

OFFICER DELEGATED DECISION FORM

State the Delegated Authority that you are relying on in order to make this decision:

e.g. specific (identified in constitution) or general

This scheme of Sub-Delegation is made in accordance with the Middlesbrough Council Constitution and forms part of the Council's governance framework for the discharge of planning functions assigned to the Corporate Director of Regeneration and Housing.

Constitutional Basis

This scheme operates under

- Part 3 (Responsibility for Functions) of the Constitution
- Scheme of Delegation to Officers
- Financial Procedure Rules (FPRs)
- Contract Procedure Rules (CPRs)
- Relevant statutory provisions including the Local Government Act 2000, the Town and Country Planning Act 1990 (as amended), the Planning (listed Buildings and Conservation Areas) Act 1990, The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and the Town and Country Planning (Control of Advertisements((England) Regulations 2007.

Paragraph 9.7 of the constitution summaries the main roles of individual chief officers. Paragraph 9.7 (g) lists planning as a function delegated to the Corporate Director of Regeneration and Housing. In Part D of section 10 of the Constitution: Scheme of Delegation of Functions to Officers, paragraph 10.25.23 provides that The Council has delegated to the Corporate Director of Regeneration and Housing the following non-executive related functions:

(a) Planning:

1. Planning Applications and Appeals,
2. Mineral and Waste Applications,
3. Neighbourhood Planning
4. Conservation;
5. Strategic Spatial and Planning Policy
6. Town and Village Greens.

Subject of decision: e.g. freehold disposal of land (16K-149K), contract extension, new policy

Sub-delegation of the powers to make planning decisions as set out in this scheme of sub-delegation:

1 Principles of Planning Delegation

1.1 General Principles

All sub-delegated planning functions shall

- Be exercised in accordance with the Development Plan unless material considerations indicate otherwise
- Comply with national planning policy and guidance
- Be consistent with the Council's Constitution
- Be exercised within approved budgets and policy framework
- Be consistent with the Council Strategies and statutory duties
- Be subject to monitoring, audit and review

1.2 Accountability

The Corporate Director remains:

- Accountable for all Sub-Delegated decisions made under this Scheme
- Responsible for ensuring decisions are lawful and properly recorded
- Able to revoke or amend delegations at any time

1.3 Delegation Structure (Role Based)

Level	Designation (Role Based)
L1	Corporate Director
L2	Head of Service
L3	Development Control Manager/ Strategic Planning Policy Manager / Development Control Team Leader
L4	Principal Planning Officers
L5	Planning Officers

Text of decision: e.g. can include monies received by the Council, list any terms agreed, brief summary of the policy – Do not include any confidential information.

2 Delegated Planning Functions

2.1 General Delegations

Subject to the exceptions set out in section 4, the following officers are authorised to discharge all functions of the Local Planning Authority relating to the functions detailed Below:

- a) Planning Applications (with or without conditions and / or S106 Agreements) and application to modify the same, and associated appeals, including those forming part of EIA regulations.
- b) Advertisement Consent applications (with or without conditions) and application to modify the same, and associated appeals,
- c) Mineral and Waste Applications, (with or without conditions and / or S106 Agreements) and application to modify the same, and associated appeals,

- d) Listed Building Consent (with or without conditions and / or S106 Agreement) and application to modify the same, and associated appeals,
- e) Non-Material Amendments to applications
- f) Prior Approval Applications
- g) Applications for demolition of unlisted building in a conservation area
- h) Applications for Demolition of Listed Buildings
- i) Applications for Certificate of existing or proposed use of land or development,
- j) Power to decline an application of any type (where that power exists)
- k) Making of Tree Preservation Orders and provisional Tree Preservation Orders,
- l) Determining applications for works to and removal of trees protected by a tree preservation order and applications for works to and removal of trees in conservation areas/
- m) Providing Screening and Scoping opinions in relation to EIA regulations
- n) Discharge of Conditions in relation to the above applications
- o) Issuing Remedial Notice in respect of High Hedges
- p) Issuing Notices in respect of Hedgerow Removal, Hedgerow retention and Hedgerow replacement
- q) Power in relation Rights of Entry with or without warrant for all functions where those powers exist.
- r) Serving Building Preservation Notice in relation to temporary listing of buildings and serving of Temporary stop Notice, Listed Building Enforcement Notices, Repairs Notice, Urgent Works Notice in relation to Listed Buildings and provision of Rights of Entry in association with Listed Building matters.
- s) Enforcement Powers;
 - Issuing Planning Contravention Notices
 - Issuing Temporary Stop Notices and Stop Notices
 - Issuing Enforcement Notices
 - Issuing Breach of Condition Notices
 - Issuing Injunctions
 - Issuing Breach of Condition Notices
 - Issuing S.215 Notices requiring proper maintenance of land
 - Requiring replacement of Trees in Conservation Areas
 - Issuing Notices for Control of Advertisements,
- t) Issuing of penalties and undertaking cost recovery in relation to all enforcement functions held.

Delegations apply **within approved planning policy, the adopted Development Plan, and material planning considerations.**

2.2 Delegated Authority by Officer level

Function	L1	L2	L3	L4
Major applications	Call in	Oversight, Determination	Oversight, Determination	Determination
Minor applications	Call-in	Oversight, Determination	Oversight, Determination,	Determination

3 Matters Reserved for Escalation/Non-Delegated Cases

The following categories **must be placed before the planning committee for determination.**

3.1 Policy Departure / extraordinary cases

- Applications that represent a significant departure from the Development Plan
- Cases considered “extraordinary” when assessed against adopted planning policy, officer judgement, or material considerations

3.2 Major In-House Developments

- Council (Middlesbrough Council) Developments where gross floorspace exceeds 500m²
- Where officer recommendation is for approval, but the proposal constitutes a departure from the Development Plan
- Larger developments are permissible for delegation if they **directly** enable the Council to fulfil its **statutory** responsibilities.

3.3 Public objection Threshold

- Where there are three or more petitions / letters / emails (emanating from separate addresses and with distinct content) by way of response and, where the development is contrary to established policy guidelines
- Except where officer recommendation is to refuse permission

3.4 Member/Officer Interest or Sensitivity

Any application involving:

- Council-owned land or property interest
- Applicant being a member with a declared or perceived interest
- Applicant employed within Planning Services or closely related (including spouse/partner)
- Any conflict of interest under the Council’s Code of Conduct

3.5 Committee Chair/Vice Chair Referral

- Any case identified by the Chair or Vice Chair of Planning Committee as having sufficient merit for committee determination

4 Specific Reserved Functions

The following remain reserved for Committee determination:

- Planning Applications requiring referral to Planning Committee under the Constitution
- Applications subject to statutory direction or call-in by government bodies
- Strategic infrastructure proposals with significant impact on the borough

5 Enforcement and Legal Action as defined in section 3.1 above

Function	Delegation
Investigation of breaches	L3 – L5
Authorisation of enforcement action	L2 - L3
Issuing of notices	L2 - L3
Decision to Prosecute	L1 - L2
Decision to progress to Injunction proceeding	L1 - L2

6 Section 106 and Planning Obligations

Function	Delegation
Negotiation of obligations	L3 L5
Agreement of heads of terms	L2 - L3
Authorisation to enter into agreements	L1 - L2
Monitoring compliance	L4 – L5

7 Recording and Governance

- All delegations must be recorded in the Council's decision register (retained by Democratic Services) within 14 days of the decision being made.
- The planning Delegation Register shall be maintained and reviewed annually (L1- L2)

8 Revocation

- All previous schemes relating to planning sub-delegation within Regeneration and Housing Services are revoked upon approval of this scheme.

9 Approval

Signed by the **Corporate Director of Regeneration and Housing**

Name: Richard Horniman



Signature:

Date: 2nd July 2026

Reason for decision: e.g. benefits, new legislation requires a policy, review of opening hours, non- key decision, outside of agreed budget framework

The purpose of this scheme of sub-delegation is to:

- Enable efficient and lawful decision-making in planning and development management
- Ensure decisions are taken at the most appropriate level
- Maintain compliance with the statutory requirements and the Council's Constitution

<ul style="list-style-type: none"> • Provide clear accountability through role-based delegation <p>The Planning service are required to determine circa 400 planning applications per year, and it is not practical to require the decisions to be made centrally by one person. The delegation to Principal Officers and above will ensure a balance of operational efficiency with appropriate professional strategic oversight.</p>
<p>Other options considered (if any)</p>
<ul style="list-style-type: none"> • Arrangements requiring decisions to be made by the Corporate Director and/or Head of Service only compromise operational efficiency, with an unnecessarily high level of professional strategic oversight. • Arrangements delegating decisions down to all individual planning officers would offer the highest level of operational efficiency but would lack sufficient professional strategic oversight. • The optimum balance is to delegate the decision making down to Principal officers and above.
<p>Has an Impact Assessment been completed Yes/No – if yes please attach to the decision.</p>
<p>No, the decisions made in respect of planning applications and planning functions will be unchanged, only the process by which they are determined would change.</p>
<p>Declarations of Interest by any member or relevant local government body</p>
<p>None</p>
<p>Who have you consulted as part of the decision making process e.g. Head of Service, Executive Member, Community Association, Surveyor?</p>
<p>Legal Services</p>
<p>Date of decision</p>
<p>02/07/26</p>
<p>Service area</p>
<p>Regeneration and Housing</p>
<p>Name of Delegated Officer making decision - i.e. Officer who is designated the power in the Constitution</p>
<p>Richard Horniman, Corporate Director of Regeneration & Housing</p>

Name of the Officer making the decision – if power has been sub-delegated to another Officer.

As above

Glossary of Terms

In this scheme of Sub-Delegation, the following definitions apply:

Definition	Meaning
Call-in	The process whereby a Corporate Director requires that a function of the kind listed in part 1.1 of this scheme of Sub-Delegation, is to be determined by the planning committee.
Major Applications	An application involving any one or more of the following: (a) the winning and working of minerals or the use of land for mineral-working deposits; (b) waste development; (c) the provision of dwellinghouses where - (i) the number of dwellinghouses to be provided is 10 or more; or (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i); (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or (e) development carried out on a site having an area of 1 hectare or more.
Minor Applications	An application involving any one or more of the following: (a) the provision of dwellinghouses where - (i) the number of dwellinghouses to be provided is between 1 and 9 (inclusive); or (ii) the development is to be carried out on a site having an area of less than 0.5 hectares and it is not known whether the development falls within sub-paragraph (a)(i); (b) the provision of a building or buildings where the floor space to be created by the development is less than 1,000 square metres; or (c) development carried out on a site having an area of less than 1 hectare; (d) change of use; (e) householder developments; (f) advertisements; (g) listed building consents; or

	(h) any other application listed in part 1.1 of this scheme of Sub-Delegation that does not meet the thresholds set out in the definition of “Major Applications”.
List of background papers (do not list if contain exempt/confidential information)	
None	