

Guidance Notes for:

Application for removal or variation of a condition following grant of planning permission

Town and Country Planning Act 1990

Application for variation or discharge of a condition attached to listed building consent

Planning (Listed Buildings and Conservation Areas) Act 1990

This form should be used to make an application for the removal or variation of a condition following the grant of planning permission or listed building consent.

Planning conditions are often applied to the grant of planning permission. These limit and control the way in which the planning permission may be implemented. Conditions may be imposed on the grant of planning permission for regulating development or use of any land under the control of the applicant, requiring the carrying out of works on any such land, the removal of any buildings or works authorised by the permission, or the discontinuance of any use of land so authorised, at the end of a specified period, and the carrying out of any works required for the reinstatement of land at the end of that period.

Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of the application under section 73. Section 73 will not apply if the period in the previous condition limiting the duration within which the development could begin has now expired without the development having begun.

Section 73A of the Act provides, among other things, for retrospective planning applications to be made in respect of development which has been carried out without permission, and for applications for planning permission to authorise development which has been carried out without complying with some planning condition to which it was subject. Special consideration may need to be given to conditions imposed on planning permissions granted under section 73A. For example, the standard time-limiting condition will not be appropriate where development has begun before planning permission has been granted.

For more details regarding the use of conditions refer to Circular 11/95

<http://www.communities.gov.uk/index.asp?id=1144452>

The granting of listed building consent can be subject to conditions to safeguard the treatment of the building or to require works to be carried out in a certain way. Nevertheless, occasionally it may become clear that a condition is no longer appropriate (e.g. because genuine structural problems arise, or better solutions for the treatment of the building are devised, or other features of interest are revealed once work has started). Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 therefore enables an application to be made by persons with an interest in the building which simply seeks a change in the conditions without re-opening the entire question of whether consent should have been granted. In dealing with such an application it is also open to the authority (or the Secretary of State) to add consequential new conditions to the consent.

It is often helpful to discuss your proposal before you send in your application and to seek pre-application advice from your local planning authority. For details please look at your local planning authority's website.