



Neighbourhood Planning Act 2017

2017 CHAPTER 20

PART 1

PLANNING

Planning conditions

14 Restrictions on power to impose planning conditions

(1) After section 100 of the Town and Country Planning Act 1990 insert—

“Power to impose conditions on grant of planning permission in England

100ZA Restrictions on power to impose planning conditions in England

- (1) The Secretary of State may by regulations provide that—
- (a) conditions of a prescribed description may not be imposed in any circumstances on a relevant grant of planning permission for the development of land in England,
 - (b) conditions of a prescribed description may be imposed on any such grant only in circumstances of a prescribed description, or
 - (c) no conditions may be imposed on any such grant in circumstances of a prescribed description.
- (2) Regulations under subsection (1) may make provision only if (and in so far as) the Secretary of State is satisfied that the provision is appropriate for the purposes of ensuring that any condition imposed on a relevant grant of planning permission for the development of land in England is—
- (a) necessary to make the development acceptable in planning terms,
 - (b) relevant to the development and to planning considerations generally,
 - (c) sufficiently precise to make it capable of being complied with and enforced, and

Changes to legislation: There are currently no known outstanding effects for the Neighbourhood Planning Act 2017, Section 14. (See end of Document for details)

- (d) reasonable in all other respects.
- (3) Before making regulations under subsection (1) the Secretary of State must carry out a public consultation.
- (4) Subsection (5) applies in relation to an application for a relevant grant of planning permission for the development of land in England.
- (5) Planning permission for the development of the land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition.
- (6) But the requirement under subsection (5) for the applicant to agree to the terms of a pre-commencement condition does not apply in such circumstances as may be prescribed.
- (7) Before making regulations under subsection (6) the Secretary of State must carry out a public consultation.
- (8) “Pre-commencement condition” means a condition imposed on a grant of planning permission (other than a grant of outline planning permission within the meaning of section 92) which must be complied with—
 - (a) before any building or other operation comprised in the development is begun, or
 - (b) where the development consists of a material change in the use of any buildings or other land, before the change of use is begun.
- (9) A power conferred by any provision of this Part to impose a condition on a relevant grant of planning permission for the development of land in England is subject to—
 - (a) regulations under subsection (1), and
 - (b) subsection (5).
- (10) The Secretary of State must issue guidance to local planning authorities about the operation of this section and regulations made under it.
- (11) The Secretary of State may, from time to time, revise guidance issued under subsection (10).
- (12) The Secretary of State must arrange for guidance issued or revised under this section to be published in such manner as the Secretary of State considers appropriate.
- (13) In this section—
 - (a) references to a relevant grant of planning permission are to any grant of permission to develop land which is granted on an application made under this Part;
 - (b) references to a grant include the modification of any such grant;
 - (c) references to a condition include a limitation,
 and “prescribed” means prescribed by the Secretary of State.”
- (2) In section 333 of the Town and Country Planning Act 1990 (regulations and orders) after subsection (3ZA) insert—

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“(3ZAA) No regulations may be made under section 100ZA(1) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.”

(3) Section 100ZA of the Town and Country Planning Act 1990 (as inserted by subsection (1) of this section) has effect in relation to conditions on a grant or modification of planning permission only if the permission is granted or modified on or after the coming into force of this section.

(4) Schedule 3 contains amendments in consequence of subsection (1).

Commencement Information

- I1** S. 14 in force at 19.7.2017 for specified purposes by [S.I. 2017/767](#), **reg. 2(e)**
- I2** S. 14(1)(3) in force at 1.10.2018 for specified purposes by [S.I. 2018/567](#), **reg. 3(a)**
- I3** S. 14(4) in force at 1.10.2018 for specified purposes by [S.I. 2018/567](#), **reg. 3(b)**

Changes to legislation:

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