



Falkirk Council
Development Services

Householder Permitted Development Rights In Scotland



**A Brief Guide to Changes Coming into Force on
6 February 2012**

Introduction

Changes to the regulations on whether alterations and extensions to houses and flats need planning permission in Scotland are to be introduced on 6 February 2012. The Town and Country Planning (*General Permitted Development*) (*Scotland*) *Amendment Order 2011* sets out these new regulations.

The purpose of the new legislation is to remove minor developments from planning control, giving householders more freedom to develop their properties. It also means that planning authorities can free up their resources and concentrate on more significant planning matters.

What is Permitted Development?

All development requires planning permission but certain forms of development may be carried out as 'permitted development'. Provided the development meets criteria set out in legislation, it does not require a specific grant of planning permission, and an application would not be required.

Generally this is because the scale and nature of the development is considered to be less significant and will have little impact on the surrounding area. These rights are written to protect the amenity of neighbours and the character of our conservation areas whilst still allowing some limited development without needing to apply for planning permission.

Main Changes

- The existing classes 1 to 6 of the Order will be replaced by new classes 1A to 3E;
- A new class 4A allows some limited alterations to flats without planning permission - in the past flats had no such rights;
- The concept of a principal elevation is used in many of the new classes. Development in front of the principal elevation needs planning permission in most cases;
- There are new classes of development covering porches, decking and access ramps and so greater clarity on when these need permission;
- A 1m 'bubble' allows alterations such as solar panels and satellite dishes to be added, in most cases without permission provided it is not in a conservation area;
- More generous permitted development rights for extensions and freestanding buildings;
- Hardstandings must be porous or have run off to porous or permeable surfaces. Otherwise they will need planning permission; and
- More controls in conservation areas. Most householder development in conservation areas will need planning permission apart from small buildings such as huts behind the principal elevation.

Where can I find out more information?

The [Do I need Planning Permission](#) web page on the Council's website contains links to the full legislation and other information.

Despite development in many cases being covered by permitted development rights, you may still require additional permission for your proposals under other legislation.

Will existing permitted development rights still be valid on 6 February 2012?

Provided you start the work before 6 February 2012 and finish it by the end of August 2012, the previous permitted developments rights will still apply and the development will be lawful. Any work starting after 6 February should be assessed for permission under the new regulations.

How do I find out if I need planning permission?

Follow these steps if you are not sure if planning permission is required;

1. Go to www.falkirk.gov.uk/ where you will find information to make your own assessment of whether planning permission is required
2. If you need planning permission, make an application online at the ePlanning Scotland or on paper.
3. If you think your proposed development is 'permitted development' you can apply for a certificate of lawfulness to ensure that the development is lawful. This is a legal document that confirms your building work is permitted. An application fee equal to half the standard fee for householder development applies.
4. The Development Management Unit will only offer informal advice on whether planning permission is required and will generally direct enquirers to the website for further information.

Any questions?

Contact the Planning Duty Officer on 01324 504748 or email dc@falkirk.gov.uk if you have any questions on the new regulations.