



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Model Conditions

January 2019

The Planning Inspectorate has produced a list of model conditions which supplement those in Welsh Government Circular 016/2014.

The model conditions, listed below, are not exhaustive: a more extensive list is provided in the Circular. Their applicability will need to be considered in each case against the tests in Circular 016/2014. The wording may need to be amended to address the individual circumstances of the case. Where more than one condition is listed under a heading these are intended to be alternatives.

Advertisements

To prevent a display being retained after its screening function has expired:

The advertisements permitted by this consent shall not be displayed on the site after the date of completion of building operations or after expiry of [one year] from the date of this decision, whichever first occurs.

To ensure proper screening as part of a poster display:

The timber security fencing on the [western] boundary of the site shall not be less than [2.4 metres] in height.

To limit the number of lights:

No more than [four] lights shall be used in association with the display of the illuminated sign hereby permitted. They shall be evenly-spaced along the frontage above the sign.

To specifically limit the display to fascia height (especially where appellant is willing to lower it from above the fascia):

The sign permitted by this consent shall not be displayed other than on the built fascia and no part of the sign shall exceed the height of the fascia.

Caravans

No more than [] caravans shall be stationed on the land at any time.

Details - Essential item shown on plans

The development hereby permitted shall not be occupied until [stipulate the essential matter e.g. the boundary wall adjacent to No 23 has been constructed in accordance with details shown on submitted plan No X].

Details - Where retrospective planning permissions is granted

The [use/activity]/[building/engineering/mining/other operations] hereby permitted shall [cease]/[be demolished to ground level]/[be removed] and all [equipment and materials brought onto the land for the purposes of such use]/[materials resulting from the demolition] shall be removed within **** of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

- within 3 months of the date of this decision a scheme for **** shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
- if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers.
- if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Welsh Ministers.
- the approved scheme shall have been carried out and completed in accordance with the approved timetable.

NB: Sometimes "the scheme" will have elements in it that are required not just to be approved and implemented but thereafter maintained or retained, e.g. visibility splays kept permanently free of obstructions over 1m high, vehicle parking layouts kept available for the purpose, etc. A free standing condition is required to achieve that because the scheme condition becomes spent once implemented. e.g. "The visibility splays approved in accordance with condition X (i.e. the scheme condition) shall be maintained free of all obstruction over 1m high at all times".

DETAILS - WHERE RETROSPECTIVE PLANNING PERMISSION IS GRANTED (where matters to be approved are relatively straightforward)

Unless within [] months of the date of this decision a scheme for the [whatever works are required], is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within [] months of the local planning authority's approval, the use of the site [or occupation for whatever] shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with condition [(x)] above is approved within [] months of the date of this letter, the use of the site [or occupation for whatever] shall cease until such time as a scheme approved by the local planning authority is implemented.

Gypsy: Number of pitches

There shall be no more than x pitches on the site and on each of the x pitches hereby approved no more than y caravans, shall be stationed at any time, of which only z caravan(s) shall be a static caravan.

(If no static caravans are to be allowed): Any caravans positioned on the site shall be capable of being lawfully moved on the public highway, without division into separate parts.

Gypsy: Submissions of further details where the use has not yet commenced

No Development shall take place until details of [e.g.] the siting and materials of the proposed access/landscaping/utility block etc have been submitted to and approved in writing by the local planning authority. The development shall be carried in accordance with the approved details and within any such timescale as specified by the local planning authority.

Gypsy: Submission of further details where the use has already commenced

The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within [28 days, or such longer period as considered reasonable] of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- within 3 months of the date of this decision a scheme for: [insert any matters which need to be covered by the condition, e.g.: the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; improved visibility splays at the site access; the internal layout of the site, including the siting of caravans, plots, hardstanding, access roads, parking and amenity areas; tree, hedge and shrub planting and where appropriate earth mounding including details of species, plant sizes and proposed numbers and densities; the restoration of the site to its condition before the development took place, (or as otherwise agreed in writing by the local planning authority) at the end of the period for which planning permission is granted for the use, or the site is occupied by those permitted to do so, as appropriate]and/or any other matters to be specified] (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
- within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Welsh Ministers.
- if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Welsh Ministers.
- the approved scheme shall have been carried out and completed in accordance with the approved timetable.

GYPSY: MAINTENANCE OF PLANTING WHERE USE HAS COMMENCED

At the same time as the site development scheme required by condition x above is submitted to the local planning authority there shall be submitted a schedule of maintenance for a period of five years of the proposed planting beginning at the completion of the final phase of implementation as required by that condition; the schedule to make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies or, in the opinion of the local planning authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

Listed building – Protection of features

Before any work hereby authorised begins, steps shall be taken to secure the safety and stability of that part of the building [or architectural feature] which is to be retained in accordance with condition [state number] above. [Such steps shall, where necessary, include measures to strengthen any wall or vertical surface; to support any floor, roof or horizontal surface; and to provide protection for the building against the weather during the progress of the works].

Occupancy – Age limits

Each unit of the residential home hereby permitted shall be occupied only by:

- persons of state pensionable age; [or whatever age is considered appropriate],
- persons living as part of a single household with such a person or persons,
- persons who were living as part of a single household with such a person or persons who have since died.

Planning permission – Preventing implementation of two schemes (where two applications are being dealt with together and the decision maker does not object to them individually but does object to them both going ahead, a condition can be attached to each permission to prevent this)

The development to which this planning permission relates shall not be implemented if any part of the development for which planning permission was granted by the Welsh Ministers on [insert date] under appeal reference [] and pursuant to planning application reference no. [] is begun.

Shop window display

A window display shall be provided at all times in the window(s) fronting [] street.