

Our Ref:

Your Ref:

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Dear Sir/Madam

**NEW HOUSEHOLDER PERMITTED DEVELOPMENT RIGHTS:
THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(SCOTLAND) AMENDMENT ORDER 2011**

The rules governing 'permitted development' (that is, whether or not planning permission is required) for 'householder' developments are set to change significantly from 6th February 2012 as a consequence of the [Town and Country Planning \(General Permitted Development\) \(Scotland\) Amendment Order 2011](#).

The overall effect of the changes will be to relax the current controls so that many types of domestic development that currently require planning permission will no longer do so. Certain restrictions will however still apply to dwellings in conservation areas, to listed buildings and development within their curtilage. The details of those categories of development which are conditionally exempt from the need for planning permission are contained in the [Schedule](#) to the Amendment Order.

The new rules will not apply to development begun before 6th February 2012 provided it is completed by 6 August 2012.

Link to legislation: <http://www.legislation.gov.uk/ssi/2011/357/contents/made>

Link to Schedule: <http://www.legislation.gov.uk/ssi/2011/357/schedule/made>

Summary of the Changes

The new scheme for householder permitted development relies on measurements which establish the relationship of the proposed development with the original building, boundaries with neighbours and the street scene. This will replace a scheme dominated by floor area calculations.

Within specified constraints, the new rules will allow a range of works - including extensions, access ramps, sheds, garages and decking - to be built without applying for planning

permission. Restrictions will still apply in conservation areas and for listed buildings, including their curtilage. The Scottish Government is also attempting to make it easier for householders to install small scale renewable technologies.

Key points

- For the first time, alterations (excluding enlargement) may be made to flatted developments without permission (new Part 1ZA, class 4A). Replacement window frames and doors will for example be permitted development. This would not apply if the building is located within a conservation area.
- A single storey development may however not be built within 1 metre of the boundary and an extension of more than one storey may not be built within 10 metres without permission.
- Roofs may be altered or extended within certain dimensions but not on the 'principal' or street elevation. This will permit small dormers, whereas the current rules permit only roof lights.
- There are specific restrictions on development which might overlook neighbouring properties such as balconies, raised platforms, terraces or decking above 0.5 metres.
- Small porches will be permitted development, even on front elevations.
- Access ramps have their own class of permitted development within certain dimensions.
- Permitted development for hard surfaces is now subject to the condition that they are permeable.

The above is intended as a general guide to the new permitted development rights. Each class of the new order has a number of caveats and as such the above should not be relied upon as a substitute for the order in judging whether development requires planning permission.

Other general points

Most of the new permitted development rights do not apply in conservation areas. Listed buildings also require to be the subject of separate listed building consent applications but the order makes clear that some small buildings in the curtilage of listed buildings may be permitted development. It is estimated that the new provisions will release up to 20% cases from planning control.

The aim is not only to make life easier for householders and save them money and also to divert scarce resources of planning authorities on to more significant cases in the context of the planning hierarchy.

Agent's seminar: New householder permitted development rights

The next agent's seminar is planned for Wednesday 21 March 2012 at 1300 at Angus House, Forfar. It is our intention to use the seminar to discuss the new householder permitted development rights, introduce the key concepts and work through some examples to test the order. You may also wish to bring some examples to the seminar. It would therefore be helpful if you could indicate whether you would be interested in attending the event by emailing TaylorE@angus.gov.uk by 31 January 2012.

I trust the above proves helpful and I look forward to hearing from you.

Yours faithfully

ED TAYLOR
SENIOR PLANNING OFFICER (DEVELOPMENT STANDARDS)