

Discharge of Conditions FAQs

1. How do I discharge conditions?

You need to submit an application form on the Council's website (<https://www.babergh.gov.uk/planning/development-management/apply-for-planning-permission/>) or via the Planning Portal website (<https://www.planningportal.co.uk/applications>) listing each condition requesting approval, attaching the details designed to address the condition(s) and providing the relevant fee (see question 3).

If a condition was recommended by a technical consultee such as the Highway Authority, the Council will formally request their comments prior to determination. The Council cannot discharge a condition if the third party has not confirmed in writing that the condition has been met. Applicants are therefore encouraged to contact the technical consultee before submitting their application if they have any questions about what needs to be provided.

2. What are the different types of conditions?

- Pre-commencement (must be discharged prior to the development taking place)
- Prior to occupation (must be discharged prior to first use of the site for its intended purpose)
- Prior to specific element of works taking place (discharge prior to the element of work specified e.g., installation of windows)
- Prior to work proceeding above slab level (must be discharged before works proceed above ground level at which slabs would be placed)
- Compliance in accordance with a specific timetable (the development must be carried out exactly as set out within a condition, but the condition does not need to be discharged)

3. What are the fees for discharging conditions?

The fees for discharging conditions are set nationally by the Government.

The application fee will be £34 where the related permission was for extending or altering a dwelling house (householder applications).

The application fee will be £116 for all other permissions bar listed building consent.

There is no fee for applying to discharge listed building consent conditions but there may be associated planning permission conditions which attracts fees as described above.

You can also calculate the fee yourself using the Planning Portal's online fee calculator:

https://www.planningportal.co.uk/info/200232/planning_applications/59/how_to_apply/7

The fee must be paid when the application is made, or it will not be registered.

4. Can I submit to discharge multiple conditions at once?

Yes, where an application is submitted to simultaneously discharge several conditions, only one fee is required. If you send in details for each condition separately, these will be counted as separate applications, and you will have to pay separate fees. The Council will issue a decision notice for each condition that is sought to be discharged.

The Council's standard practice is to issue a decision notice for all conditions that are subject of the application at the same time. If at this time Council is not satisfied that a condition is met, a decision notice will be issued specifying this and given a reason for refusal. Any subsequent application to discharge the subject condition will require the submission of a separate application and payment of a further application fee.

5. How long will it take to make a decision?

The decision will be made in writing, and we will respond within 8 weeks unless a longer period of time has been agreed with the agent/applicant. If we cannot confirm that the conditions are discharged within 12 weeks the applicant can apply for a refund or deemed consent of discharge of conditions.

The process cannot be fast-tracked or prioritised, so it is important to plan ahead for your start date, or for when your current permission is due to expire.

6. Do you allow free goes for resubmission?

If the details you provide are not what we asked for or insufficient, we will inform you during the DOC application process. However, we may still be

required to refuse your submission following discussion of the concerns raised.

If an application to discharge conditions has been refused, there is no 'free go' for a re submission nor to make significant changes to the details already approved under a condition. You will then have to submit new proposals for discharge with a further fee.

However, you won't be charged again if the discharge of conditions application is on-going and you are asked to submit revisions or further information within an agreed timescale.

7. Where do I send amended information for my live application to?

You can email the planning validation team via planningvalidation@baberghmidsuffolk.gov.uk .

Alternatively, you can send amended information by post to Endeavour House, 8 Russell Road, Ipswich, IP1 2BX.

When sending amended information please quote the live discharge of conditions application reference number, the address and condition number(s).

8. What happens if I don't discharge conditions?

If you don't discharge conditions in accordance with the details and timescales quoted on the decision notice, the building project may be unauthorised, and we may consider taking enforcement action. This could affect the future sale of the property or site.

Please note it is an offence to fail to adhere to a condition on a listed building consent. Please see Historic England's website for more detail:

<https://historicengland.org.uk/advice/hpg/uwandhc/offences/>

9. What if I am unhappy about imposed conditions?

You are able to appeal the decision to the planning inspectorate:

<https://www.gov.uk/appeal-planning-inspectorate>

You must appeal within 6 months from the date the decision was issued. If you wish to proceed with your development and its conditions you must apply to discharge these within the stated deadlines.

Alternatively, you can also apply to remove or vary conditions via an Application under Section 73 of the Town and Country Planning Act 1990. Please visit the Planning Portal's website for more information and to submit a new application:

www.planningportal.co.uk