

Planning conditions

The Town and Country Planning Act 1990 S.70 allows planning authorities to grant planning permission either unconditionally or subject to such conditions as they think fit.

Condition ‘tests’

Conditions can only be imposed if they comply with all the following tests. They must be:

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

Pre-commencement Condition

Grampian Conditions

These derive from the case of Grampian Regional Council v City of Aberdeen (1984). In essence Grampian conditions are negative conditions which preclude the implementation of development permitted by a planning permission until some step required by the condition has been undertaken. They often relate to work on 3rd party land, e.g. highway improvements. There must be a reasonable chance of the works happening.

From 1 October 2018 planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the [Town and Country Planning \(Pre-commencement Conditions\) Regulations 2018](#))

Example wording of pre-commencement conditions are:

- (a) before any building or operation comprised in the development is begun, or
- (b) where the development consists of a material change of use of any buildings or other land, before the change of use is begun

Personal Permission

A permission with a condition restricting the benefit to a named person

A planning permission runs with the land. Where it is proposed exceptionally to grant permission for the use of a building or land for a purpose which would not normally be allowed because of strong compassionate or personal grounds a condition can be imposed restricting the benefit to a named person. These conditions should not generally be used as



if the impacts of development are unacceptable then permission should not be granted in any case. Personal conditions will hardly ever be justified for the permanent erection of a building

Temporary Permission

A permission with a condition restricting the permission to a temporary period

A temporary permission will normally only be appropriate either where the applicant proposes temporary development or when a trial run is needed in order to assess the effect of the development on the area. For a trial run it must be reasonable, having regard to the capital expenditure necessary to carry out the development.