions, conditions 3–14 are pre-commencement conditions. The remaining conditions are pre-occupation conditions, and applications have yet to be submitted for their discharge.

The developer made two applications to LPA in respect of discharging the pre commencement conditions:

- The first application was submitted on 29 April 2025 dealing with conditions 3,4,6,7,9,10,12,13,14
- The second application was submitted on 3 September 2025 dealing with conditions 5 & 11.

Although the second application was determined relatively quickly - condition 11 on 3 October 2025 and condition 5 on 9 October 2025 - the first application experienced substantial delays. Conditions were discharged incrementally: condition 7 was the first to be approved, on 17 July 2025, while condition 4 was not partially discharged until 30 March 2026, almost a year after the application was submitted.

Condition 4 proved particularly difficult to discharge. Although the developer submitted the application on 29 April 2025, the first contact regarding it was not received until 13 November 2025.

No reason was given for the delays from either the LPA or the Environmental Health Officer (EHO) and from the perspective of the developer, they seemed very unwilling to take a practical approach. Although no contamination was identified, the developer was still required to formalise the findings through a remedial strategy and quality assurance scheme, incurring costs it considered unnecessary.



Impacts

There have been many consequences to the developer and housing delivery because of the delays in discharging conditions including:

- Delays in discharging planning conditions created difficulties in meeting the lender's paperwork and compliance requirements, affecting the availability and timing of development funding.
- The incremental discharge of conditions 3-14 created uncertainty over when the developer could satisfy all pre-commencement requirements and begin construction.
- The absence of clear explanations for the delays made it difficult for the developer to understand the reasons for the LPA's decisions or anticipate when outstanding conditions would be resolved.
- The delays placed additional pressure on the developer's cash flow, resources and ability to undertake other projects.
- The developer is also very concerned about the potential for additional delays and costs when it submits the pre-occupation conditions.

Case study: Tracking Discharge of Conditions over time

Background

A medium-sized housebuilder operating across Yorkshire has been monitoring the time taken by relevant Local Planning Authorities (LPAs) to discharge planning conditions across a number of its development sites. Data was provided for almost 250 discharge of condition (DoC) applications submitted between 2017 and 2026. These covered a range of condition types, including pre-commencement, above-ground and pre-occupation conditions.

Timescales

The time taken by LPAs to discharge planning conditions varied considerably. In one instance, a condition relating to a verification report took 199 weeks to discharge, from 1 October 2021 to 28 July 2025. At the other end of the spectrum, a gas verification condition on a separate development was discharged in just two weeks, significantly ahead of the eight-week statutory determination period.

Overall, 48% of the DoC applications for which data was provided were not discharged within the relevant eight-week period. This indicates that delays in the discharge of planning conditions are a significant issue, with the potential to affect development programmes and the timely delivery of homes.



Reasons for delays

The reasons for delays varied depending on the condition and the local authority involved. However, several recurring themes emerged from the data:

- Urban design: Delays arising from comments on matters considered to fall outside of the team's remit.
- Landscaping and highways: Delays associated with landscape comments and the local authority highways team's agreement to Section 38 (S38) details for a cycle link.
- Highways works and structures: Delays relating to Section 278 (S278) works for a zebra crossing, alongside comments from the structures team on retaining walls, including the need for Approval in Principle (AiP).

These examples suggest that delays were not solely attributable to the complexity of the planning conditions themselves but could also arise from the involvement of multiple council departments and the coordination of technical approvals. Such delays can extend the discharge process considerably beyond the expected determination period.

Case study: Delays to pre-commencement condition discharge stalling housing delivery in Eastbourne

Background

The development comprises a shovel-ready residential site in Eastbourne, owned and controlled by an SME developer. The site benefited from an extant Outline Planning Permission and Reserved Matters Approval (RMA) for 250 homes, providing an established planning framework for the delivery of new housing.

The original scheme includes a commitment to provide 35% affordable housing, comprising a mix of shared ownership and affordable rented homes. However, the intention is to deliver the development as a fully Affordable Housing scheme, subject to securing Homes England grant funding through an Affordable Housing partner.

Given the site's existing planning consents and the developer's control of the land, the development was well positioned to progress towards delivery. However, the discharge of pre-commencement planning conditions became a significant obstacle to starting construction.



Planning conditions and discharge process

The principal issue related to a pre-commencement condition requiring approval of surface water drainage details, alongside a standard condition requiring details of the proposed foul water drainage arrangements.

Although the conditions were not unusual in nature, their discharge became significantly protracted due to the consultation process with the Lead Local Flood Authority (LLFA).

The process involved multiple rounds of consultation, extended response periods and repeated requests for further reviews and additional information. This created an iterative process in which the developer was required to respond to further technical queries before the relevant condition could be determined.

The prolonged consultation process created substantial uncertainty over the timing of approval as the Local Planning Authority (LPA) was unwilling to issue a positive determination until written confirmation had been secured from the LLFA that its requirements had been satisfied.

Timeline and reasons for delay

The condition submission was originally made in February 2025. Approval was not secured until September 2026, representing a period of approximately 19 months to discharge the relevant requirements.

The delay was not attributable simply to the preparation and submission of the required drainage information. Rather, it arose from the cumulative effect of repeated consultations, extended response times and the requirement to resolve all outstanding technical matters before approval could be issued.

Impacts

The prolonged discharge process significantly delayed the clearance of essential pre-commencement requirements, preventing the development from progressing as intended.

For an SME developer, the inability to move a consented, developer-controlled site into construction creates considerable commercial and operational uncertainty. A site that is otherwise ready to progress remains stalled while outstanding conditions are resolved, delaying the point at which homes can be delivered.

In this case, the delay affected a scheme with the potential to deliver 250 homes, including a proposed fully affordable housing offer supported by Homes England grant funding through an affordable housing partner.



The consequences included:

- Delayed housing delivery as the development could not progress as intended while the pre-commencement requirements remained outstanding.
- An extended pre-construction period as the developer was required to manage an extended period of uncertainty before securing the necessary approvals.
- The delay held up progress towards the intended fully affordable scheme, potentially affecting the coordination of grant funding, the affordable housing partner and the delivery programme.
- The prolonged determination process created uncertainty around programme planning and the timing of development expenditure and delivery.

Case study: Cumulative delays across the planning process

Background

A development site in Rutland, was progressed through an outline planning application followed by a Reserved Matters application. The development is being brought forward by a small local house builder.

The outline application was submitted in early February 2021 and validated in March 2021.

Despite the application progressing through the planning process, there were significant delays in obtaining a decision. The developer records that it was required to repeatedly chase the Local Planning Authority (LPA) and that there was no meaningful response for an extended period.

A meeting with the Council was eventually held on 30 May 2022, approximately 14 months after validation. The application subsequently went before committee in September 2022 and was approved, but the eventual planning permission was not issued until October 2023 despite the developer's continual chasing and the LPA case officer continuing to request numerous Extensions of Time (EOT).

The delay at outline stage therefore extended over a period of approximately two and a half years from validation to the issuing of the permission.

Reserved Matters

The Reserved Matters application was submitted on 18 October 2023, prior to the determination of the outline consent to maintain project momentum and compel the local authorities to validate on the same day the outline consent was issued (October 23).



The developer again experienced significant delays in progressing the application. The application was subject to repeated chasing, with a draft permission eventually received in September 2024 and the final approval not being issued until 22 November 2024.

This meant that the Reserved Matters process itself took approximately 13 months from submission to final approval.

Discharge of Conditions

Following this, applications were also required to discharge the conditions attached to the planning permission, creating a further period during which the developer was unable to progress the development as intended.

Impact on the developer

The cumulative effect has been significant. Rather than being able to move efficiently from outline permission through Reserved Matters and into delivery, the development has been subject to multiple lengthy periods of uncertainty and delay.

For a small house builder, this creates:

- Increased finance and holding costs
- Finances tied up for substantially longer than anticipated
- Increased exposure to inflation in construction costs
- Delays to commencing construction and bringing homes to market and missing a more viable time to sell properties than the current market.
- Additional professional and planning costs
- Difficulty programming contractors and procurement
- Uncertainty over when and if the development can realistically generate a return and its viability.

This example demonstrates how delays can compound across the planning process. Even once an outline permission has been obtained, a developer can face a further lengthy period waiting for Reserved Matters approval and then further discharge of conditions before development can actually commence.

The issue is therefore not simply the determination period for one planning application; it is the cumulative delay across multiple stages of the planning process.

Case study: Significant delay following committee resolution

Background

An SME developer submitted a new planning application for a development in Rutland.



The proposal had significant local support, including support from the Parish Council, and the developer's records note that the proposal was considered to be supported by the relevant local planning policy framework and the National Planning Policy Framework (NPPF).

The application nevertheless became subject to a prolonged planning process, including conflicting comments from council consultees.

The application ultimately went before the planning committee on 18 November 2025, where members voted unanimously in favour of approval.

However, despite the committee resolution, the formal decision notice was not issued in a timely manner.

The developer was required to continue chasing the local planning authority and did not receive the formal decision until 7 January 2026. Just over seven weeks after the committee resolution.

EOT issue

Of particular concern from the developer's perspective was the relationship between the delay and the Extension of Time process.

The developer considered that there was a risk that the application would not progress to determination if an EOT was not agreed, and that the application could potentially be refused rather than simply allowing the application to proceed to a timely determination.

This placed the developer in a difficult position despite the application having ultimately received a unanimous committee resolution, the developer - remained dependent upon the local planning authority completing the administrative process and issuing the formal decision notice.

Impact on the developer

For a small house builder, the uncertainty created by this type of delay is particularly problematic.

The developer cannot confidently:

- Finalise the development programme
- Commit fully to contractors
- Order materials
- Progress sales and marketing
- Arrange development finance



- Reliably forecast when construction can begin.

The issue is particularly frustrating where the application has already been considered by the planning committee and there is a clear resolution in favour.

A planning application can effectively be approved in principle through a committee resolution but still leave the developer in a state of uncertainty while they wait for the formal decision notice.

Where an EOT is also part of the discussion, the developer often has little practical alternative but to agree to further delays in order to avoid jeopardising the application.

This is particularly significant for smaller developers who do not have the financial resources to absorb prolonged periods of uncertainty.

Case study: Validation delay and decision outstanding beyond target date

Background

The SME developer concerned had purchased a site in Northamptonshire with an existing planning permission for five properties. A Section 73 application was subsequently submitted to make amendments to the approved scheme.

The application was submitted in April 2026. The developer's records show that, despite the application having been submitted, there was a delay in validation.

Following further chasing the developer was advised that validation would be checked. After approximately two months of chasing, the application was eventually validated, with the developer receiving validation on 20 May 2026. The application then had a decision date of 13 July 2026.

Delays following validation

Despite the decision date passing, the application was not determined. The developer made repeated attempts to obtain an update but received no substantive response.

The planning officer subsequently requested three separate extensions of time. The developer was verbally informed by the Local Planning Authority case officer that if the extension of time requests were not agreed, the application would be refused.



As of 7 October 2026, the developer had still not received a decision notice. This means that the application had been outstanding for almost three months beyond its stated decision date, despite the developer repeatedly chasing for progress.

Impact on the developer

The consequences are particularly significant because the developer had already purchased the site on the basis of an existing planning permission.

The Section 73 application is therefore not simply an academic planning exercise; it affects the developer's ability to move forward with the intended scheme.

The delay created:

- Additional finance and land holding costs
- Uncertainty over the final approved scheme
- Delays to construction programming
- Difficulties committing to contractors and suppliers
- Delays to sales and marketing
- Cashflow uncertainty
- The risk that the developer is effectively required to agree to an EOT simply to keep the application moving.

For a small house builder, months of additional delay can have a material effect on the viability and cashflow of a development.

This case demonstrates that delays can arise before an application is even properly validated, and then continue beyond the stated decision date. The developer is left repeatedly chasing the LPA and ultimately being asked to agree an EOT, despite the application having already been outstanding for considerably longer than anticipated.

Case study: Delays on a minor category site

Background

An SME developer acquired a site in Manton, Rutland, with planning permission for two properties. The site was subsequently considered capable of accommodating a different arrangement, and a Section 73 application was submitted to amend one of the approved properties to provide a better orientation.

The Section 73 application was submitted on 19 December 2025 and validated on 12 January 2026. The proposed amendment was relatively minor, but despite this, the application remained outstanding and had not progressed.



On 11 May 2026 the developer submitted a new full planning application for three properties. This application was validated on 13 May 2026, with a stated decision date of 8 July 2026.

The application was due to be considered by planning committee in August 2026, but the committee was cancelled following the release of a new planning policy/NPPF. The application was subsequently rescheduled for consideration on 20 October 2026.

Extension of Time

A particular concern for this developer has been the handling of Extensions of Time requests. The developer records that an EOT was effectively pressed for on the basis that, without agreeing to it, the application would not progress.

This creates a difficult position for a small developer. Rather than the EOT being an agreement between the applicant and the planning authority, the developer can feel that refusing the extension of time risks the application simply not progressing.

Impact on the developer

The two applications running alongside each other have created considerable uncertainty over the future of the site.

The developer has been unable to establish with certainty when the revised scheme can be implemented or when the new three-property scheme can proceed.

The consequences include:

- Land and finance remaining tied up
- Delayed construction
- Additional professional and planning costs
- Difficulty obtaining contractors
- Exposure to increasing construction costs
- Delayed sales and revenue
- Uncertainty over when capital invested in the site can be recovered.

For a small house builder, the impact is particularly significant because a relatively small number of sites make up a substantial proportion of the company's development pipeline.

This case demonstrates how even relatively minor amendments can remain unresolved for many months, while a separate full application on the same site can also be delayed. The developer's concern is compounded where an extension of time is effectively presented as a condition of the application progressing.



Case study: Application left unresolved following an extension of time

Background

An SME developer experienced a significant delay on another site where two planning applications were submitted for the same development opportunity.

An application for four units was submitted on 30th March 2023, alongside an application for seven units, submitted on 31st May 2023. The four-unit scheme was approved on 26 October 2023.

The developer's record states that the planning officer dealing with the seven-unit application indicated that he would not deal with the application because the four-unit scheme had already been approved and, in his view, that was sufficient.

After approximately six months, the developer found that the seven-unit application had effectively disappeared from the planning portal. The developer sought a refund of the planning application fee however, the Council refused to provide a refund on the basis that an Extension of Time had been granted.

The developer was therefore left in the position where the application had not resulted in a decision, had subsequently disappeared from the planning portal, and yet the application fee was not refunded because an extension of time had been recorded.

Impact on the developer

This created a number of problems:

- The developer had paid for an application which did not result in a determination
- The intended seven-unit scheme could not progress
- The developer had to deal with uncertainty over the status of the application
- The extension of time meant that the Council considered the application to remain live despite the lack of progress
- Additional time and management resources were required to chase the Council
- The development opportunity was effectively stalled.

This case demonstrates the potential disconnect between an extension of time being recorded administratively and an application actually progressing towards a decision. From the developer's perspective, an extension of time should not allow an application to remain indefinitely unresolved while the developer continues to carry the financial consequences.



Recommendations

Based on the findings of this report, HBF and Paragon Bank Development Finance would encourage the Government to:

- **Introduce a national framework for monitoring and reporting the performance of Local Planning Authorities (LPAs) in discharging conditions** – Despite statutory timescales, the Government does not formally track how LPAs perform against these timelines with regards to the discharge of conditions. To improve performance, it is vital that the Government introduces a national framework that requires LPAs to monitor and report their performance in this area.
- **Improve visibility of statutory consultee performance** – In its August 2026 response to the consultation on reforming the statutory consultee system, the Ministry of Housing, Communities and Local Government (MHCLG) acknowledged the need to improve the visibility and accessibility of statutory consultee performance data. We urge the Government to take this work forward at pace, given the role statutory consultees play in the discharge of many planning conditions and the potential for delays in their responses to significantly prolong the process.
- **Introduce a set of standardised model conditions** – The Government is working on a set of standardised model planning conditions, with consistent wording to clarify the information required from applicants. This should help to improve predictability and enable local planning authorities to discharge conditions more quickly. We encourage the Government to complete this work as soon as possible.
- **Ensure local planning authorities (LPAs) are adequately staffed and resourced** – The persistent delays in the discharge of planning conditions is a symptom of under-resourced planning departments. While the Government's efforts to increase capacity are welcome, further investment and support will be needed to ensure LPAs can process applications efficiently and facilitate the timely delivery of new homes.
- **Monitor LPA performance following the introduction of the national default fee** – A new national default planning application fee schedule for England will soon come into effect. This will be set at around 90 per cent of the estimated cost of processing an application and is intended by Government as a key step towards better resourcing LPAs and improving outcomes, including faster determination times. Following its introduction, the Government should closely monitor its impact, including the



timescales for discharging planning conditions. This will be essential to assess whether increased fee income is translating into measurable improvements in performance, efficiency, and service delivery.

Endnotes

¹ MHCLG, Use of planning conditions, July 2019

² Southampton City Council, Discharge of Conditions, 2026

³ HBF, Close Brothers Property Finance and Travis Perkins, State of Play, 2025-26

⁴ HBF, Planning on Empty, 2026

⁵ DCLG, Improving the use of planning conditions Government response to consultation, March 2015

⁶ LGA, Planning Application Processing Fees: Survey of Councils, August 2025



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