



Planning Conditions – what are they?

In order to exercise control over development, a planning permission may be issued with suitable conditions. These will make the proposal acceptable when the only other alternative would be to refuse it. Enforcement action can be taken against any development that does not comply with planning conditions.

When you receive permission, read the letter granting permission carefully, including any conditions and any notes. Sometimes the conditions on an approval will require the submission of further details for written agreement prior to starting the development or they may require that certain work, such as the formation of the access, is carried out prior to other work. **If these conditions are not complied with at the specified time then the whole permission cannot be legally implemented.** This applies even if, for example, the required details are subsequently submitted. In addition, the decision notice will include information on the requirement for applicants to submit notices to the Council concerning commencement and completion of works and, in some cases, to display information on site during the development. These also have to be complied with to ensure that the development is lawful. It is therefore essential for the developer's own protection that these conditions and notices are fully complied with. There is a fee (see our [Fees Charter and Scale of Fees](#)) for the discharge of conditions, and for the confirmation of compliance with conditions, which should be submitted along with the necessary information.

What can conditions cover?

Conditions must have some specific purpose controlling an aspect of the development proposal and not just be for the common good. They must not change the nature of the development applied for nor try to control something which is not properly a planning matter (e.g. who occupies a particular building). Conditions can only control the application site itself or adjoining land under the applicant's control.

What if I don't like the conditions?

Applicants can appeal against, or seek review of, conditions which they consider are unjustified. Information on which option is relevant to your application will be provided with the Decision Notice. An appeal or request for a review must be made within 3 months of the date of the decision notice.

What is a Planning Obligation?

A 'planning obligation' or Section 75 Agreement is a legal agreement that secures payment of financial contributions to meet the services and infrastructure needs of the local community associated with the new development.

Full details of the use of Section 75 Agreements can be found on the [Developer Contributions](#) and [Affordable Housing](#) pages on our website.

Can I change a Planning Obligation?

If planning permission is granted subject to a planning obligation you can apply to have this modified or discharged. You can download the full guidance and application form to modify a planning obligation from the Application Process pages on our website.

Websites of Interest

[Scottish Governments Circular 4/1998 – The Use of Conditions in Planning Permissions](#)