

Scottish Planning Policy

3. Householder Permitted Development Rights – an outline guide

See: Reference Document: Scot Gov Planning Circular 1/2024: householder permitted development rights

[Planning circular 1/2024: householder permitted development rights - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/planning-circulars/2024/01/12/permissions-householder-permitted-development-rights/pages/permissions-householder-permitted-development-rights.aspx)

What's the purpose of this outline guide on planning issues?

This is a primer for community councillors; for new ones joining upon the 2024 elections and for others who want to remind themselves of some of the legislative detail. Planning matters (in their immediate locality and beyond) are a central responsibility of community councils. This responsibility sits within the general purpose of community councils to act as voices for their local areas, to articulate local views and concerns on a wide range of issues of public concern.

The Reference Document

The Reference Document is a Scot Gov Planning Circular, one of a long series which contains government policy on implementation of planning legislation or procedures.

[Planning circulars: index - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/planning-circulars/index/pages/planning-circulars-index.aspx)

“Guidance on householder permitted development rights (PDR) ... explains what works people can carry out to alter or improve their home without an application for planning permission.”
Work undertaken to alter or improve a home is a form of development.

From Planning Aid Scotland (PAS):

“Some classes of developments are automatically granted permission by a statutory order and do not require a planning application to be submitted. This is known as permitted development. Many smaller householder developments such as fences or extensions are permitted development, but it is essential to check the regulations. There are also numerous categories of non-householder permitted development (the definitions for all categories are set out in the Town and Country Planning (General Permitted Development Order) Scotland Order 1992, as amended). You should contact your planning authority to receive confirmation of whether you need, or do not need planning permission.”

[2. Development Management \(pas.org.uk\)](https://www.pas.org.uk/development-management)

Section 1.2 “PDR refer to those forms of development which are granted planning permission through legislation, meaning they can be carried out lawfully without an application for planning permission having to be submitted to (and approved by) the planning authority. In doing so, PDR can provide certainty to householders and save the time and expense associated with applying for planning permission.”

Developments are identified within a set of ‘classes’. Each class specifies the development for which planning permission is granted. Most classes of PDR are subject to detailed conditions and limitations. Consequently, this whole area of lawful development without the requirement for a planning application and approval needs very careful consideration.

1.8 “Even if you do not need to apply for planning permission, other approvals may need to be sought.”

2.1 “It is the property owner's responsibility to ensure that the relevant statutory requirements are met.”

Section 2: General advice before starting development

In specific locations such as conservation areas, World Heritage Sites, National Scenic Areas and National Parks, PDR will be disapplied or otherwise limited. If in doubt, check with the planning authority.

A small number of PDR are subject to a ‘prior notification and prior approval’ process – a ‘light touch’ form of planning application and approval. Examples given include the installation of a free-standing wind turbine in the curtilage of a dwelling-house and the replacement / alteration of windows in a home located in a conservation area.

Other consents and approvals may be required. For example: building warrant; listed building consent; scheduled monument consent.

There may be restrictions on the land (by way of an ‘Article 4 Direction’), which limit the type of work that can be lawfully carried out there.

Section 3: Main Concepts

3.1 This section explains in detail the concepts that are fundamental to interpreting and applying PDR. The concepts are:

- **“Principal elevation”** is used to identify the front of the dwellinghouse.
- **“Fronting a road”** is a way of determining if the principal elevation, or side elevation, is in the public domain.
- **“Front and rear curtilage”** is a way of defining the area of land used for the comfortable enjoyment of the dwellinghouse.
- **“Site coverage”** is used to control the overall amount of ground covered by development.
- **“Original or existing dwellinghouse”**. The original dwellinghouse is the dwellinghouse as built or as it was on 1 July 1948 if it was built before then. The existing dwellinghouse is the house immediately before carrying out the proposed development.
- **“Height and ground level”**. How the height of development is measured.

Section 4: Making changes to a dwelling-house

4.1 This section explains the PDR for “dwellinghouses”. In this context, a dwellinghouse means a residential property, not including a building containing one or more flats, or a flat contained within such a building. The term ‘dwellinghouse’ covers detached, semi-detached or terraced houses. PDR for flats is explained in Section 5.

Section 4 covers enlargement; improvements, additions or other alterations that are not enlargements; developments / works within the curtilage of a dwelling-house, including ancillary buildings, surfaces, decking, gates, fences and walls.

Section 5: Making changes to a flat

5.1 “A flat is defined as a ‘separate and self-contained set of premises whether or not on the same floor and forming part of a building from some other part of which it is divided horizontally’. Specific PDR for flats (or tenements) are contained within the following classes”:

Improvements or alterations to the external appearance of a flat;

Provision of a building within the curtilage of a flat;

Cycle storage in rear curtilage of a tenement;

Gates, fences, walls and other means of enclosure;

Alteration or replacement of windows;

CCTV cameras.

As with Section 4, the focus is as much on what cannot be done as a PDR, as opposed to what can be done without seeking prior planning approval. The wording in these sections needs very careful reading. Technical explanations must be fully understood. Conservation area or listed building restrictions may apply.

Section 6: Installing Microgeneration Equipment

6.1 “This section explains the PDR for the following types of domestic microgeneration equipment:

- [Ground and Water Source Heat Pumps \(Class 6D and 6E\)](#)
- [Air Source Heat Pumps \(Class 6H\)](#)
- [Free-Standing Wind Turbines \(Class 6G\)](#)
- [Roof-Mounted Wind Turbines on Detached Dwellinghouses \(Class 6HC\)](#)
- [Solar panels on a dwelling \(Class 6HA\)](#)
- [Solar panels on a building within the curtilage of a dwelling \(Class 6HB\)](#)
- [Flues for Biomass Heating Systems \(Class 6C\)](#) and [Combined Heat and Power Systems \(Class 6F\)](#)”

6.2 “[Free-standing solar panels within the curtilage of a dwellinghouse are covered by Class 3B.](#)”

6.3 “All the limitations and restrictions within a class will need to be complied with in order for a development to benefit from the PDR granted by that class.”

The limitations, restrictions and conditions are comprehensive. Conservation area, listed building and World Heritage Site status add to the legislative conditions that must be taken into account.

Section 7: Altering or replacing existing windows

7.1 “Under planning legislation (the Town and Country Planning (Scotland) Act 1997), planning permission is required to carry out ‘development’. The same legislation says that works which do not materially affect the external appearance of a building do not constitute development for the purposes of planning. As such, the installation of like-for-like windows will not require an application for planning permission. This is the case in all locations.”

7.2 “Even where the alteration or replacement of an existing window (or windows) would affect a building’s external appearance, planning permission is in most cases granted by PDR under Class 7A of the GPDO. These PDR (reproduced in full below) apply to both domestic and non-domestic properties.”

7.3 “The effect of Class 7A PDR is that in most locations, an application for planning permission is not required to alter or replace the existing windows of a house or flat. Some additional rules, which are explained below, apply in conservation areas. There are no PDR for replacement windows in a World Heritage Site.”

Altering or replacing existing windows in a conservation area

7.6 “Class 7A PDR apply in conservation areas. However, if your house or flat is in a conservation area you may need to notify the planning authority and submit some additional information before altering or replacing a window; the authority then has an opportunity to consider the acceptability of the proposal. This process is described below (paragraphs 7.12 – 7.17). Whether you need to notify the planning authority will depend on:

- Where the window(s) you intend to replace are situated on the building.
- The design of the proposed replacement and how it compares to the design of the existing window.”

The terms and conditions are comprehensive and tight. The relevant legislation is detailed. ‘Prior notification / prior approval’ (described above) may be required, albeit that it is a narrower process than a planning application.

Installing closed circuit television cameras

8.1 There is provision to extend “PDR to include the installation, alteration or replacement on buildings or other structures (such as walls, fences or poles) of CCTV cameras for security purposes, subject to specified limits on size, numbers and positioning.”

8.2 The provision “does not apply within conservation areas or National Scenic Areas. Nor does it give PDR to poles or other structures specially constructed to hold cameras; these still require planning consent.”

The legislation includes restrictions on camera size, camera numbers, housing, location and field of vision.

END

Planning is a highly detailed, complex field, arrayed with a large amount of written material which can be over-whelming, even for those who know their way around. This briefing note is a short, manageable primer, serving only as a pointer to where to look next. But that in itself is helpful and time-saving.

Keep in touch with the [CEC Planning and Building Standards](#) site for revisions and updates:

[Planning and Building Standards – The City of Edinburgh Council](#).

The **Planning Guidance** PDFs (e.g. ‘For Householders’ and ‘Listed Buildings and Conservation Areas’) together with the **Planning Quick Guide** PDFs are very good reference documents.

The **Planning Guidance** link is: [Planning guidance – The City of Edinburgh Council](#)

The **Quick Guide** series covers such themes as windows, ancillary buildings, driveways, house extensions, tree works and change of use. See: [Planning quick guides – The City of Edinburgh Council](#)

You can also examine the [Scot Gov](#) coverage of the planning system at: [Planning and architecture - gov.scot \(www.gov.scot\)](#).

Use the great library of free resources, guides and toolkits at [Planning Aid Scotland \(PAS\)](#), particularly the project management aids for building community-led [Local Place Plans](#), which are to sit at the heart of Edinburgh's next local development plan, City Plan 2040. Go to: [Who We Are - Planning Aid Scotland \(pas.org.uk\)](#)

Prepared by Ken Robertson, EACC Secretary, July 2024.