

YOUR PLANNING SERVICE

Dealing with
Planning
Conditions



EAST CAMBRIDGESHIRE
DISTRICT COUNCIL

What are planning conditions?

When you receive a decision notice which approves an application, it will normally contain a number of conditions.

When used properly, conditions can enhance the quality of development and allow development to proceed where it would otherwise have been necessary to issue a refusal, by mitigating any adverse effects of the development. They can range from restricting what you can do on the premises, require you to get specific approval for aspects of the development such as materials to be used.

Planning conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning; and
3. To the development to be permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other respects.

When should conditions not be used?

Every condition must be justified by the Local Planning Authority on its own planning merits and on a case by case basis. There are specific circumstances where conditions should not be imposed:

- Where they would unreasonably impact the deliverability of a development;
- To reserve outline details;
- To require the development to be implemented in its entirety;
- Requiring compliance with other legislation;
- Requiring land to be given up;
- Requiring payment or money or any other consideration.

Will you tell me before imposing conditions?

Where it is practicable to do so, the case officer should discuss with you if they intend to impose any conditions before planning permission is granted.

Can I avoid having conditions imposed?

By providing as much information as possible as part of your application, you may be able to avoid or reduce the number of conditions placed on any consent.

Some things such as archaeological investigation or contamination reports cannot normally be avoided as it would be unreasonable for developers to pay for these works without having the benefit of receiving planning permission.

However, by providing us with samples of materials, detailed design of windows and doors then you can avoid conditions for this type of information.

My approval has conditions...what do I do now?

This is known as discharging conditions and can be done by making a formal application to the Local Planning Authority, including any relevant details.

Is there a fee payable to discharge conditions?

Unless the conditions relate to a listed building consent application, there will be a fee to discharge any conditions. Details of the fees for applications are available on the [Fees page](#) of the Council's website.

How long does it take to get a decision?

You should receive a decision from the Local Planning Authority within 8 weeks from the date you submitted the request to discharge the condition(s). This may be longer if both parties have agreed in writing to extending the time period for a decision to be issued.

If no extension of time has been agreed and no decision has been issued within 12 weeks the Local Planning Authority must return the fee to the applicant.

What else is on my decision notice?

You may also find what is known as informatics on your decision notice. Unlike conditions these are not a statutory part of the decision notice but they may provide important information relating to other consents that may be necessary.

Why do I need to discharge conditions?

Any condition found on a decision notice is effectively a charge on the land being developed and must be legally complied with. Planning conditions will show up in land registry searches and can affect property sales if not discharged correctly.

Some conditions are also known as ‘pre-commencement’ conditions which means that these should be discharged prior to any construction work starting on site. Failing to discharge conditions can result in the development being unauthorised and the Local Planning Authority may consider taking enforcement action in such instances.

Failing to discharge any pre-commencement conditions can also impact any CIL relief that may have been applied for or granted and you may incur penalties as a result. More information is available on the [CIL pages](#) of the Council's website.

If you require this document in different formats (e.g. Braille, large print, audiotape/CD or other languages please contact the council's main reception or email translate@eastcambs.gov.uk

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