

TEST	KEY QUESTIONS
Necessary	<p data-bbox="507 286 1337 376">Will it be appropriate to refuse planning permission without the requirements imposed by the condition?</p> <ul data-bbox="507 405 1378 757" style="list-style-type: none"> <li data-bbox="507 405 1378 591">• A condition must not be imposed unless there is a definite planning reason for it, ie it is needed to make the development acceptable in planning terms.</li> <li data-bbox="507 620 1378 757">• If a condition is wider in scope than is necessary to achieve the desired objective it will fail the test of necessity.</li> </ul>
Relevant to planning	<p data-bbox="507 887 1385 1021">Does the condition relate to planning objectives and is it within the scope of the permission to which it is to be attached?</p> <ul data-bbox="507 1055 1394 1458" style="list-style-type: none"> <li data-bbox="507 1055 1394 1240">• A condition must not be used to control matters that are subject to specific control elsewhere in planning legislation (for example, advertisement control, listed building consents, or tree preservation).</li> <li data-bbox="507 1270 1394 1458">• Specific controls outside planning legislation may provide an alternative means of managing certain matters (for example, works on public highways often require highways' consent).</li> </ul>
Relevant to the development to be permitted	<p data-bbox="507 1585 1359 1675">Does the condition fairly and reasonably relate to the development to be permitted?</p> <ul data-bbox="507 1704 1394 2007" style="list-style-type: none"> <li data-bbox="507 1704 1394 1845">• It is not sufficient that a condition is related to planning objectives: it must also be justified by the nature or impact of the development permitted.</li> <li data-bbox="507 1874 1394 2007">• A condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development.</li> </ul>

Enforceable	<p>Would it be practicably possible to enforce the condition?</p> <ul style="list-style-type: none"><li>• Unenforceable conditions include those for which it would, in practice, be impossible to detect a contravention or remedy any breach of the condition, or those concerned with matters over which the applicant has no control.</li></ul>
Precise	<p>Is the condition written in a way that makes it clear to the applicant and others what must be done to comply with it?</p> <ul style="list-style-type: none"><li>• Poorly worded conditions are those that do not clearly state what is required and when must not be used.</li></ul>
Reasonable in all other respects	<p>Is the condition reasonable?</p> <ul style="list-style-type: none"><li>• Conditions which place unjustifiable and disproportionate burdens on an applicant will fail the test of reasonableness.</li><li>• Unreasonable conditions cannot be used to make development that is unacceptable in planning terms acceptable.</li></ul>