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August 2025

House of Lords Industry and Regulators Committee - Inquiry into building safety regulation and the Building Safety Regulator

Evidence from The Housing Forum

Response submitted by:

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About The Housing Forum

The Housing Forum is the UK's cross-sector, industry-wide organisation that represents the entire housing supply chain. Our growing membership drawn from over 150 organisations across the public and private sectors and includes local authorities, housing associations, housebuilders, architects and manufacturers. All share our determination to drive quality in the design, construction and decarbonisation of UK homes. They have a commitment to partnership working and share in our vision of 'A Quality Home for All'.

In order to achieve this, we have advocate for policy change needed for everyone to live in a good quality, sustainable and affordable home. Our key [Housing Solutions](#) set out how we think this can be achieved.

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Response to questions

1. Has the introduction of the BSR improved the safety of the buildings it is responsible for?

The Housing Forum sees strong support from across our membership in ensuring that buildings are safe. The instigation of the Golden Thread that was brought in via the Building Safety Act (BSA) has been widely welcomed and will help improve decision-making on the maintenance of higher-risk buildings (HRBs).

We are, however, aware of a great deal of problems associated with the Gateway process that the Building Safety Regulator (BSR) is operating¹. It is hard to see much evidence of the BSR having improved the safety of buildings it is responsible for in terms of newbuild, when so very few buildings have as yet been approved. There are widespread concerns that a risk-adverse and under-confident BSR is leading to inconsistencies and serious delays.

Meanwhile, families remain in overcrowded homes, and people remain homeless presenting huge, measurable and known damage to their health and their safety.

In terms of retrofitting, we are aware of some situations where improvements that are needed for safety reasons (such as the replacement of fire doors) have been delayed by the BSR, which has a clear negative impact on safety.

The frustration around the BSR across industry is huge, with comments including:

- “The process involves considerable time and resources teaching the BSR ‘how to suck eggs’.”
- “Uncertainty over costs and delays to the GW processes are also seriously hampering project viability.....The London market is all but dead now.”

Housebuilders report better experiences of working with the local authority building control teams, who were more responsive, quicker, and less bureaucratic.

2. Does the Building Safety Regulator’s regulatory framework strike the right balance between providing a holistic, outcomes-based view of safety and ensuring that developers and building owners understand what they are required to do?

The Housing Forum does not believe that the BSR’s regulatory framework is striking the right balance between ensuring that housebuilders and building owners understand what they are required to do. The problems are essentially around the Gateways process, especially Gateways 2 and 3. When designing a performance-based design approach a discursive approach to reach agreement by all parties is essential. It is the lack of this engagement that prohibits this essential process.

Critically, if applications do not contain sufficient information to gain approval, or need amending, the BSR **must engage with applicants and provide feedback so that the application can be amended**. Without this, applicants feel that they having to

¹ For some useful data on this, please see [Barely 10% of building safety gateway 2 submissions for new builds have been approved | News | Housing Today](#)

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second-guess what is required. Our members report that applications are often rejected with minor non-technical issues present, which could easily have been resolved via an effective exchange of correspondence or a face-to-face meeting.

Published guidance relating to *The Construction Control Plan* indicated that this was to be purely a signposting document, directing the BSR to where drawings and specifications addressed compliance with requirements. This has now morphed into a huge written document describing every last detail of the design – to a degree that should be unnecessary to anyone reviewing the pack with necessary competence to do so.

The BSR's approach to retrofitting and responsive repairs and maintenance of existing homes is particularly problematic. Our members report that unless something can be classed as an emergency, the process is extremely slow and involves a complex framework for something as simple as replacing a fire door – which is a very common type of repair. The framework needs to differentiate between the various levels of building work undertaken to HRBs with a more streamlined and standardised approach to some of the more common types of work.

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3. What impacts could the framework have on the delivery of the Government's housing targets?

It is very clear that the BSR is having a negative impact on housing delivery, and is likely to undermine efforts to achieve housing targets. Our members report delays in obtaining Gateway 2 approval of between 5 and 12 months, with very large numbers of applications still awaiting a decision. There are several ways in which this is impacting on housing targets:

1. The delays in gaining approval at Gateway 2 are having a devastating effect on the finances of companies involved in housebuilding, especially in London. The whole of the supply chain is affected, including housing associations, councils, construction companies, MMC manufacturers and architects. The delays need sorting urgently, to avoid further collapse to the sector.
2. We are aware of developers foregoing opportunities to build at high density by keeping new developments to six storeys, in order to avoid the need to go through the regulator. This means missing out on the potential for much-needed new homes in the areas where they are most needed (including most of London).
3. We are aware of developers and housing associations moving their activities away from inner urban areas and high-rise accommodation and to suburban areas where low-rise accommodation can be built more easily. This is counter to the Government's stated aim of prioritising brownfield sites in sustainable locations. It also means that London – where new housing is needed most urgently – is seeing the lowest rates of building.

These are all happening already. In addition, there are two identifiable future risks:

1. The lack of willingness of the BSR to enter into dialogue with applicants is likely to deter innovation in the construction sector, which could curtail our ability to reduce costs or improve the speed of housebuilding.

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2. Very few applications have yet made it to Gateway 3 of the BSR's framework, but we are not aware of any that have yet been approved. The example below has been provided by one of our members involved in one of the earliest Gateway 3 submissions and provides a worrying example of what may be still to come:

Early example of Gateway 3 delays

Around 100 new affordable rented homes were completed. Nine weeks after the Gateway 3 application, the Regulator requested an extension and informed the applicant that they had only just appointed the local chief fire officer as the fire engineer for the project and were now in a position to engage with the multi-disciplinary team to meet and discuss if there are any objections to passing Gateway 3 and to arrange site inspections. The BSR concluded there will then be a further 15 day delay whilst they consult with the local fire and rescue service.

The building in this example was built exactly as specified at Gateway 2 and all of the above should have happened within the 8 week period.

The housing association concerned now has a completed building that has been standing empty for ten weeks and is likely to remain so for at least another month or two at best). Apart from the obvious financial implications, this prevents desperately needed affordable housing from being occupied.

In the 'old regime' this would have taken a matter of a few days to inspect, inform the local fire and rescue authority and, assuming all was ok, to occupy.

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Delays at the post-construction stage are even more costly for housebuilders and social landlords than earlier-stage delays, because they have already made the financial outlay of building the new homes. Leaving brand new homes sitting empty for many while awaiting regulatory approval will be a disaster for homeless families who need new homes, a financial disaster for the housing sector, and be a PR disaster for the Government.

4. To what extent are delays in approvals for high-rise buildings down to the regulatory processes used by the BSR?

It is the role of the BSR to approve applications so the delays that are occurring while applicants await a decision are solely down to the failures of the BSR to operate as intended and approve applications within a short timescale.

The regulatory processes are part of the problem. The lack of skills, confidence and under-resourcing of the BSR are also big factors. Applicants report that there appears process in place that could possibly enable the BSR to meet the 12 and 8 week statutory determination periods for GW2 and GW3, with multi-disciplinary teams (MDTs) commonly not even appointed until well after that time.

There is a feeling across industry that the BSR is set up with "a default position to reject", and that under-skilled and under-confident officers, operating in a risk-adverse environment are nervous of approving applications and feel much safer

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turning them down. Despite repeated requests the BSR fails to offer any pre-engagement with the applicant.

One issue with retrofitting of existing buildings is that the BSR is attempting to apply the one system to all cases. Straightforward building work often requires the same level of information as more complex projects. The BSR process needs to be refined to allow quicker and more efficient approvals for straightforward work, which would reduce delays.

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5. Are the BSR's approval processes sufficiently clear and understandable to developers?

The insufficient clarity or support for applications is evident from the large proportion of Gateway 2 applications which have been turned down² – despite the huge financial costs that this imposes on applicants, (indicating that it is something they would avoid if at all possible). One issue that has been flagged to us is that professional guidance issued by the BSR sometimes contradicts regulation, or cross-references other regulatory frameworks which can differ from one another. This was [recently highlighted](#) in a First Tier Tribunal involving leaseholders of Smoke House & Curing House who brought a case related to whether a roof top garden should be deemed a storey. The tribunal concluded that there was inconsistency between the regulations and the guidance on what legally constitutes a HRB – causing confusion within the industry.

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The frequent updating of the prescribed documents is also causing difficulties, especially a lack of clarity on how to treat applications that are compliant with guidance at the time they are made, but where the guidance subsequently changes, or where a repeat application needs to be made at a later date. Some flexibility and pragmatism is needed here.

There is some hope that some of the difficulties are “teething problems” which should become clearer as more applications are processed and lessons are learned. However, the continued lack of dialogue is likely to pose continual problems, as well as the under-resourcing.

6. Does the BSR have access to the skilled staff necessary to carry out multidisciplinary assessments of safety?

It is very clear that the BSR does not have the necessary skilled staff to undertake the work that it is required to do.

Housing Forum members who have worked within the BSR report that staff they work with have lacked the knowledge, experience or skills and rely on MDTs to make assessments. Appointing the MDTs takes time and this is one of the causes of delays. Applicants report that they are also forbidden to communicate directly with the MDT – further frustrating the process.

Applicants also report that they frequently contact 'building-control on applications@hse.gov.uk as requested by the BSR, but that responses received

² Recent data suggests that 69% of applications were deemed invalid, withdrawn or rejected, rising to more than three quarters of applications for newbuild homes. See [Inside Housing - News - Around 70% of BSR applications rejected for lack of legally required detail, or withdrawn](#)

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have been very limited and often appear to be a cut and paste response that does not relate to the project-specific query. For instance, some have reported waiting several weeks to receive an email that repeats information readily available online, which they had already seen, and referred to in their initial email. This suggests a lack of the necessary skills from the BSR.

We are also aware of inconsistent decisions being made for identical 'sister blocks' of housing which require separate (but identical) applications to be made to the BSR, which appear to be down judgements made by the individual officers. This, again, suggests a lack of the necessary skilled staff, or that they are working within an environment that is not supporting them adequately to do the job required.

Increasing the number of directly-employed skilled staff within the BSR is a critical part of the solution here. Streamlining the system for lower-risk buildings and straightforward improvements to existing buildings would also help reduce the workload and therefore free up skilled staff to focus on the higher risk applications.

7. Is the relationship between the BSR and building control authorities and inspectors working well?

Housing Forum members report a mixed picture around the relationship between the BSR and building control authorities. There is a potential role for the BSR in encouraging new talent into the building control sector, which would help strengthen this relationship.

8. How does the Building Safety Regulator's work relate to the regulation of construction products?

The BSR plays a complementary role in the regulation of construction products, alongside the Office for Product Safety and Standards (OPSS), which is the UK's primary regulator for construction products. OPSS and the BSR share intelligence and research to identify high-risk products and practices, and to support enforcement and education efforts.

The BSA now empowers the Secretary of State to introduce new regulations, including safety requirements for construction products, a category of 'safety-critical' products subject to more stringent controls, and new criminal offences for non-compliance.

Working together would in theory reduce risks and improve quality, but we are also aware of concerns around trying to mitigate all possible risks deterring HRBs from going forward.

9. How does the Building Safety Regulator's regulatory framework compare to how building safety is assured in other countries and jurisdictions?

Our understanding is that the BSR's regulatory framework is unique and that the standards in the UK are some of the most stringent in the world. There may be lessons to learn from other countries who build safely and efficiently.

There may also be lessons that could be learned from regulation in other fields, such as medicine, which have well-developed systems for balancing risks and benefits.