



Value My Land

Maximising Returns for Landowners

Planning Conditions & Development Land Value

A Practical Guide for Landowners

How pre-commencement requirements, discharge work, phasing and compliance can affect timing, cost, saleability and the value of development land.



Value My Land

13 Ensign Business Centre | Westwood Way | Coventry | CV4 8JA

Email: info@valuemyland.com | Telephone: 0800 061 4006 | www.valuemyland.com

What Are Planning Conditions?

Planning conditions are legally enforceable requirements attached to a planning permission. They can define the approved development, require further details, regulate timing and secure mitigation needed to make a proposal acceptable.

For a landowner, the decision notice must be read with the approved plans, Section 106 agreement, CIL position and discharge history. The practical value of a permission depends on whether its conditions are clear, proportionate and capable of being satisfied within a realistic programme.

Planning permission should be valued as a complete implementation package — not simply by its headline use or unit number.

Why do councils use planning conditions?

Conditions allow a council to approve development while controlling specific planning effects and the sequence in which work, infrastructure or occupation can occur.

- Make otherwise acceptable development capable of approval
- Require technical details or mitigation at the appropriate stage
- Control commencement, phasing, construction and occupation
- Protect access, drainage, ecology, landscape, heritage and amenity
- Secure ongoing compliance, maintenance and management

Where do they sit in the development process?

Planning application → permission and approved plans → discharge of conditions → lawful commencement → construction and occupation → ongoing compliance

[Read the full online Planning Conditions Guide](#)

Why Landowners Should Review Conditions Early

Planning permission can add value, but an unresolved pre-commencement condition may prevent any lawful material start. Conditions should therefore be classified and programmed before land terms, finance or construction dates are fixed.

Purchasers and lenders will review the wording, technical requirements, approved details and evidence of compliance. Missing approvals or uncertainty about implementation can delay a transaction and lead to contingency, retention or a lower bid.

Conditions can control commencement

Pre-commencement conditions may require archaeology, contamination, drainage, ecological protection or construction details to be approved before development begins. Starting work first can create lawfulness and enforcement risk.

Conditions can delay occupation and income

Access, drainage, noise mitigation, landscaping or infrastructure may need to be completed before homes or buildings can be occupied. The trigger can affect sales receipts, borrowing and the delivery sequence.

Wording and evidence affect value

A permission with many routine conditions is not automatically less valuable. The key questions are whether each requirement is precise, technically achievable, proportionate and coordinated with the approved scheme and wider obligations.

The value of permission depends on what must be approved, delivered and maintained before it can be used.

Review the Planning Conditions Affecting Your Land

Common Types of Planning Condition

The condition trigger determines when a requirement becomes critical. Every condition should be classified by timing, spatial scope, evidence, cost and responsibility.

Pre-Commencement Conditions Details must be approved or action completed before development begins. A breach can affect whether the start is lawful.	Pre-Occupation Conditions Work can progress, but occupation or use is restricted until access, drainage, mitigation or infrastructure is provided.
Compliance & Approved Plans Development must follow specified drawings, documents, hours, uses or operational controls.	Phasing & Trigger Conditions Requirements may apply before a phase, dwelling number or percentage of occupation and can affect cash flow.
Technical Detail Conditions Materials, highways, drainage, ecology, landscape, contamination or other details may require formal approval.	Ongoing & Management Conditions Maintenance, monitoring, retained features or use restrictions can continue after construction and bind future owners.

What should be reviewed?

- Exact trigger: before commencement, phase, occupation or use
- Whether the condition applies site-wide or to a defined phase
- Information, drawings, samples or works required
- Consultant responsibility and coordination with approved plans
- Likely cost, decision period and effect on the programme
- Third-party land, utilities or consultee dependencies
- Interaction with Section 106, CIL and highway agreements

The number of conditions is less important than their wording, timing, technical achievability and effect on the delivery programme.

The Six Tests for a Planning Condition

National policy states that planning conditions should be kept to a minimum and only imposed where they satisfy six tests. Each test should be applied to the precise wording, trigger and practical effect of the proposed condition.

1. Necessary — The condition must be needed to make the development acceptable and should not duplicate an unnecessary or adequate existing control.

2. Relevant to planning — It must address a planning matter rather than a purely private issue or something controlled entirely by unrelated legislation.

3. Relevant to the development — The requirement must relate directly to the development authorised by the permission and not pursue an unrelated objective.

4. Enforceable — The authority must be able to identify a breach and take effective action. Compliance should not depend on an uncertain requirement.

5. Precise — The wording should make clear what must be done, the standard required and the stage at which approval or compliance is necessary.

6. Reasonable — The scope, burden and timing should be proportionate and should not make lawful development practically impossible.

A condition should satisfy all six tests. Agreement to its wording does not cure a condition that is unnecessary, imprecise or unreasonable.

Can the Permission Be Implemented?

Technical Evidence That Can Discharge Conditions

Conditions requiring further approval should be supported by sufficient, coordinated evidence. The correct package depends on the wording of the condition, approved scheme and site constraints.

Access & Highways Junction details, visibility, construction access, travel plans and off-site highway works may require approval.	Flood Risk & Drainage Surface and foul drainage, SuDS design, attenuation, maintenance and adoption details should be coordinated.
Ecology & Biodiversity Species protection, habitat measures, biodiversity gain plans and monitoring may be controlled through conditions.	Landscape & Trees Planting, tree protection, boundary treatment and long-term landscape management may need formal approval.
Contamination & Ground Desk studies, investigation, remediation, verification, mining and ground-gas work may be required.	Archaeology & Heritage Investigation, recording, protection and heritage-led details can affect the timing and layout of development.
Construction Management Traffic, hours, dust, noise, waste, compounds and neighbour protection should be addressed coherently.	Utilities, Design & Phasing Materials, levels, lighting, services, infrastructure and phase plans may need approval before key triggers.

A consultant's report does not discharge a condition by itself. Where formal approval is required, written approval should be obtained before the stated trigger.

How Conditions Are Discharged

A formal discharge application should answer the exact wording of the condition and remain consistent with the approved permission. The authority should generally determine the request within eight weeks, or sixteen weeks for specified approvals connected with Environmental Impact Assessment development, unless a longer period is agreed.

- 1. Create the schedule** — List every condition and identify the trigger, scope, fee, evidence and responsible person.
- 2. Prioritise critical conditions** — Address site-wide and pre-commencement matters well before the intended start date.
- 3. Prepare coordinated evidence** — Ensure engineering, drainage, ecology, landscape and design submissions agree with each other.
- 4. Submit the formal request** — Provide the required details and fee and retain proof of validation and submission.
- 5. Monitor consultation** — Respond promptly to technical comments and manage any requested revisions.
- 6. Obtain the written decision** — Confirm whether approval is full, partial or phase-specific and note any continuing requirements.
- 7. Implement and record compliance** — Build in accordance with approved details and retain evidence before occupation, sale or later phases.

Expiry of the standard decision period does not automatically discharge a condition. Deemed discharge is a separate prescribed procedure and is unavailable for some conditions.

Read: [Section 106, CIL & Development Land Value](#)

Read: [Types of Planning Applications in England](#)

What If a Condition Is Problematic?

An undesirable condition should not simply be ignored. The first step is to understand the planning objective, test the wording against the six national policy tests and identify whether the issue can be resolved through evidence, clearer drafting or a formal application.

Depending on timing and circumstances, the response may involve negotiation before the decision, a discharge application, an application to remove or vary a condition, a non-material amendment, a fresh application or an appeal. The correct route should be selected with planning, legal and commercial advice.

A focused response can include:

- Testing necessity, relevance, enforceability, precision and reasonableness
- Proposing clearer or proportionate wording before the decision is issued
- Preparing targeted evidence to secure formal discharge
- Considering Section 73, a non-material amendment or a fresh application
- Reviewing Section 106, CIL, approved plans and valuation consequences
- Obtaining advice before commencement, appeal or retrospective action

Breaches can affect lawfulness and saleability

Development carried out contrary to a condition may be investigated or enforced against. Missing approvals can also concern lenders and purchasers, delay completion and reduce price. A live tracker and complete planning compliance pack are safer than relying on informal correspondence.

A condition should be understood and resolved through the correct formal route — not treated as an administrative detail.

How Can Conditions Affect Development Land Value?

Conditions affect land value through cost, capacity, timing, certainty and purchaser risk. Pre-commencement requirements can delay the lawful start; pre-occupation triggers can postpone sales income; and technical approvals may require surveys, redesign, mitigation or infrastructure.

Conditions can also improve certainty. A clear, proportionate permission with key details approved may give purchasers greater confidence that the scheme can be implemented and reduce the contingency applied to the land price.

The value effect is site-specific

The appraisal should allow for professional work, construction and mitigation costs, finance, reduced developable area and the timing of each trigger. Two permissions for the same number of homes can produce different values because their conditions and delivery risks differ.

Review the complete permission before sale

Before entering an option, promotion agreement, conditional contract or sale, review the decision notice, approved plans, discharge decisions, technical submissions, Section 106, CIL position and evidence of lawful implementation. Marketing should describe the real permission, not only its headline capacity.

The relevant figure is the value of an implementable permission after its conditions, obligations, costs and programme have been assessed.

Find Out What the Permission May Be Worth

How Value My Land Can Help

Value My Land can review an existing permission or proposed planning strategy and identify which conditions may affect commencement, development capacity, programme, purchaser confidence and net land value. The aim is to reduce avoidable uncertainty and coordinate the planning, technical and commercial position.

Planning Permission Review We review the decision notice, approved plans, condition wording and interaction with Section 106, CIL and infrastructure.	Conditions Schedule We identify triggers, phase scope, required evidence, priority, responsibility and likely effect on timing and cost.
Technical Team Coordination We can coordinate highways, drainage, ecology, landscape, heritage, ground and other specialist submissions.	Discharge Strategy We prioritise critical approvals, manage submissions and maintain a clear record of written decisions and continuing requirements.
Sale & Buyer Due Diligence We assemble the planning compliance information purchasers need to price remaining risk and compare bids.	Landowner-Focused Approach The strategy is tailored to the site, permission, sale objective and the level of work justified before marketing.

Promotion Agreements

Where we enter into a Promotion Agreement, we fund and manage the agreed planning process at our own cost and risk. This can include condition review, specialist evidence and discharge work where it supports a stronger, implementable permission and sale.

The landowner retains ownership and control of the land throughout the promotion process. Because our return is linked to the sale proceeds, our objective is aligned with reducing avoidable planning risk and maximising the value achieved.

[Request a Free Planning Conditions Review](#)



Could Planning Conditions Affect Your Land Value?

If planning permission exists, or you are considering promoting land for development, contact Value My Land for a free, no-obligation initial review of the planning position, condition risks and likely route to implementation.

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Email: info@valuemyland.com
www.valuemyland.com



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Delivering Sustainable Development

Further reading: [Planning Conditions Guide](#) | [Section 106 & CIL Guide](#) | [Types of Planning Applications](#) | [Land Value With Planning Permission](#)
valuemyland.com/planning-conditions-and-development-land-value

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