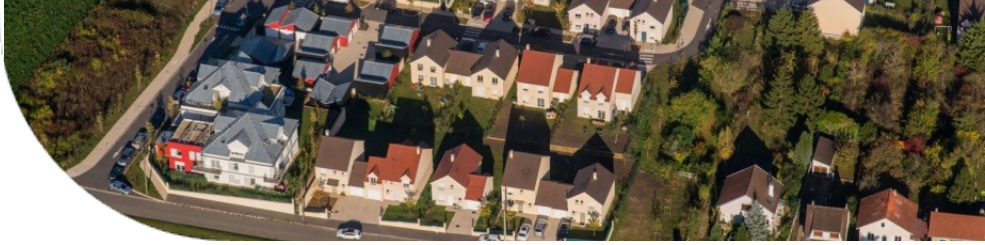

The Rising Tide of State Scrutiny and Constraint of Developers, Land Promoters and Landowners

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Over the past few months, the development world has been processing the Government's intended shift in the regulation of land and development in England. The Land Use Framework for England and the draft Provision of Information (Contractual Control) (Registered Land) Regulations 2026 were published in March and point towards a more interventionist approach to the activities of landowners, housebuilders, developers and – most notably – land promoters.

Scrutiny and State Control

What has emerged from the combination of Framework and draft Regulations is a broad movement towards greater transparency, enhanced compliance obligations and closer public oversight, particularly in relation to the contractual mechanisms through which land is controlled for future development which are to be recorded via an entirely new register at the Land Registry, with strategic land particularly being under the spotlight.

What Agreements must be registered under the draft Contractual Control Regulations?

In brief, the Regulations will require the registration at the Land Registry of options, pre-emptions and conditional contracts entered into after the Regulations are formally issued, within 60 days of the date of the relevant agreement once the Regulations come into force in April 2027, or by October 2027 for those entered into between the Regulations being formally issued and coming into force. From April 2028 onwards the Land Registry will begin publishing the contractual control information that has been registered with it.

What are the penalties for non-compliance with the Contractual Control Regulations?

Non□compliance with the Regulations, or the knowing or reckless provision of false or misleading information,

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may constitute an offence under section 225 of the Levelling Up and Regeneration Act 2023, carrying potential fines and/or imprisonment.

What is the Land Use Framework for England?

In contrast to the Contractual Control Regulations which introduce an entirely new compulsory registration requirement together with a new register at the Land Registry, the Framework has largely been established to utilise the existing planning control mechanisms to guide the use of land in England. The intention of the Framework is to use the following 4 principles to guide decision-making so as to achieve the targets set out in the Environment Act 2021 and the Climate Change Act 2008: multifunctionality; future-ready decisions, adaptive by design; and right use, right place. In addition, the Framework also aims to encourage the registration of land that remains unregistered in England so as to assist implementing the 4 principles.

Do the Regulations and Framework conflict?

At first sight, the Regulations and the Framework appear complimentary, in that both are intended to provide greater transparency as to land ownership and the control and use of land in England. A closer inspection, however, shows that in practice the Regulations and the Framework will work at cross purposes when it comes to unregistered land.

As unregistered land falls outside of the ambit of the Regulations, the possibility of fines and/or imprisonment for breach of the Regulations is likely to have the opposite effect of what the Framework is seeking to achieve, as owners of unregistered land may be incentivised to keep their land unregistered, encouraging them to retain the "anomalous privilege of privacy" that Lord Coleraine stated in 1996 to the House of Lords that owners of unregistered land had in contrast to owners of registered land.

What this means in practice for developers and landowners

In practical terms, developers, promoters and landowners should now:

- Review existing option, promotion and conditional agreements
- Prepare for new registration obligations
- Assess the risk of criminal liability for non-compliance
- Consider whether unregistered land positions may be affected
- Seek legal advice on structuring future agreements

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Key takeaways

- The proposed Regulations represent a significant shift towards greater transparency and regulatory oversight in the control of land.
- At the same time, tensions between the Regulations and the Land Use Framework may create unintended consequences, particularly in relation to unregistered land.
- Early preparation and legal review will be essential to mitigate both legal and commercial risk.

Further advice

If you would like advice on how these changes may affect your land interests or development agreements, please contact our real estate team.

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