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Circular 4/1998

Model Planning Conditions

Introduction

1. SODD Circular4/1998, issued in February 1998, set out Government policy on The Use of Conditions in Planning Permissions. This superseded Circular18/1986 although AppendicesA andB to the 1986 Circular, which provided examples of acceptable and unacceptable planning conditions, were not cancelled. It was explained in Circular4/1998 that further work on model conditions would be undertaken with local authority representatives and that further guidance would be issued in due course. This work has now been concluded and the Appendices to the 1986Circular are now superseded.

2. The model conditions have been drawn up in association with development control officers from Glasgow, Inverclyde, Moray, Scottish Borders and West Dunbartonshire. They should always be read in conjunction with Circular4/1998 and the following key elements of the Government's policy on the use of conditions are worth repeating:

- no condition should be imposed unless it meets the following tests -
 - **necessary**
 - **relevant to planning**

- **relevant to the development to be permitted**
 - **enforceable**
 - **precise, and**
 - *reasonable in all other respects.*
- conditions must not be applied slavishly - a clear and precise reason must be given for each and every condition imposed.

3. The following points should be borne in mind when considering the use of the model conditions:

- the conditions which follow are intended as models only and may need to be adapted to the circumstances of particular cases;
- the list is not exhaustive;
- model reasons cannot be given for the imposition of the conditions shown - the reasons will vary according to the circumstances of each case.

Some examples of unacceptable conditions are included. On the right hand margin the reference, where appropriate, to the relevant paragraph in the Annex to Circular 4/1998 is given.

4. A list, again not exhaustive, of examples of satisfactory and unsatisfactory reasons for imposing planning conditions is also included.

A. TIME LIMIT FOR COMMENCEMENT

Circular Ref.: Time limits Paras 45-52 Planning Permissions Para 46 Outline Permissions Para 47

1. Planning Permissions

The development hereby permitted shall be commenced within [5]years from the date of this permission.

Note: Numbers put in square brackets as time periods can be varied with justification.

2. Outline Planning Permissions

a. Before development commences written approval from the planning authority must be obtained for the details of the siting, design and external appearance of any building(s), the means of access and the landscaping (collectively these are termed "reserved matters").

Note: This condition is appropriate in its entirety only where the outline application contained details of none of the items described as 'reserved matters' in Article 2 of The Town and Country Planning (General Development Procedure) (Scotland) Order 1992).

b. Plans and particulars of the reserved matters referred to in Condition2 (a) above shall be submitted for consideration by the planning authority and no work shall begin until the written approval of the authority has been given.

c. Application for approval of reserved matters shall be made to the planning authority within [3]years from the date of this permission.

d. The development hereby permitted shall commence within [5]years from the date of this permission, or within [2]years from the date of approval by the planning authority of the last of the reserved matters to be approved.

Note: Numbers put in square brackets as time periods can be varied with justification.

Examples of unacceptable conditions

- To require that a development (except in the case of mineral workings) shall be completed within a time limit.

Explanation - This would not normally be acceptable on the grounds of unreasonableness. To be reasonable it would have to serve a clear planning objective.

- To require that development shall not be carried out until, for example, 5 years from the date of permission.
- Explanation - It would not normally be acceptable to grant permission on condition that the right to carry out development is deferred until some future date. A suspensive condition could be useful if it served a clear planning purpose - see Model Condition A7 on page 3.

3. Details of Reserved Matters - Housing Estate

The subsequent application for the approval of reserved matters shall be accompanied by:

- i. a site layout plan at a scale of [*specify*] showing the position of all buildings, roads, footpaths, parking areas (distinguishing, where appropriate, between private and public spaces), walls and fences and landscaping;
- ii. plans and elevations of each house and garage type showing their dimensions and type and colour of external materials;
- iii. a landscaping plan at a scale of [*specify*] showing the location, species and ground spread of existing and proposed trees, shrubs and hedges;
- iv. details of the phasing of development;
- v. details of existing and finished ground levels, and finished floor levels, in relation to a fixed datum, preferably ordnance datum.

4. Reserving other matters

Before development commences, written approval from the planning authority must be obtained for the details of [*specify*].

5. Phasing of development

Details of the phasing of the development shall be submitted to the planning authority for approval, and no work shall begin until the phasing scheme has been approved in writing. Following approval, the development shall be implemented in accordance with the approved scheme.

6. Completion of Elements of a Development

Prior to the occupation of [*specify*] the [*specify the element*] shall be completed in accordance with the approved details.

7. Conditions Depending on Others' Action

No development shall take place on the site until [*specify off-site works on which implementation of the planning permission depends*] have been carried out.

B. TEMPORARY PLANNING PERMISSIONS

Circular Ref: Reserving other Matters Para 44

1. The [*specify development*] hereby permitted shall cease on [*specify date*].
2. The [*specify e.g. buildings/works*] hereby permitted shall be removed or the use hereby permitted shall be discontinued and the land restored to [*specify requirements*]. Any such restoration works shall be carried out by [*specify date*].

C REGULATION OF DEVELOPMENT

Circular Ref: Regulation of Development Paras 40-44 Regulation after Development Paras 84-90

1. Uses

The land which is the subject of this permission shall be used for [*specify use*] and for no other use notwithstanding the provisions of Class [*specify*] of the Town and Country Planning (Use Classes) (Scotland) Order and the General Permitted Development Order [*specify dates*].

Note: This condition should only be used in exceptional circumstances to achieve clear planning objectives.

2. Permitted Development

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order(s) [*specify relevant date(s)*] no [*specify development*] shall be built on the site which is the subject of this application. Construction of [*specify*] cannot be carried out without planning permission being granted on an application made to the planning authority.

3. Hours of Use

The use hereby permitted shall not operate between [*specify hours and days*].

4. Hours of Operation

No machinery shall be operated, no process carried out and no deliveries received at or despatched from the site between [*specify hours*] from Monday to Saturday inclusive and at any time on Sundays.

5. Personal Permissions

The use hereby permitted shall be carried on only by [*specify person*].

Circular Ref: Personal Permissions Para 92

6. Occupancy

a. Housing related to agricultural and forestry employment

Occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in [*specify*] or to a widow or widower of such a person and to any dependants.

Circular Ref: Conditions restricting occupancy of buildings and land Paras 91-103

b. Housing related to other employment

Occupation of the dwelling shall be limited to a person solely or mainly employed in [*specify*].

c. Granny 'Annexes'

The extension hereby permitted shall be used solely as part of the existing dwellinghouse, and at no time shall it be occupied as a separate dwelling.

Circular Ref: Granny 'Annexes' Paras 97

7. Restrictions on operations

a. Storage of Materials

No materials, including waste products, shall be stored on the site outwith the buildings.

b. Storage of Materials - Hazard

No [*specify materials*] shall be stored within [*specify*] metres of buildings on the site or within [*specify*] metres of the site boundary.

c. Stacking of Materials - Height

Stacking of [*specify*] on the site shall not exceed [*specify*] metres in height [*specify datum*].

d. *Burning*

There shall be no burning of materials outwith the building(s) on the site.

Example of an unacceptable condition

- To require that the site shall be kept tidy at all times.
- Explanation - This is vague and unlikely to be capable of enforcement.

8. Retail Development

The use of the retail units hereby permitted shall be limited to the sale of non-food goods of the following types [*specify*]. In any unit, the use of more than [*specify percentage*] of the net retail floor area for the sale of goods other than those specified shall not be permitted without the written approval of the planning authority.

9. Garages and Outbuildings

All garages and outbuildings shall be used solely for domestic purposes incidental to the use of the dwellinghouse.

D. DESIGN

1. Density

The development hereby permitted shall not exceed a density of [*specify*] dwellings per hectare, net of [*specify what is excluded from the calculation of density*].

Circular Ref: Design and Landscape Para 74-76

2. Materials

a. The type and colour of materials to be used in the development shall be as specified on the approved drawings/application form/letter dated [*specify*] unless the prior written approval of the planning authority is obtained for other materials.

b. Development shall not begin until samples of materials to be used (on external surfaces of the buildings) or (in construction of hard standings/walls/fences) have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

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