Planning Inspectorate

Webinar Questions and Responses

Planning conditions: Best practice guidance from inspectors

This document contains responses to questions raised during the webinar Planning conditions: Best practice guidance from inspectors held on 21 January 2026.

Question	Response	Category
Would like to hear your view on the information submitted during the appeal process which were not submitted with the application and insufficient information was one of the refusal reasons, thank you	Decisions on whether to admit information submitted during an appeal that was not included with the original application are a matter for each appointed inspector on each individual case, and will depend in part on the appeal procedure being used. It would not be appropriate to offer a general view without the specific context of the case in question.	Appeal Evidence
On the 'old' appeals system, we were able to submit suggested conditions with our statement at 6 weeks, under the 'new' appeals service, this is required at Questionnaire submission and there is no option for providing a suggested conditions list at a later date, is there any provision for this to be amended to allow time for condition suggestions to be offered? As 5 days significantly reduces the LPA's opportunity to consider and offer suggested conditions.	We acknowledge this concern, however it is unlikely that additional time will be made available for this purpose. Parties are therefore encouraged to begin considering conditions as early as possible in the process.	Appeal Procedures & Timescales
If an LPA includes conditions in its statement at 5 weeks, would the Inspector consider them?	Yes, Inspectors will consider conditions provided with the local planning authority's (LPA) statement. The webinar noted that if conditions are provided in Word format this is helpful for Inspectors when drafting decisions. However, under the new appeals system, conditions are requested at questionnaire stage (5 days). If conditions are not provided at all, Inspectors may only impose standard conditions (time limit, plans, materials). The key message is to provide suggested conditions at the earliest opportunity in whatever format the system allows.	Appeal Procedures & Timescales
Not all appellants provide copies of documents to us and under the new system, we have found that the first we hear of the appeal is the start letter. So we only have 5 days to provide a full list of conditions as it is required with the Questionnaire on the new system.	This provides helpful context to the earlier question about timeframes. The regulations require appellants to provide copies to LPAs at the point of appeal submission. If this is not happening consistently, that is a concern. However, as David Smith noted in the webinar, the Planning Inspectorate (PINS) does not make the regulations and faster turnaround times are expected. LPAs may wish to prepare draft conditions during the application stage where refusal is anticipated to help with tight appeal timescales.	Appeal Procedures & Timescales

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Referring to Emma Breheny question. Appeals require all information to be submitted up front at point of appeal submission. Several weeks delay occurs between appeal submission and issue of Start Letter which I assume gives the Council a far greater time frame than 5 days to consider conditions? There is nothing to prevent an LPA starting work on their appeal response from the time of submission as we have to send a copy of the appeal documents to the LPA at time of submission? Do you agree?	This is a fair point. While the formal questionnaire deadline is 5 days from the Start Letter, LPAs should receive appeal documents from appellants at the point of submission. This provides an opportunity to begin preparing responses, including conditions, in advance of the Start Letter. Proactive preparation where possible would help address the tight timescales, though this depends on appellants complying with their obligation to provide documents to LPAs.	Appeal Procedures & Timescales
BNG - statutory condition does not require implementation of BNG plan. Have the Inspectorate been adding an additional condition for implementation of BNG?	There is no current advise to Inspectors to do so but the matter will be given further internal consideration.	Biodiversity Net Gain
Further to Lucy's post regarding separate condition for Biodiversity Gain Plan. It is my understanding in the legislation that it states a separate condition should not be applied for the Biodiversity Gain Plan as it is a requirement in any case. Please confirm	This is correct. The planning practice guidance (PPG) confirms that biodiversity net gain (BNG) plans should not be secured via a planning condition as there is a statutory requirement.	Biodiversity Net Gain
The main issue with mandatory BNG is that, when we as an LPA issue a planning permission, we put a strong informative on a decision, so the applicant knows they must submit a BNG Plan. With an allowed appeal decision, unless an Inspector can state something strongly in the decision (like an Informative or tail-note), to advise the applicant of this, they may never know about it! Many applicants just see their appeal has been allowed and get on with building it, blissfully unaware of any prior need for BNG.	This practical point was acknowledged in the webinar although the presenters noted that Inspectors do not have remit to attach separate informatives. Nevertheless this is something PINS will take away for internal consideration.	Biodiversity Net Gain
Tailpieces.. we often see "in consultation with the highway authority" yeah or nay?	The webinar was clear that tailpiece conditions such as "unless otherwise agreed in writing" should be removed, as s73/73A is the appropriate mechanism for variation. The courts have established that you cannot have a separate system of approval. It was noted in the webinar that a responsible LPA will, in discharging a highway condition, consult with the highway authority if specialist advice is needed. Therefore consider whether inclusion is needed as the condition itself must still be precise and enforceable.	Condition Drafting & Wording
What is your opinion on using 'for the lifetime of the development' in terms of landscape conditions and conditions that amalgamate BNG and landscape for the 'lifetime of the development' or for 30 years (which is pretty much a lifetime). Landscaping can die and should you be relying on 'landscaping' to screen development for 'the lifetime'? Is this reasonable?	This was raised in the webinar but time limited a full response. The 30-year requirement for BNG is set in legislation. For landscaping more generally, "lifetime of the development" can raise enforceability questions, particularly for replacement planting requirements. Whether such a condition is reasonable depends on the purpose it serves and whether it can practically be enforced. Conditions should include appropriate replacement planting provisions where ongoing landscape maintenance is required.	Condition Drafting & Wording
Minor point but at a recent Hearing the Inspector was very clear that conditions on planning applications should refer to "No development shall.." and on LBCs it should be "No works shall..."	This is correct and reflects the different legislative basis for planning permission (development) and listed building consent (works). Using consistent and appropriate terminology helps with clarity and precision. The webinar emphasised the importance of consistent writing conventions throughout conditions documents.	Condition Drafting & Wording

Question	Response	Category
As an LPA planner, I've been using a similar version of the PPG Condition order for some time now. Can't say all of my colleagues do the same though. I think it is helpful to group PC conditions together and high up the order to help ensure that developers see, and adhere to them.	Thank you for sharing this good practice. The webinar encouraged using the PPG-advocated order, and the poll showed 73% found this helpful. Grouping pre-commencement conditions together and placing them prominently helps with clarity for all parties.	Condition Drafting & Wording
Is the emerging condition requiring a financial provision to cover decommissioning & restoration costs at the end of a development lifespan really a planning matter? It was previously an agreement between developers & landowners and is more of a legal matter from my perspective	Decommissioning and restoration conditions are most commonly seen for renewable energy developments and minerals. The test is whether such a condition meets the six tests - particularly relevance to planning and enforceability. Where restoration is necessary to make development acceptable, securing it through condition or obligation may be appropriate. However, financial guarantees often sit more appropriately within s106 obligations rather than conditions. The appropriateness depends on the specific development type and local policy requirements.	Conditions vs Obligations
Why do some LPAs deal with some matters by Planning Conditions and others require a S106?	The key is whether the mechanism chosen is appropriate and enforceable for the specific matter. Inspectors will be looking for this to be addressed in evidence with justifcation of approach with reference to the relevant tests.	Conditions vs Obligations
Applications for costs - Weight given to written submissions and if is this considered in the determination of the Appeal.	Costs applications are determined separately from the appeal itself, based on whether a party has behaved unreasonably and caused another party to incur unnecessary expense. The tests for costs are set out in the PPG. Written submissions for costs applications are considered on their merits against those tests. The costs decision does not affect the appeal determination, which is based on planning merits.	Costs
Be useful to have some advice for wording of conditions in relation to Ground A enforcement appeal when allowed and how to include wording if the condition requirements are not complied with which may make the development unacceptable and a need for it to cease/remove	When a Ground (a) enforcement appeal is allowed, conditions may be imposed. As the development will already have occurred, pre-commencement type conditions will not be appropriate. Any condition requiring specific actions to be carried out will need to specify set timescales in which those actions must be taken and what should happen if the condition is not complied with. Any "sanction" should be proprtionate but it may be considered necessary to require a use to cease until such time as the condition has been complied with or operational development to be demolished. As an EN will usually have been quashed or will cease to have effect in so far as the requirements of the notice are inconsistent with any planning permission, the appropriate course of action open to the LPA will usually be to enforce against the non-compliance of the condition.	Enforcement
If you're writing conditions to be set on planning permissions then you are an enforcer	This observation reflects the point made repeatedly in the webinar that LPAs have to enforce conditions. Deborah Board emphasised that Inspectors start with the LPA at conditions sessions because "if the scheme is permitted and planning permission is granted or the appeal is allowed, you have to enforce if there is a problem." This is why planning officers' expertise and knowledge of their patch is so valuable in conditions discussions.	Enforcement
Having worked for local government for over 20 years I am surprised to hear some of the comments from others re the conduct of Councils. I have not found these issues in my experience	Thank you for this perspective. The webinar aimed to highlight common issues seen by Inspectors across many cases, but practice inevitably varies between authorities. The presenters acknowledged that good practice exists and the webinar materials are intended to help share that good practice more widely.	General Feedback

Question	Response	Category
What about statutory informatives, such as the Coal Authority or the BNG Informative? (noting the PPG states BNG plans shouldn't be secured via condition)	As mentioned in the webinar, Inspectors do not have remit to attach informatives to decisions. This creates practical challenges, particularly for statutory requirements like BNG where LPAs would normally include an informative. Relevant statutory requirements exist regardless of whether an informative is attached. It is a matter for the LPA to consider whether they wish to include informatives.	Informatives
Why do Inspectors not include policy justifications for conditions given LPA's have to?	There is a legal requirement on inspectors to give reasons for imposing or not imposing conditions, and where the justification relates to a development plan policy, that will be reflected in the inspector's reasoning. The approach taken by inspectors differs from that of LPAs in format, with inspectors setting out reasoning in discursive text rather than a structured list, but the underlying obligation to explain and justify each condition remains the same.	Inspector Decision Writing
Why does PINS not put reasons on for Conditions?	Inspectors are required to give reasons for their decisions but are not required to provide individual reasons for each condition in the same way LPAs do. The decision letter should explain why the appeal is allowed and how conditions address relevant matters. As Deborah Board noted, Inspectors structure how they write about conditions differently to LPAs. The conditions imposed should flow from the reasoning in the decision letter as a whole.	Inspector Decision Writing
Why is advice given to Inspectors to avoid attaching 'plans conditions' to listed building consents. Bearing in mind the liability for prosecution for unauthorised works to a listed building, would it not make sense for the scope of the approved plans to be made explicit to the applicant and LPA?	Listed building consent operates under different legislation (Planning (Listed Buildings and Conservation Areas) Act 1990) with different requirements to planning permission. The consent relates specifically to works affecting the character of the listed building. While plans conditions are standard for planning permissions, the approach for LBC may differ. The scope of approved works should be clear from the consent itself. For specific guidance on LBC conditions, please refer to relevant Historic England guidance.	Listed Building Consent
Model language is helpful, but I think LPAs would likely modify language to be more site-specific when necessary.	This aligns with the poll results from the webinar, where 91% thought model conditions would be beneficial, but 56% said they would use model conditions while 38% were not sure. The presenters noted that model conditions should be adapted to specific circumstances rather than applied as standard wording. The draft NPPF mentions national model conditions under Policy DM6, and PINS has internal model conditions linked to decision templates. The Ministry of Housing, Communities & Local Government (MHCLG) is expected to produce national model conditions.	Model Conditions
Is a model condition available for nutrient neutrality, for either nitrates or phosphates?	Nutrient neutrality is a developing area following Natural England guidance and case law. PINS' internal model conditions are linked to decision templates, and national model conditions are expected from MHCLG. Currently, nutrient neutrality conditions tend to be bespoke to reflect local catchment requirements and mitigation strategies. LPAs should work with Natural England and refer to their guidance on appropriate condition wording.	Model Conditions
Might not use model conditions as they may not fully reflect local policies or the particular concerns of the development.	This is a valid consideration raised in the poll discussion. Model conditions should be adapted to specific circumstances. The 38% of poll respondents who were "not sure" about using model conditions may share this concern. The value of model conditions is as a starting point that can be tailored, not as standard wording to be applied without thought.	Model Conditions

Question	Response	Category
The effectiveness of model conditions would depend on how well constructed they were. With public rights of way they are often poorly worded and not always deliverable. What would be the mechanism for amending model conditions?	This is an important point about the quality of model conditions. Any national model conditions produced by MHCLG would presumably be subject to review and updating. The mechanism for amendment would depend on how they are published - if in guidance, through the normal guidance update process. Feedback on poorly worded conditions relating to specific topics like public rights of way would be valuable to feed into that process.	Model Conditions
I find CMCs really helpful in directing efforts to the issues that the Inspector is interested in and therefore think they should be encouraged.	Thank you for this feedback. The webinar emphasised the value of CMCs for proactive case management, including on conditions. Deborah Board noted that CMCs help establish clear directions and timetables for conditions discussions. This positive feedback on CMCs is helpful to receive.	Oral Events (Inquiries & Hearings)
Yes early Inspector feedback is very helpful.	Thank you for confirming this. The webinar asked whether early Inspector feedback is helpful, and this response supports the practice. Deborah Board noted that more Inspectors are giving feedback on conditions early where possible.	Oral Events (Inquiries & Hearings)
What is your opinion on including noise or traffic/highway control conditions where other legislation outside of the planning regime exists for control (e.g. environmental health legislation for noise pollution etc)?	Where a matter has bearing on land use, it is legitimate to impose a condition even if there is some overlap with other legislation such as environmental health controls. Noise is clearly a relevant planning issue and it is reasonable to impose conditions relating to its impact on a permission. However, conditions should not seek to duplicate other regulatory regimes or cross-refer to them, as this is when a condition is likely to be unlawful. At oral events, inspectors will probe any such condition carefully, asking how it is relevant to planning, how it relates to the development to be permitted, and why it is necessary. This will always be assessed on a case by case basis.	Other Legislative Regimes
Re conditions relating to other regimes, we are currently discussing with our local Fire and Rescue Service whether their standard request for a condition relating to the installation (details thereof and final inspection post-installation) of fire hydrants appropriate - are you able to offer any opinion?	This relates to the question about conditions covering other legislative regimes. Fire safety matters are largely covered by Building Regulations. However, the Planning Practice Guidance does reference fire hydrant conditions in certain circumstances, particularly for larger developments. The key tests remain: is it necessary, relevant to planning, relevant to the development, enforceable, precise, and reasonable? Consider whether Building Regulations adequately address the matter or whether there are development plan policies that might support the use of a condition on a specific case.	Other Legislative Regimes
Just to add that noise under EH legislation often has a higher threshold for actioning. Statutory nuisance is a much higher bar than amenity considerations	This is a helpful point that supports the case for appropriate planning conditions relating to noise in certain circumstances. While noise matters may be covered by environmental health legislation, the threshold for statutory nuisance is different from planning amenity considerations. This may provide justification for a planning condition where amenity protection is the objective, provided the condition meets the six tests.	Other Legislative Regimes
Is it necessary for statutory consultees to be notified of planning applications for zip wires? What can be done when zip wire installations are near or over public bridleways, so making the bridleway nigh on impossible to use?	This question is outside the scope of the conditions webinar and relates to consultation requirements and development management. Statutory consultation requirements are set out in the Development Management Procedure Order. Impacts on public rights of way would be a material consideration in determining applications. For specific concerns about bridleways, contact the relevant highway authority who are the statutory consultee for public rights of way matters.	Outside Scope

Question	Response	Category
Is it worth publishing the part of the Inspector Training Manual that deals with conditions - or some abbreviated form of it? It may be helpful to develop understanding of this subject.	The webinar mentioned that Inspectors receive training at various stages of their careers about conditions, and there is a chapter in the Inspector Training Manual. It is one of the areas kept under regular review in training and quality assurance. While the full manual is internal, this webinar and its materials (available on the website) aim to share relevant guidance publicly. We will pass this suggestion on internally for consideration.	PINS Guidance & Training
You are asking for LPA to cite development plans policies to justify conditions - where would you expect these to be provided, within reasons for conditions or within our written statements?	Development plan policy references can be provided in either location, but the key is ensuring Inspectors have access to the relevant policies. Deborah Board noted in the webinar that she often asks for development plan policies at events. If necessity for a condition depends on a particular policy, ensure the policy is referenced and provided. For written representations, including policy references in your reasons for conditions and ensuring copies of relevant policies are in your statement would be helpful.	Policy Justification
Are you aware of any consequence of LPAs not agreeing commencement conditions ahead of issuing a decision? From my experience, most LPAs are not doing this, and it appears there are no repercussions for them.	The requirement to seek agreement on pre-commencement conditions is set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018. If agreement is not sought, the applicant can challenge the condition. However, the webinar noted that in practice, the 10-day period for agreement can delay decisions, and the presenters asked appellants to respond quickly when asked for agreement. LPAs should follow the regulations, but enforcement of this procedural requirement varies.	Pre-commencement Conditions
Would PINS align themselves with the NPPF's future approach to reducing use of pre-commencement conditions even if it is helpful for the developer (they want to) reserve details post permission?	The webinar noted that the NPPF is clear that pre-commencement conditions should be avoided unless there is clear justification. This applies regardless of developer preference. The test is whether the condition is necessary and meets the six tests, not whether the developer finds it convenient. If details can reasonably be secured at a later trigger point (e.g., prior to occupation, prior to above-ground works), that may be preferable to pre-commencement.	Pre-commencement Conditions
For Class MA prior approval applications, do you believe that air traffic noise can and should be considered commercial noise and therefore within scope if it affects an appeal site i.e. sites on a commercial flight path?	Class MA (commercial to residential) prior approval allows consideration of noise impacts from commercial premises. Whether aircraft noise constitutes noise from "commercial premises" is a matter of interpretation of the legislation. This is a technical legal question that may depend on specific circumstances and legal advice. The scope of prior approval considerations is set by the GPDO rather than being a matter of Inspector discretion.	Prior Approval
Is there any advice on applying 'details to be agreed' conditions (such as drainage, landscaping) on retrospective planning applications?	This was raised in the webinar but time constraints limited the response. It is important to consider whether what is applied for is the same as the plans. Triggers are key for conditions in these cases. It is also imperative to consider the specific issue and whether a condition is in fact appropriate. The condition must still be enforceable and precise.	Retrospective Applications
Can self-builds be secured by condition?	It can be necessary for planning permission to incorporate a means on ensuring that custom/self-build proposals are constructed in this manner and specifying it in the description of development alone is unlikley to be sufficient to ensure that dwellings are consrtcuted as self-build/custom. However, a condition is unlikley to pass the tests within paragraph 56 of the NPPF and a s106 agreement is likley to be the most appropriate method of ensuring that the development is self or custom build housing rather than market housing. If a condition is suggested, an Inspector will need to know how the parties consider that it would meet the legal and policy tests.	Specific Condition Types

Question	Response	Category
What are your views about dealing with self build proposals. Can a condition be used to secure the development as self build or should it be subject to a planning obligation?	As noted above regarding Hannah Exley's similar question, practice varies on this matter. Andrew Banks commented that his authority has consistently dealt with self-build by condition, while noting that Inspectors often suggest using obligations. The choice may depend on local circumstances, policy requirements, and how practically enforceable a condition would be compared to an obligation. There is currently no definitive national guidance on the preferred approach.	Specific Condition Types
Conditions may have increased as developers prefer them to get a decision rather than solve the problem and Councils are under greater time constraints	This observation aligns with points raised in the webinar. The presenters noted that a development permitted in 2017 with 9 conditions saw an identical scheme at appeal last year with 17 conditions requested. The question was posed: has the system slipped into imposing conditions as a matter of course without applying the test of necessity? All parties should reflect on whether conditions are genuinely necessary or whether they create additional work for no real gain.	Test of Necessity
I am a private sector planning consultant and in my experience we receive decisions with conditions that are unnecessary on a regular basis. Usually because the information has already been submitted with the application and overlooked or forgotten about by the time the decision date comes around. Unfortunately as a decision notice cannot be amended it does cause unnecessary work at discharge stage. A second issue is LPA officers not remembering to send over pre-commencement conditions before issuing decisions which means again some conditions get added unnecessarily where information has already been submitted, which would have been picked up if the correct procedures were followed.	This feedback reflects concerns raised in the webinar about the test of necessity. The presenters emphasised that conditions should only be imposed where necessary, and that LPAs should check whether details are already shown on plans before requiring them by condition. The webinar encouraged all parties to apply the six tests rigorously. The issue of pre-commencement condition procedures not being followed is a matter for individual LPAs to address in their processes.	Test of Necessity
The PPG states that conditions must meet the 6 requirements and that they should only be used when absolutely necessary, effectively stating if they can be dealt with during planning then they should be. The question is, based on the above should viability of the site (which could deem it unviable if not resolved) be left to conditions?	Viability is generally a matter that should be resolved at the application/decision stage rather than deferred to conditions, given its fundamental impact on whether development can proceed. Conditions should make otherwise unacceptable development acceptable, not defer resolution of matters that go to the principle of development. If viability cannot be demonstrated, this may be a reason for refusal rather than a matter to condition. However, specific circumstances may vary.	Test of Necessity
Since the clarification that s73 cannot be used to alter the description of development, I have noticed that councils are including a lot of information in the description of development that would formerly have been included within conditions. This seems to be a way of preventing applicants from challenging elements of the permission. What is the Inspectorate's view about this practice?	This is an interesting observation that reflects changes in practice following clarification on s73 applications. While not directly addressed in the webinar, the general principle remains that conditions should be used to make otherwise unacceptable development acceptable, and should meet the six tests. Including matters in descriptions rather than conditions may limit flexibility for applicants, but the appropriateness would depend on the specific circumstances. We would suggest seeking legal advice on this matter if it is affecting your cases.	Varying Conditions (s73)

Question	Response	Category
Another point I would appreciate a view on, is whether the aversion to tailpiece conditions could be revisited. Is it really proportionate to require an applicant to submit a S73 application to make a minor change to details approved by way of a condition? This seems to load unnecessary process and cost into the planning system. Legally an objection to tailpiece conditions is that they could prejudice the interests of interested parties, but most of the time they are not consulted on condition approvals in any case.	The webinar was clear that tailpiece wording should be removed from suggested conditions. The courts have established that "unless otherwise agreed in writing" creates an impermissible separate system of approval. While the point about proportionality for minor changes is understood, s73/73A remains the appropriate mechanism for varying conditions. As noted by Rob Bewick in the Q&A, you can apply to re-discharge a condition if changes are required to approved details. Changes to this approach would require legislative amendment.	Varying Conditions (s73)
In response to Neil's point on tailpieces, you can apply to re-discharge a condition if there is a change required to details required by condition.	This is correct and provides helpful clarification. Where approved details need to be varied, a fresh discharge application can be submitted. This provides a route for changes without requiring a full s73 application to vary the condition itself. Thank you for this contribution.	Varying Conditions (s73)
Is everything discussed in the presentation equally applicable in Wales?	Planning policy in Wales is set by Welsh Government through Planning Policy Wales rather than the NPPF. While many principles around conditions are similar, there may be differences in policy emphasis and procedural requirements. PINS operates in both England and Wales, but applicants and LPAs in Wales should refer to Welsh planning policy and guidance. This webinar was primarily focused on the NPPF framework.	Wales