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Our Ref: M24/0712

LPA Ref: PL/2024/11637

Dear Sir or Madam,

RE: Discharge of Conditions 5 planning permission reference PL/2024/11637

Introduction

Outline planning permission reference: PL/2024/11637 (the 'Planning Permission') was granted on 19 January 2026 for an '*Outline application with all matters reserved except for means of access for a self-build home.*'

The Planning Permission was granted subject to nine conditions, which align with the nine draft conditions considered by the Northern Area Planning Committee on 2 July 2025 at which it was resolved to grant planning permission subject to the completion of a Unilateral Undertaking to secure self-build and subject to conditions.

A Unilateral Undertaking was completed and signed by the Applicant and the Council on 22 September 2025.

This Covering Letter accompanies the submission of details required to discharge Condition 5 of the Planning Permission. The details submitted precede the submission and approval of reserved matters and therefore are intended to serve as the basis for the subsequent reserved matters submission, which will be consistent with the details submitted for approval now. The purpose of the submission is to enable the iterative commencement of the approved development through continued dialogue with the Council to ensure the final design of the approved family home meets the specialist housing needs of the Applicant and protects and enhances the character of the area.

Legislative and Policy Context

The power to attach conditions on the grant of planning permission

Section 70 of the Town and Country Planning Act (1990) (as amended) (the 'TCPA 1990') establishes the general power of local planning authorities to determine applications for planning permission. Pursuant to section 70(1) a local planning authority may grant planning permission:

(a) '*... either unconditionally or subject to such conditions as they think fit; or*

(b) they may refuse planning permission.'

Section 72 of the same Act provides that conditions imposed on the grant of planning permission under section 70 for the regulation of the development permitted *'so far as appears to the local planning authority to be expedient for the purposes of or in connection with the development authorised by the permission;'*

Section 92 of the TCPA 1990 governs the grant of outline planning permission. Section 92(1) provides that outline planning permission means planning permission granted *'with the reservation for subsequent approval by the local planning authority ... of matters not particularised in the application ("reserved matters").'*

Section 92(2) clarifies that the grant of outline planning permission must be accompanied by conditions requiring the submission for approval the details of any reserved matter no later than the expiration of three years from the date of the grant of the outline planning permission.

Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the 'DMPO 2015') concerns applications for outline planning permission, it states:

'5.—(1) Where an application is made to the local planning authority for outline planning permission, the authority may grant permission subject to a condition specifying reserved matters for the authority's subsequent approval.

(2) Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, the authority must within the period of 1 month beginning with the date of receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.

(3) Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated.'

In summary, outline planning application seeks planning permission for the principle of the development proposed and any other matters detailed within the application for approval at that time.

Where outline planning permission is granted, conditions requiring the submission of further information in relation to the development permitted may be attached subject to the further information required by such conditions not being necessary for the local planning authority to determine the *'in principle'* acceptability of a matter for which planning permission has been granted.

The content and purpose of planning conditions

The PPG¹ sets out why conditions are imposed on a grant of planning permission as follows:

'When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.'

¹ Paragraph: 001 Reference ID: 21a-001-20140306.

Section 100ZA of the TCPA 1990 restricts the power to impose planning conditions. Section 100ZA states that conditions should be imposed only where that condition 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*
- d) *reasonable in all other respects.'*

The power to impose conditions on the grant of planning permission should be exercised in accordance with the guidance contained in the National Planning Policy Framework (the 'NPPF'). Paragraph 57 of the NPPF provides:

'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision- making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification [emphasis added].'

The imposition of conditions on the grant of planning permission is further informed by the Planning Practice Guidance (the 'PPG').² Notably, the PPG provides³ that *'Rigorous application of the 6 tests can reduce the need for conditions and it is good practice to keep the number of conditions to a minimum wherever possible. ... An applicant may, where it is feasible to do so, seek approval at the application stage for matters which may otherwise have been the subject of conditions. This can reduce potential delays between the decision being taken and development taking place on site.'*

Article 35 of the DMPO 2015 sets out further requirements for the imposition of conditions. Article 35(1)(a) states:

'where planning permission is granted subject to conditions, the notice must state clearly and precisely their full reasons—

(i)for each condition imposed; and

(ii)in the case of each pre-commencement condition, for the condition being a pre-commencement condition;'

The PPG offers further guidance on the use of planning conditions; emphasising that *'Clear and precise reasons must be given by the local planning authority for the imposition of every condition.'*⁴ In relation to pre-commencement conditions the PPG provides:⁵

'Care should be taken when considering using pre-commencement conditions that prevent any development authorised by the planning permission from beginning until the condition has been complied with. This includes conditions stating that 'no development shall take place until...' or 'prior to any works starting on site...'

Such pre-commencement conditions should only be used where there is a clear justification, which is likely to mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission.

² Paragraph: 003 Reference ID: 21a-003-20190723.

³ Paragraph: 018 Reference ID: 21a-018-20190723.

⁴ Paragraph: 023 Reference ID: 21a-023-20140306/

⁵ Paragraph: 007 Reference ID: 21a-007-20180615.

A pre-commencement condition that does not meet the legal and policy tests may be found to be unlawful by the courts and therefore cannot be enforced by the local planning authority if it is breached. Development carried out without having complied with a pre-commencement condition would be unlawful and may be the subject of enforcement action.'

Applications made under a planning condition

Article 27 of the DMPO 2015 sets out the requirements for applications made under a planning condition.

'27.—(1) Subject to paragraph (3), an application for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission must—

(a) be made in writing to the local planning authority and must give sufficient information to enable the authority to identify the planning permission in respect of which it is made; and

(b) include such particulars, and be accompanied by such plans and drawings, as are necessary to deal with the application.

(2) The authority must give notice to the applicant of their decision on the application within a period of 8 weeks beginning with the day immediately following that on which the application is received by the authority, or such longer period as may be agreed by the applicant and the authority in writing.

(3) Paragraphs (1) and (2) do not apply to an application for approval—

(a) of reserved matters; or

(b) under Schedule 2 to the Permitted Development Order.'

Summary of the legislative, policy, and guidance

Overall, the legal and policy framework for planning conditions identifies a number of requirements in relation to the purpose and content of conditions along with the circumstances in which the imposition of a condition or conditions are likely to be appropriate.

At a high-level, all conditions must be relevant to the development proposed and necessary to make the proposed development acceptable. Reasons must be provided that clearly illustrate how a condition relates to the development in question and why the condition is necessary. Pre-commencement conditions should be used to secure the acceptability of details that run to the heart of the plan permission granted. In relation to outline planning permission, conditions should not be used to reserve matters for future consideration those matters that were submitted and approved as part of the grant of outline planning permission, i.e. non-reserved matters.

It is in this context, that the details submitted to discharge Condition 5 of the Planning Permission should be understood.

Condition 5 of the Planning Permission

Condition 5 reads as follows:

'5. No development hereby permitted shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- location and current canopy spread of all existing trees and hedgerows on the land, including within the visibility splay within the blue line area;*
- full details of any to be retained, together with measures for their protection in the course of development;*
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;*
- finished levels and contours;*
- allocated car parking spaces;*
- all hard and soft surfacing materials;*
- Replacement of any hedging/boundary treatment within the 'blue line' area which is required to be moved for visibility splays;*

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.'

Details submitted

The Planning Permission granted can be considered to comprise two elements; the first being the principle of development for which matters of detail are reserved for future approval, the second are those matters approved in both principle and detail.

Condition 4 of the Planning Permission identifies the plans and documents which detail the development, including the means of access, for which planning permission was granted.

'4 The development hereby permitted shall be carried out in accordance with the following approved plans and report:

- Site Location & Access Plan; P23226/P/31 Rev F; received 6 May 2025

REASON: For the avoidance of doubt and in the interests of proper planning.'

The details submitted precede and are not intended to prejudice the details to be submitted in relation to reserved matters, which include the details of scale, layout, external appearance, and landscaping. Instead, the details submitted to discharge Condition 5 should be understood as being in addition to and supplementing but not forming part of the matters reserved for future approval (reserved matters) under Condition 2.

They provide those details necessary to confirm that the means of access as permitted, detailed in approved plan reference: P23226/P/31 Rev F, can be commenced in a manner consistent with the reasons for which Conditions 5 and 6 were attached to the grant of the Planning Permission.

Condition 5 requires details of hard and soft landscaping to be submitted and approved, with specific reference to trees and hedgerows to be re-provided to facilitate the approved access, as shown on plan reference: P23226/P/31 Rev F. The reason for the condition clarifies that it serves *'To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.'*

Architectural plans, prepared by Kate Webster, and a tree survey in accordance with BS5837:2012 and an Arboricultural Impact Assessment, prepared by Andrew Cunningham, have been undertaken to provide the details required under Condition 5.

It should be emphasised that the details submitted for approval in relation to finished levels, contours, car parking spaces, and hard and soft surfacing materials are submitted in advance of reserved matters and therefore principally represent details in relation to the access approved under the Planning Permission.

Additional detail is included on the wider landscaping of the development, to be finalised at reserved matters stage, to demonstrate that the approved development, the access, can be implemented in a manner consistent with the reasons given for Condition 5.

Native hedgerow will be planted along the northern half of the Site's western boundary, which is currently open as part of the larger field in the Applicant's ownership. A mix of Cherry and Portuguese laurel hedges will reinforce the Site's eastern boundary. Agricultural fencing with hedgehog gaps will run the full length of the Site's western boundary and along the southern half of the eastern boundary there will be post and rail fencing.

A five-metre landscaped buffer around the approved access from the B4042 is proposed to provide an attractive landscaped frontage to the development and to re-provide the hedgerow impacted through the provision of the access.

No trees will be removed or lost during the course of development or to achieve visibility splays. To achieve the approved visibility splays an area of hedgerow along the northern boundary of the Site will be relocated. Relocating the existing hedgerow is intended to avoid the period which a newly planted replacement hedgerow would typically require to replace the existing hedgerow that would otherwise need to be moved.

The relocation of the hedgerow would be split between two phases. Only the first phase is required to achieve the visibility splays; the second phase is proposed as part of the wider landscape approach. Without relocation the hedgerow would require trimming and pruning that would reduce its landscape and visual value.

The first phase is that required to achieve the visibility splays, 35 metres, which would be coupled with trimming as detailed in paragraph 9.8 of the Arboricultural Impact Assessment. The second phase would relocate 75 metres of hedgerow and would enable the hedgerow to make a greater contribution to the landscape and character of the area as the need for long-term pruning to maintain visibility splays would be reduced. Overall, no hedgerow would be lost through the phased relocation of hedgerow.

Figure 1: Requirements of Condition 5

Requirement	Details submitted
Location and current canopy spread of all existing trees and hedgerows on the land, including within the visibility splay within the blue line area.	Appendices 1 and 2 of the Arboricultural Impact Assessment.
Full details of any to be retained, together with measures for their protection in the course of development.	Please refer to the Arboricultural Impact Assessment for the full details and the summary of the proposed works set out above.
A detailed planting specification showing all plant species, supply and planting sizes and planting densities.	Proposed Landscape Plan drawing reference PL(2)-10 REV D.
Finished levels and contours.	Proposed Site Plan drawing reference PL(2)-03 REV E; and

	Proposed Site Plan drawing reference PL(2)-04 REV F.
Allocated car parking spaces.	- Proposed Site Plan drawing reference PL(2)-04 REV F; - Proposed Site Plan drawing reference PL(2)-03 REV E; and - Proposed Landscape Plan drawing reference PL(2)-10 REV D.
All hard and soft surfacing materials.	Proposed Landscape Plan drawing reference PL(2)-10 REV D.
Replacement of any hedging/boundary treatment within the 'blue line' area which is required to be moved for visibility splays.	Proposed Landscape Plan drawing reference PL(2)-10 REV D. Appendix 5 of the Arboricultural Impact Assessment shows the details of the hedgerow to be relocated on a phased basis.

In summary, the details submitted in relation to Condition 5, as identified in Figure 1 above, demonstrate that the requirements of Condition 5 have been met. Moreover, the details submitted reflect the reason provided for the condition insofar as they '*... ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.*'

To ensure that the landscaping approach submitted to discharge Condition 5 remains appropriate at reserved matters stage a review of the landscaping approach will be undertaken and any additional landscaping will be submitted at reserved matters stage, which for the avoidance of doubt includes details of landscaping. On this basis, it is requested that Condition 5 is discharged.

Summary

This Covering Letter has illustrated that the details submitted to discharge Condition 5 of the Planning Permission.

The forthcoming reserved matters submission will build on the details submitted for approval and will provide a further opportunity to ensure that the development approved by the Planning Permission makes a positive contribution to character of the area.

Yours faithfully,

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For and On Behalf Of
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