



Planning Conditions: Best Practice Guidance from Inspectors

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Questions?

Submit your questions via the “Q&A” panel in Teams.

Use the “Upvote ↑” button to vote for questions you want answered.



NPPF Paragraph 57 – The Six Tests

Planning conditions should only be imposed where they are:

1. Necessary
2. Relevant to planning
3. Relevant to the development permitted
4. Enforceable
5. Precise
6. Reasonable

"Planning conditions should be kept to a minimum...

Key resources:

- Planning Practice Guidance on conditions
- Circular 11/95 Annex A (model conditions – retained but dated)



"In considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification."

— cancelled Circular 11/95, paragraph 15

A question for reflection:

- Has the system slipped into imposing conditions as a matter of course without applying the test of necessity?



We will address conditions at oral events in three parts:

- **Procedural:** Preparation, timelines, documentation
- **Technical:** Drafting, structure, wording
- **At the event:** Sessions, discussions, finalisation

Key principle:

Conditions are not an afterthought – they are a specific and important part of any appeal or application.





Before the event:

- Prepare for a CMC – we will ask about conditions, is there anything you need to ask us?
- Read pre-hearing and pre-inquiry notes carefully and respond if required
- Prepare for the conditions part of the event – hearing or inquiry
- Follow Inspector directions before and during events
- Aim for an agreed list before the event – Inspectors will set deadlines but be realistic

Document format:

- Word document (so Inspector can use track changes for comments)
- Clear indication of any disputes – use a table to make it clear for everyone
- Include all parties



Condition	LPA comments	Appellant comments	Other comments



- When drafting carefully consider how the condition is constructed
- Structure is important to comply with the tests
- Think about triggers
- Writing conventions – keep it simple and consistent
- Consider the order of conditions
- Vett consultee responses
- Have you cited and provided development plan policies?
- Avoid repetition
- Implementation clauses (what and when) are often missing
- Remove all tailpieces ("unless otherwise agreed in writing")
- Appellants/applicants – written confirmation for pre commencement



Oral Events – At the Event

Conditions Sessions at Inquiries and Hearings

How Inspectors manage conditions sessions:

- We may schedule sessions early in an inquiry or hearing to get things started/flag our queries
- Always round table events led by the Inspector
- We want to hear from planners – you are the experts!

What we expect continued:

- Appellants/applicants – explain any concerns about conditions to us with reference to the tests
- Be prepared to answer questions – we focus on the tests
- We want a final version by the end of the event (works with s106 too)

What we expect:

- We want parties to have worked on the list in the background
- LPAs – we will generally start with you
- Planning officers - tell us about your patch where relevant, reference policies and tests
- Help us with inclusion of parish/town councils, elected members and consultees

We will not impose a condition simply because:

- "The appellant agrees"
- "It is always used"

Be prepared for us to be proactive!



Written Representations Overview

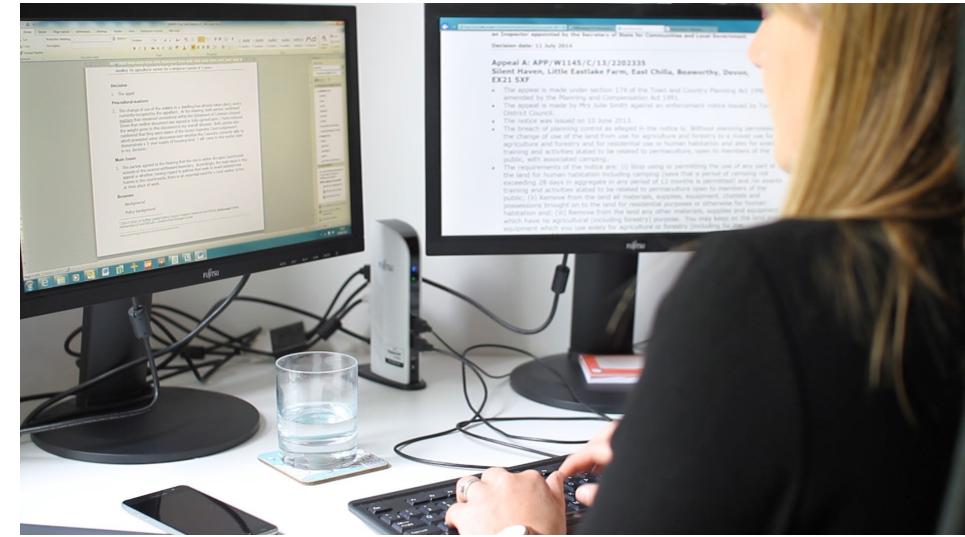
Written Representations: Three Areas

Less opportunity for dialogue compared to inquiries and hearings

Key principle:

Inspectors have to deal with what they are given

Expect us to take a critical and objective look at conditions proposed and their wording





Submission requirements:

- Provide suggested conditions with your statement – Word format helpful
- Without suggested conditions, we may only impose standard conditions (time limit, plans, materials)

Before submitting, consider:

Check	Question to ask
Necessity	Are details already shown on plans?
Enforceability	Are they enforceable?
Consultee conditions	Have you checked if they are necessary? Are they included in the final list?
Duplication	Can conditions be combined?
Consistency	Is wording consistent throughout?
Policy references	Have you provided and referenced relevant development plan policies?
PD removal	Is there "clear justification" for removing permitted development rights?



Written Representations – Common Issues

Common Issues We See

- Condition construction – implementation clauses
- Tailpiece conditions ("unless otherwise agreed in writing")
- Outline applications: are conditions superfluous to reserved matters?
- Differentiate between cases involving prior approval and permission in principle and planning applications
- Going outside the planning regime





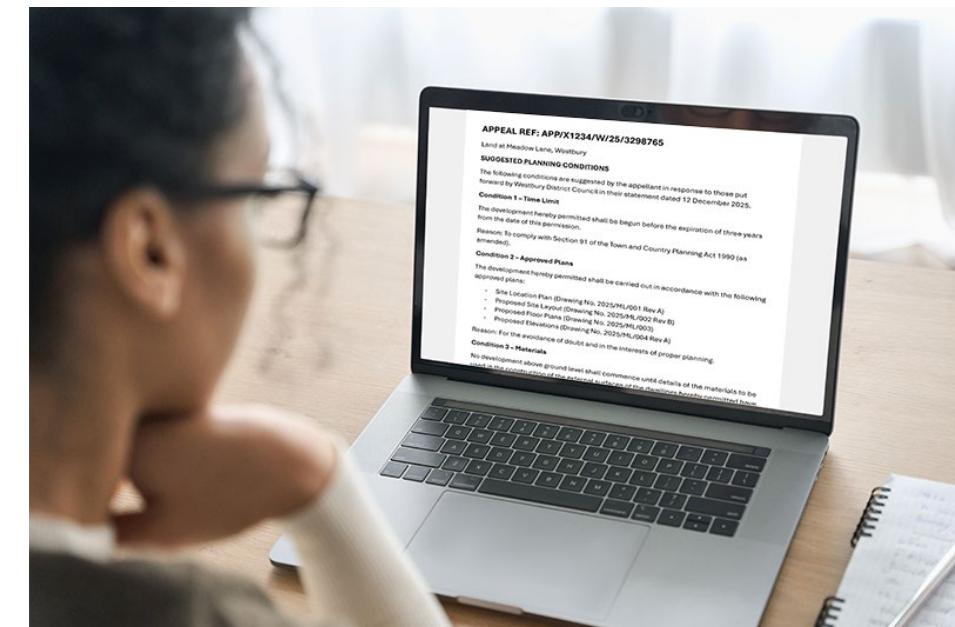
Your input is welcome: comments on conditions help us

Consider:

- Timescales - Are they practical and realistic?
- Scope - Would the condition fetter the development unreasonably?

Pre-commencement conditions:

- Please respond quickly
- Decision cannot be issued until 10 days have expired





Oral Events – Top Tips Summary

Top Tips for Inquiries and Hearings

Before the Event	At the Event	Mindset
Engage early through the case officer Prepare for CMCs	Respond promptly to Inspector feedback	Apply the six tests before you submit
Include all parties (Rule 6, parish, residents) Respond to set timetables	Come prepared for round table sessions Be ready to explain with reference to the tests	Each condition = a mini-decision
Flag specific issues in your evidence	Be proactive with changes Send final document in to PINS as per Inspector direction	Keep it simple

Remember:

- Have you reviewed the conditions – are they all necessary?

Question for you:

Do you find early Inspector feedback helpful?



Written Representations – Top Tips

Mindset

- Treat conditions as an important part of the appeal process
- For LPAs: proposing conditions will not weaken your case
- For appellants: has something been put forward that does not meet the tests?

Evidence

- Is there sufficient justification, including development plan policies, to support each condition?

Wording

- Does the suggested wording hang together?
- Is the implementation clause clear?
- Does it relate specifically to the proposed development rather than standard wording?

Necessity

- Are all details sought by condition really required?

Consultee Conditions

- Have conditions suggested by consultees been reviewed?



Current position:

- Circular 11/95 Annex A model conditions retained (not cancelled)
- PINS has internal model conditions linked to our decision template

Future developments:

- Draft NPPF expands tests in paragraph 57
- National model conditions mentioned under draft Policy DM6

Questions for you:

1. Do you think model planning conditions would be beneficial?
2. For LPAs: Would you use them or stick with your own versions?
3. Is having conditions in the PPG advocated order helpful to all parties?



Questions

Submit your questions via the “Q&A” panel in Teams.
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Thank you for attending!



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evaluation form



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Planning Inspectorate webinars:

