

### Planning Practice Guidance

Paragraph: 005 Reference ID: 21a-005-20140306

## Are there any circumstances where planning conditions should not be used?

Any proposed condition that fails to meet any of the [six tests](#) should not be used. This applies even if the applicant suggests it or agrees on its terms or it is suggested by the members of a planning committee or a third party. Every condition must always be justified by the local planning authority on its own planning merits on a case by case basis. Specific circumstances where conditions should not be used include:

- Conditions which unreasonably impact on the deliverability of a development: Conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness. In considering issues around viability, local planning authorities should consider policies in the National Planning Policy Framework and supporting guidance on [viability](#).
- Conditions reserving outline application details: Where details have been submitted as part of an outline application, they must be treated by the local planning authority as forming part of the development for which the application is being made. Conditions cannot be used to reserve these details for subsequent approval. The exception is where the applicant has made it clear that the details have been submitted for illustration purposes only.
- Conditions requiring the development to be carried out in its entirety: Conditions requiring a development to be carried out in its entirety will fail the test of necessity by requiring more than is needed to deal with the problem they are designed to solve. Such a condition is also likely to be difficult to enforce due to the range of external factors that can influence a decision whether or not to carry out and complete a development.
- Conditions requiring compliance with other regulatory requirements (e.g. Building Regulations, Environmental Protection Act): Conditions requiring

compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning,

- Conditions requiring land to be given up: Conditions cannot require that land is formally given up (or ceded) to other parties, such as the Highway Authority.
- Positively worded conditions requiring payment of money or other consideration: No payment of money or other consideration can be positively required when granting planning permission. However, where the [six tests](#) will be met, it may be possible use a [negatively worded](#) condition to prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into of a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure).

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