

# **GUIDANCE ON HOUSEHOLDER PERMITTED DEVELOPMENT RIGHTS**

Circular 1/2012

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## PLANNING SERIES

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**Scottish Planning Policy (SPP)** is the statement of Scottish Government policy on nationally important land use planning matters.

**National Planning Framework (NPF)** is the Scottish Government's strategy for Scotland's long term spatial development.

**Circulars** contain Scottish Government policy on the implementation of legislation or procedures.

Statements of Scottish Government policy in the SPP, NPF and Circulars may be material considerations to be taken into account in development plans and development management decisions.

Designing Places and the West Edinburgh Planning Framework have the same status in decision making as the SPP and NPF.

**Planning Advice Notes (PANs)** provide advice and information on technical planning matters.

Further information on the Scottish Government's role in the planning system is available on <http://www.scotland.gov.uk/Topics/Built-Environment/planning>.

# 1. INTRODUCTION

## 1.1

Developments can have a significant impact on a neighbourhood and the environment.

## 1.2

Submitting a [planning application](#) gives an opportunity for the proposed development to be considered in its local setting. However, considering applications for minor and uncontroversial developments is not an efficient way of regulating development.

## 1.3

[Permitted development rights](#) are granted so that many instances of small alterations and extensions can be carried out without the need to submit an application for planning permission.

## 1.4

The purpose of this document is to explain householder [permitted development rights](#) and therefore what can be built without submitting a planning application.

## 1.5

[Section 2](#) provides general advice that should be considered before starting work.

## 1.6

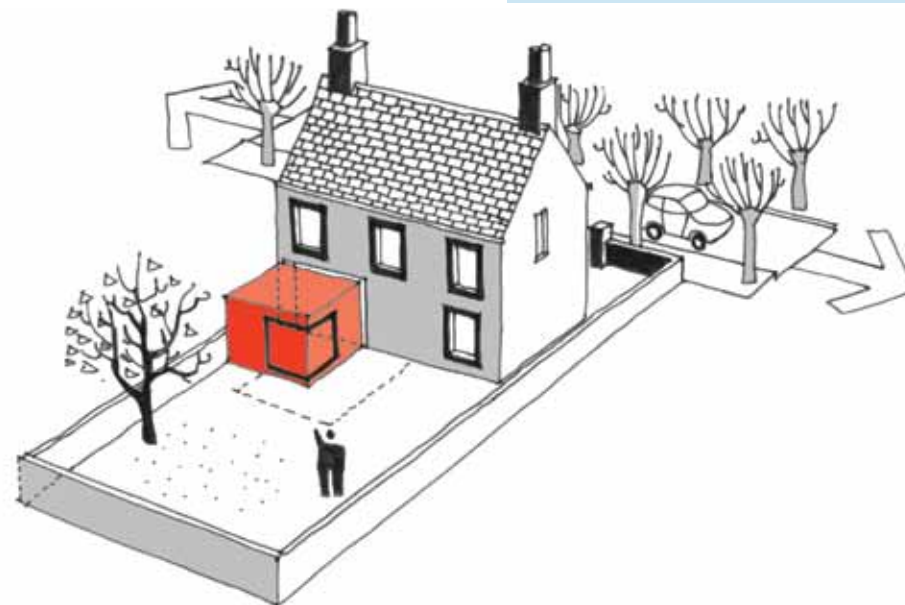
[Section 3](#) explains the main concepts used within the [planning legislation](#). It is necessary to understand these concepts so that the household classes to which they relate can be correctly applied. Sections 4 - 7 provide detailed advice on how the rules should be applied. Further guidance can be found at [www.scotland.gov.uk/householderdevelopment](http://www.scotland.gov.uk/householderdevelopment)

## 1.7

[Planning authorities](#) can offer help and advice. A list of planning authorities can be found on the planning section of the Scottish Government website [www.scotland.gov.uk](http://www.scotland.gov.uk)

### Additional Approvals Required

If planning permission is not required, there are sometimes other approvals that may be required. For example, approval under the building regulations from the local council may be required. It is for the individual to ensure that their development complies with relevant legislation. The most frequent are detailed within [Section 2](#).



## 2. BEFORE STARTING

### 2.1

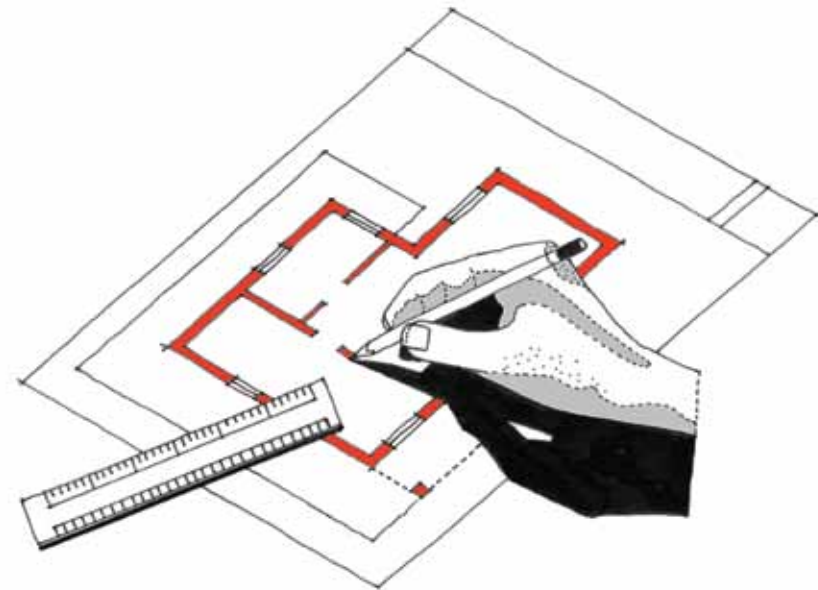
Home improvement projects, such as an extension, should be carefully considered. Time spent planning can save money. It can also ensure the work is completed on time and as required. It is the property owner's responsibility to ensure that the relevant statutory requirements are met. If the development fails to comply with the relevant legislation, the owner is liable for any remedial action (which could go as far as demolition and restoration).

### 2.2

The position, design and scale of householder developments can help maintain the character of neighbourhoods. These can also help reduce the impact on the wider environment and local biodiversity. Some developments can make homes more sustainable by helping to reduce energy use, whilst the installation of [microgeneration equipment](#) can help generate energy and reduce costs.








### 2.3

Most [planning authorities](#) offer advice on how the rules apply, as well as advice on the relevant processes and procedures. Further guidance for planning and building regulations is also available from [www.scotland.gov.uk/householderdevelopment](http://www.scotland.gov.uk/householderdevelopment).



## 2. BEFORE STARTING

### THINGS TO CHECK

-  **Building Standards:** the proposed work will likely require to comply with minimum building standards. A building warrant may also be required before you start the work, you can verify this with your local authority building standards department.
-  **Legal position:** check the legal position to ensure that there are no restrictions on the land or the type of work (for example [Article 4 directions](#) removing permitted development rights, legal title or rights of way). You may wish to consult a professional such as a planning consultant or solicitor.
-  **Planning history:** planning permission granted in the past may have a condition or other restriction prohibiting the kind of work proposed. If in doubt check with your [planning authority](#).
-  **Listed Buildings and Conservation Areas:** Listed Building Consent may be needed if you live in a listed building. If you live in a conservation area you may need to apply for planning permission. If in doubt check with your planning authority.
-  **Scheduled Monuments:** Work proposed in or near a scheduled archaeological site should be planned to avoid direct impact on the monument and impacts on its setting minimised, where sites are not scheduled certain precautions may be required. If in doubt check, for scheduled monuments check with Historic Scotland and for unscheduled sites with your [planning authority](#).
-  **Other Consents:** Check that the proposed work does not require a consent or approval such as a [road](#) or [advertisement](#) consent or is causing an obstruction.
-  **Other things to consider:** a range of other issues like biodiversity, water mains and old mine works are detailed in [Section 8](#).

## 3. MAIN CONCEPTS

### 3.1

This section explains in detail the concepts that are fundamental to interpreting and applying the [legislation](#). These concepts are:

- **Principal Elevation** a term 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



### 3. MAIN CONCEPTS

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#### Principal Elevation

##### 3.2

The term principal elevation is used to identify the “front” of a dwellinghouse. Whilst there are exceptions, most dwellinghouses are designed so that the “front” of the dwellinghouse faces a road.

##### 3.3

Having established the principal elevation, the rear elevation will be the elevation opposite the principal elevation. Side elevations will link the principal and rear elevation.

#### *Definition*

##### 3.4

The principal elevation is a reference to the elevation of the original dwellinghouse which by virtue of its design or setting, or both, is the principal elevation. Where it is not immediately obvious, a combination of the following factors should be used to identify the principal elevation:

- location of main door
- windows
- relationship to road
- boundary treatment
- architectural ornamentation

##### 3.5

It is unlikely that any single factor will be decisive. The identification of the principal elevation should not be used to control development. There can only be one principal elevation. It is based on the design of the original dwellinghouse.

##### 3.6

Figures 1-4 on pages 9-10 illustrate how the principal elevation can be identified in a variety of common situations.



### 3. MAIN CONCEPTS

**Figure 1:** In this example the principal elevation is the elevation that fronts the road. It has the main door and is the obvious orientation of the dwellinghouse. The side elevation has no windows and has a shorter length. The rear area is more private with a higher fence.



**Figure 2:** In this example the side elevation has the main door and a longer length, it has only a secondary window. The windows in the principal elevation show the main orientation of the dwellinghouse and it fronts the road. The boundary treatment indicates a more private rear area.



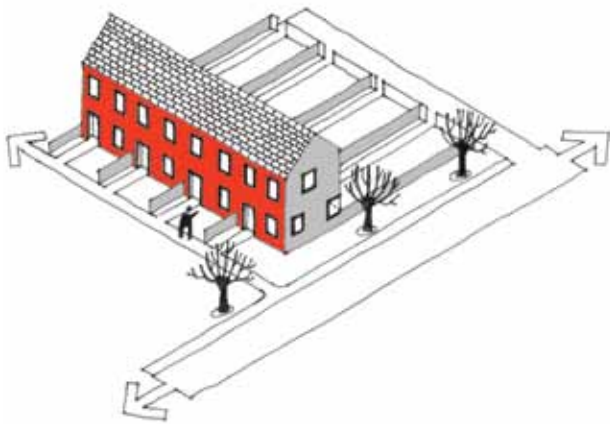
**Figure 3:** In this example the dwellinghouse on the corner plot will face two roads. However, the principal elevation has the main door and fronts the same road as the adjacent dwellinghouse. Opposite the principal elevation is the private rear area. The side elevation - although fronting a road and having windows - does not reflect the main orientation of the dwellinghouse.



### 3. MAIN CONCEPTS

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**Figure 4:** In this example of a Radburn-type layout the principal and rear elevations could be identical. However, the overall setting and boundary treatment indicates which elevation would be understood as the “front” and “rear”. The side elevation has windows and faces a road but is not the principal elevation.



### 3. MAIN CONCEPTS

#### Fronting a Road

##### 3.7

It is important to determine the relationship of the principal and side elevation to a [road](#). In the context of the householder permitted development rights, “Fronts” means facing **onto** a [road](#) and applies to both the principal and side elevation. It is determined by a number of factors including the angle of the dwellinghouse to the road, the distance between the dwellinghouse and the road and the size of any intervening land.

##### 3.8

Fronting is used in a number of classes as a way of restricting permitted development. Development is often not permitted if “any part of the development would be forward of a wall forming part of the principal elevation or side elevation...”.

##### 3.9

As illustrated in figures 5 and 6, an imaginary line can be drawn that extends from the principal elevation or side elevation to the boundary, this is the land forward of the principal elevation or side elevation.

Figure 5



Figure 6



##### 3.10

Whilst figures 5 and 6, illustrate this concept in common circumstances, there will be situations where neither the principal nor the side elevation front a road. In such cases, development forward of a wall forming part of the principal elevation or side elevation may be permitted development subject to compliance with other criteria in any given class. Figures 7-11 illustrate situations where the principal elevation may not front a road.

3. MAIN CONCEPTS

**Figure 7:** Where there is no road. In this example, development would be permitted within any part of the curtilage of the dwellinghouse at the top of the diagram as long as it meets the site coverage, distance from boundary, height restrictions any other relevant restrictions for the type of development.



**Figure 8:** Where the dwellinghouse is sited at an angle. If an elevation is sited at a very acute angle to a road, it may not be considered to front a road. In this illustration the dwellinghouse is judged to front a road. Any extension within the shaded areas would require a planning application to the planning authority.

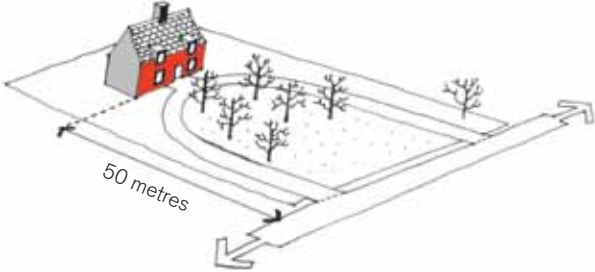


**Figure 9:** As the road bends, the side elevation no longer fronts the road. Any extension within the hatched areas would require a planning application to the planning authority.

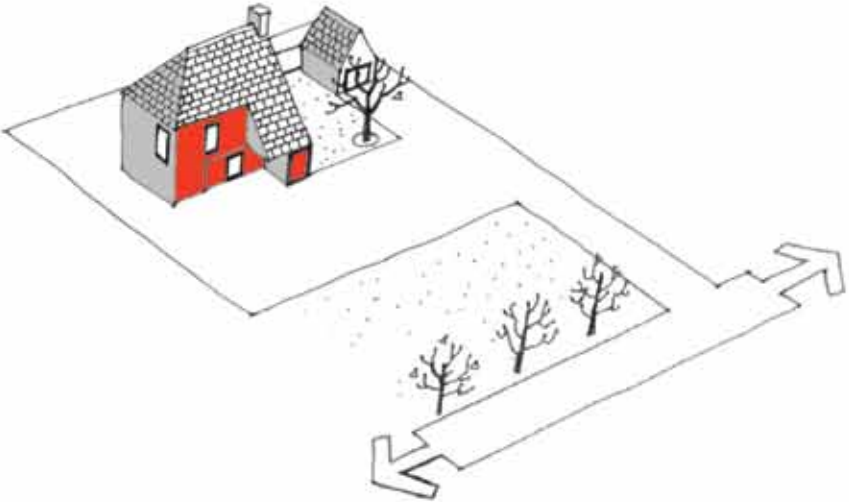


3. MAIN CONCEPTS

**Figure 10:** Within 20 metres of a road it is considered unlikely that any elevation could be argued to be too far from a road so that it no longer fronts a road. Beyond 30 metres from a road, it is increasingly likely that an elevation no longer fronts a road. For distances in between, a judgement would have to be made depending on fact and degree. This will involve considering factors such as topography, landscaping and layout of any adjacent properties. In this example, any developments would be permitted within the curtilage of the development as long as it meets the site coverage, distance from boundary, height restrictions and any other relevant restrictions for the type of development.



**Figure 11:** If there is intervening land between the curtilage of a dwellinghouse and a road, it could no longer be argued as fronting the road. In this example, any development would be permitted within the curtilage of the development as long as it meets the site coverage, distance from boundary, height restrictions and any other relevant restrictions for the type of development.

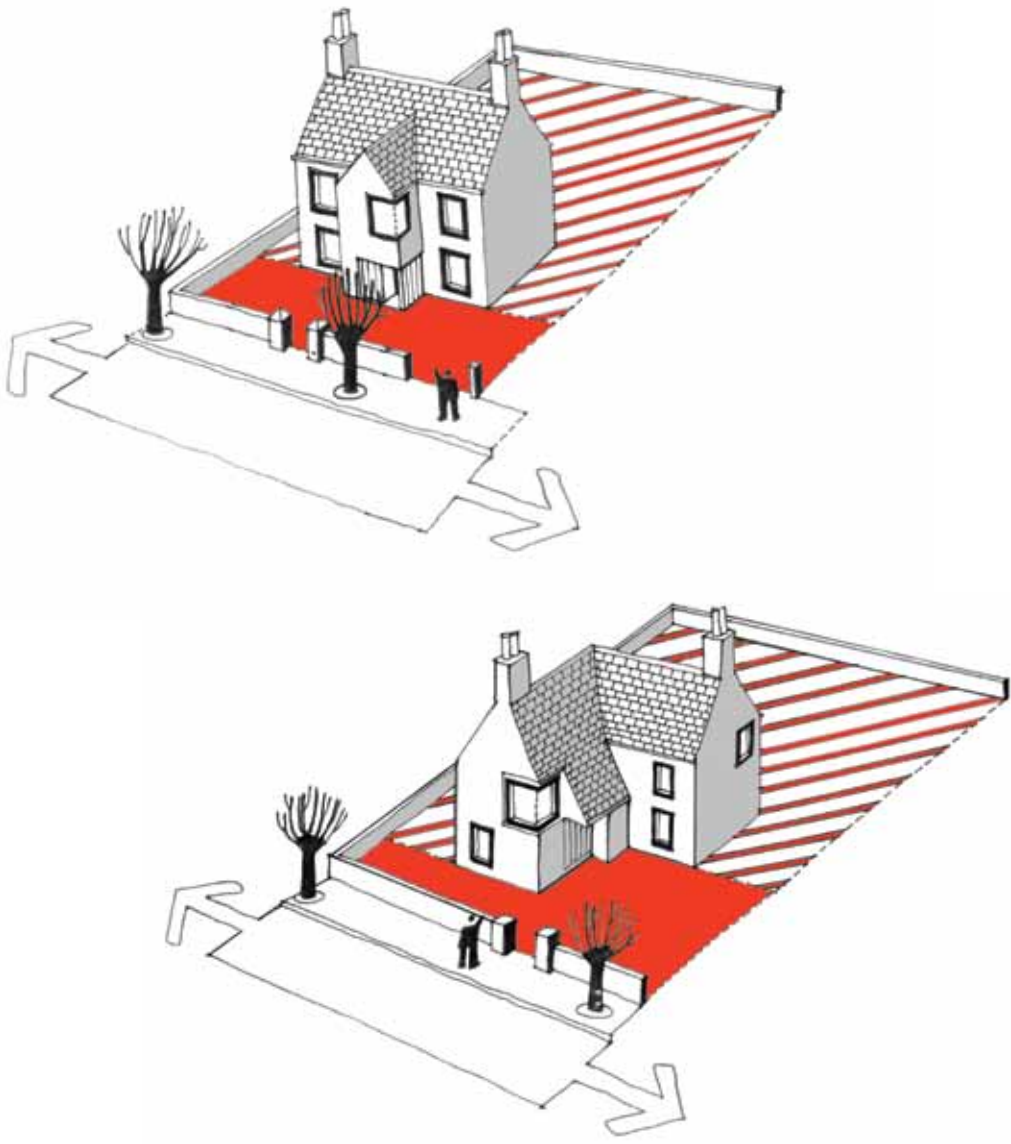


### 3. MAIN CONCEPTS

#### Front and Rear Curtilages

##### 3.11

Once the principal elevation has been identified, the front and rear curtilages can be defined. The front curtilage is all the land forward of the principal elevation. The rear curtilage is the remainder of the curtilage of the original dwellinghouse. This may not reflect any physical division, like fences, that may exist.



### 3. MAIN CONCEPTS

#### Site Coverage

##### 3.12

The size of any proposed extension, shed or other building must be such that the total area undeveloped is at least half of the rear or front curtilage. This is explained in figure 12. In most circumstances, the **limitation** will only relate to the rear curtilage. Where the principal or side elevation does not front onto a road, the limitation could also apply to the front curtilage.

##### 3.13

There is also a restriction to ensure that the total area covered by all extensions (including previous extensions) is not greater than the area covered by the original dwellinghouse.

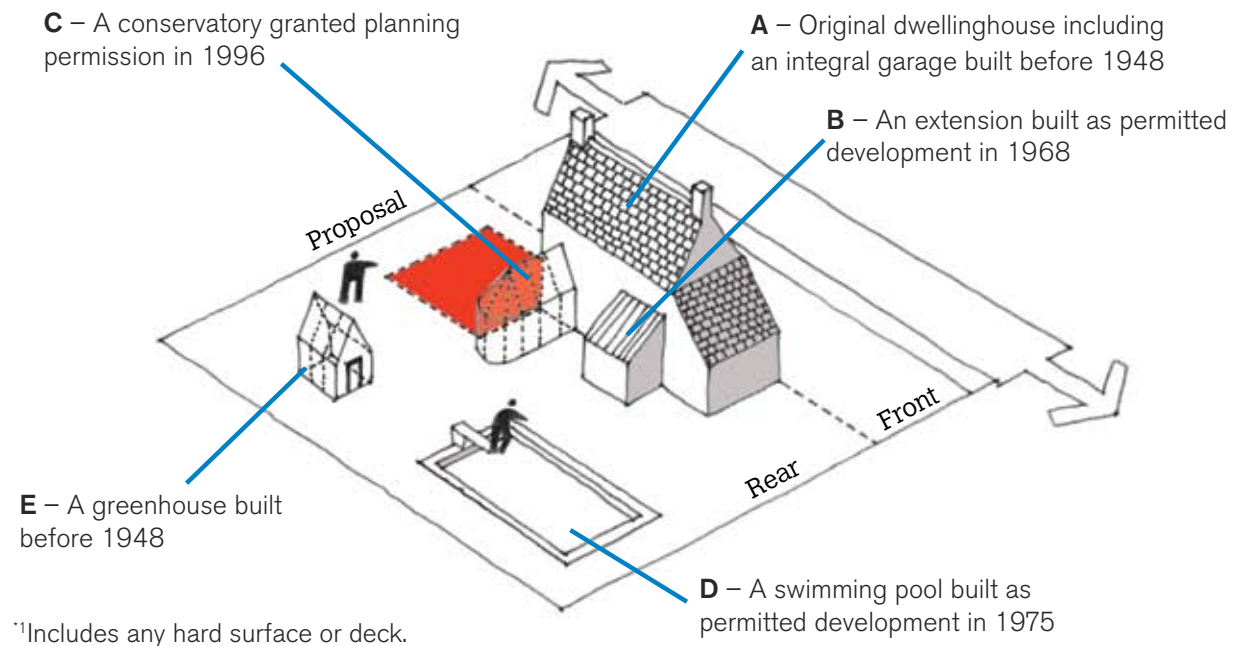
#### Figure 12: Calculating Site Coverage

In this example the total developed area comprises: the extension (B); conservatory (C) and swimming pool (D) since these developments occurred since 1948, together with the greenhouse (E) as it was not attached to the original dwellinghouse.

Therefore, in this example

$$\% \text{ of site coverage} = \frac{\text{Area of B} + \text{C} + \text{D} + \text{E} + \text{Proposal}}{\text{Area of rear curtilage minus A}^1} \times 100$$

If the site coverage will be more than 50% of the rear curtilage in this example, planning permission is required.





### 3. MAIN CONCEPTS

#### Original or Existing Dwellinghouse

##### 3.14

It is important to differentiate between the original dwellinghouse and the existing dwellinghouse.

##### 3.15

The [original dwellinghouse](#) is the dwellinghouse as built or as it was on 1 July 1948 if it was built before then.

##### 3.16

The [existing dwellinghouse](#) is the dwellinghouse immediately before carrying out the development proposal that is being assessed. It does not include any outbuildings, even where they were built at the same time as the original dwellinghouse.

#### Heights and Ground Levels

##### 3.17

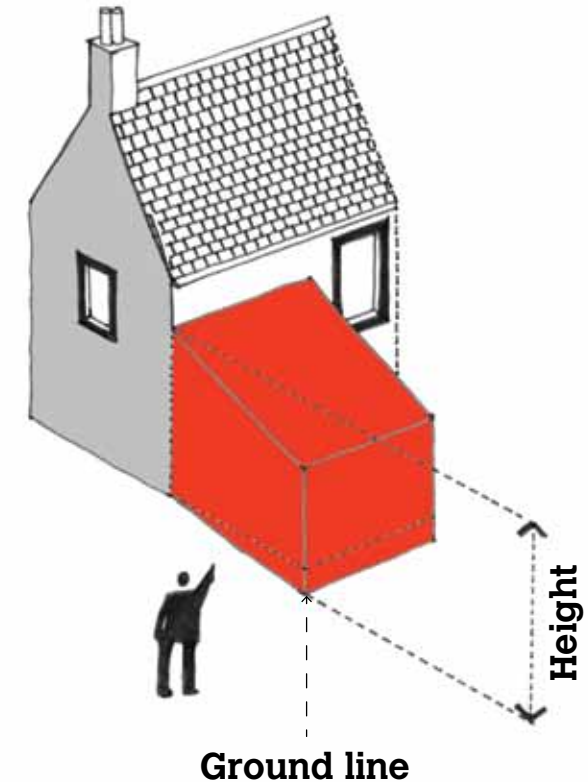
For the purposes of Classes 1A to 3E of the General Permitted Development Order, the height of the development is measured from the lowest part of the surface of the ground adjacent to the building or structure.

##### 3.18

In all other instances the height of the building or structure is calculated from the highest part of the surface of the ground immediately adjacent to the building or structure.

##### 3.19

The ground is the natural ground and would not include any addition laid on top of the natural ground.





## 4. MAKING CHANGES TO A DWELLINGHOUSE

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### 4.1

The relevant [permitted development rights](#) for the main types of householder developments are explained within this section.

### 4.2

[Permitted development rights](#) for the different types of development are described within a “class”. Most classes are subject to limitation and restrictions. The main householder classes are grouped into the following categories:

> [Enlarging a dwellinghouse](#)

> [Improvements, additions or other alterations to a dwellinghouse that are not an enlargement](#)

> [Other developments within the curtilage of a dwellinghouse](#)

### 4.3

Permitted development rights for flats are detailed in [Section 5](#).

### 4.4

[Section 6](#) details permitted development rights for microgeneration and [Section 7](#) details the regulations for CCTV.

### 4.5

All the limitations within a class must be complied with. In addition, permitted development rights are removed if the proposed development is to create or materially widen a means of access to a trunk road or classified road or creates an obstruction that is likely to cause a hazard for people using the road.

## 4. MAKING CHANGES TO A DWELLINGHOUSES – INTRODUCTION TO ENLARGING A DWELLINGHOUSE

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### Introduction to Enlarging a Dwellinghouse

#### 4.6

It is important to understand the definition of [enlargement](#). Enlargement is defined as any development that increases the internal volume of the [original dwellinghouse](#) and includes a canopy or roof, with or without walls, which is attached to the [dwellinghouse](#), but does not include a [balcony](#). Therefore, a car-port is an [enlargement](#) but a [balcony](#) is not.

#### 4.7

There are many types of [enlargements](#). The following 4 classes cover the most common types of enlargements for [dwellinghouses](#).

### Single storey ground floor extension

Class 1A – Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.

This class covers the typical single storey extension to the rear of the property. Typical developments include conservatories, car-ports as well as other canopies or roofs, with or without walls.

### Ground floor extension of more than one storey

Class 1B – Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey including any alteration to the roof required for the purpose of the enlargement.

This class covers the typical 2 storey extension. The limitations set a minimum distance of 10 metres between the extension and any boundary, since many 1½ storey and 2 storey extension are more likely to have a greater impact than a single storey extension. It is recognised that the majority of extensions will not be able to meet this criteria, therefore [an application for planning permission would be required](#) in most instances.

## 4. MAKING CHANGES TO A DWELLINGHOUSE – INTRODUCTION TO ENLARGING A DWELLINGHOUSE

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### Porch

Class 1C – The erection, construction or alteration of any porch outside any external door of a dwellinghouse.

This class allows for the construction of a small porch on any external door.

### Enlargement of the roof

Class 1D – Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.

This class allows for the construction of a typical rear facing dormer.

### 4.8

These permitted development rights do NOT apply to flats.

### 4.9

If the proposed development falls into any of the above classes and is in a [conservation area](#) then an application to the [planning authority](#) is required.

### 4.10

A [listed building consent](#) is required if the proposed development affects the character or setting of a [listed building](#). A building warrant from the local authority is also often required, as explained in [Section 2](#).

## 4. MAKING CHANGES TO A DWELLINGHOUSE – SINGLE STOREY GROUND FLOOR EXTENSIONS

### Single storey ground floor extensions

#### SUMMARY

##### 4.11

This is the most popular type of development. Permitted development rights allow the [enlargement](#) of a [dwellinghouse](#) by a single storey ground floor extension. The permitted development rights allow any alteration to the roof required for the purpose of the

[enlargement](#). In summary, the effect of the limitations is that:

- extensions are generally located to the rear
- if the extension is on, or within 1 metre of the boundary, it **cannot** project, from the rear wall of the existing dwellinghouse, by more than 3 metres in the case of terraced house, or 4 metres in all other cases
- the height of the eaves is a maximum of 3 metres
- the height of the extension is not higher than 4 metres

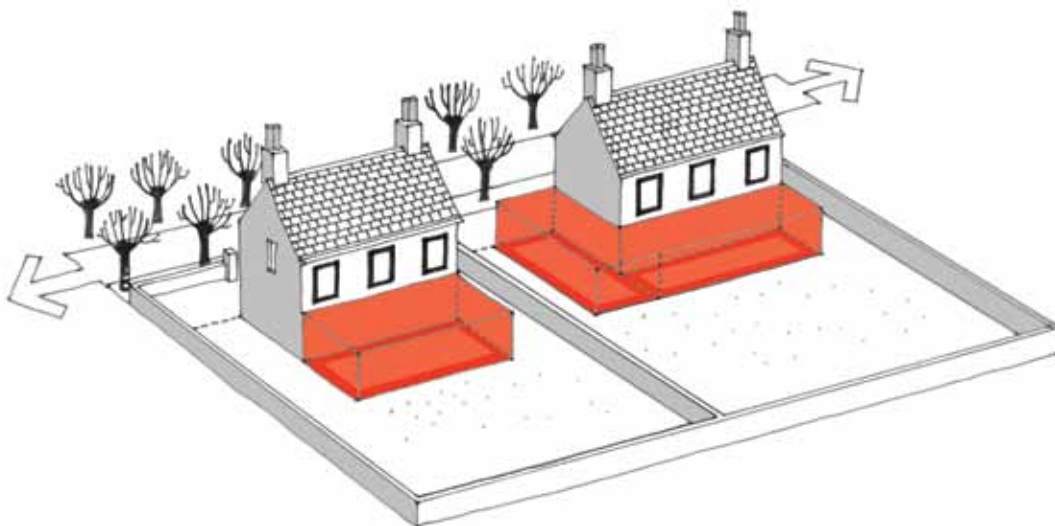
- the footprint of the extension is no larger than the original [dwellinghouse](#) or covering more than half the [curtilage](#)

##### 4.12

There are no permitted development rights for single storey ground floor extensions in [conservation areas](#) or for flats. Listed building consent will normally be required if your building is Listed.

##### 4.13

A building warrant from the local authority will likely be required for this type of extension, as explained in [Section 2](#).



## 4. MAKING CHANGES TO A DWELLINGHOUSE – SINGLE STOREY GROUND FLOOR EXTENSIONS



### TECHNICAL EXPLANATION

#### 4.14

If the extension exceeds any of the following limits then an application for planning permission is required.

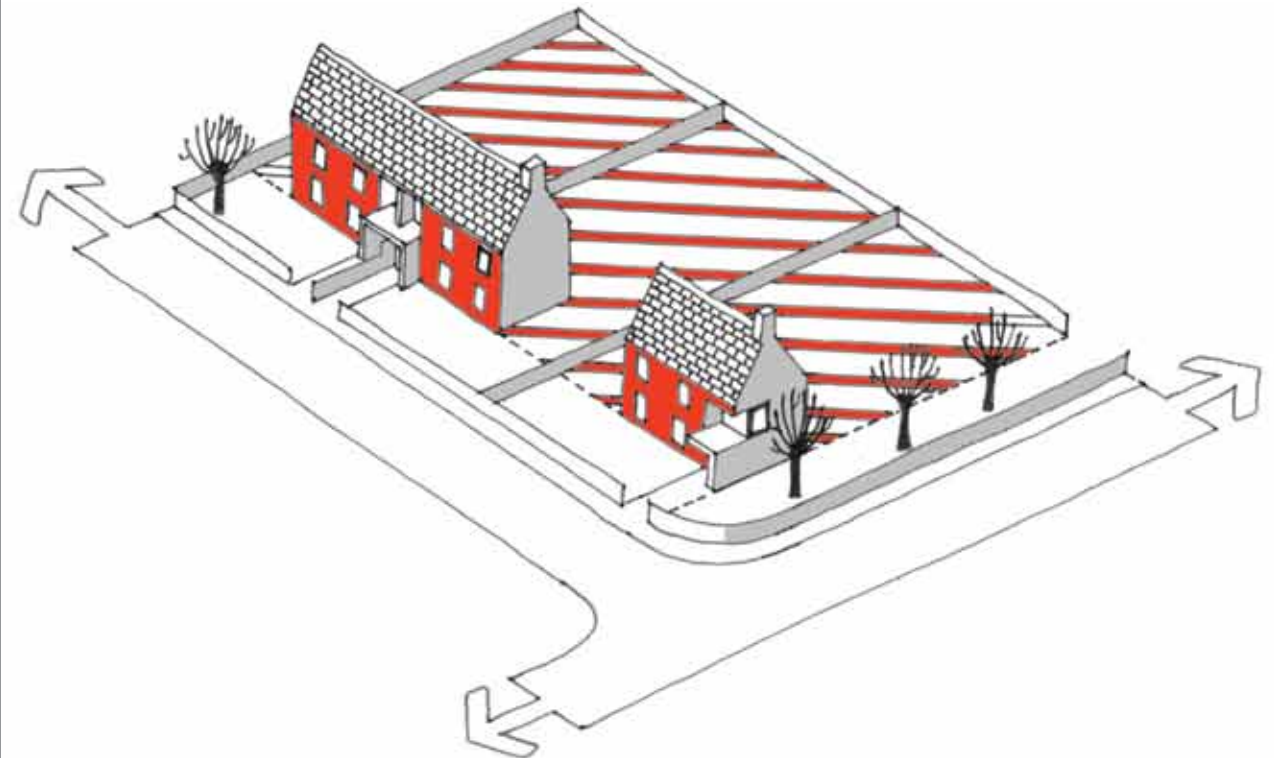
#### 4.15

Roof alterations relating to the extension are also permitted. Other roof alterations should be carried out using the other relevant permitted development classes.

#### 4.16

The extension **cannot** be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting a road. The identification of the [principal elevation](#) and side elevations are discussed in paragraphs 3.2 – 3.6, whilst [fronting a road](#) is discussed at 3.7 – 3.10. This is illustrated in figure 13.

**Figure 13:** The shaded areas of the curtilage indicate where a single storey extension is permitted as long as the other limitations are met.

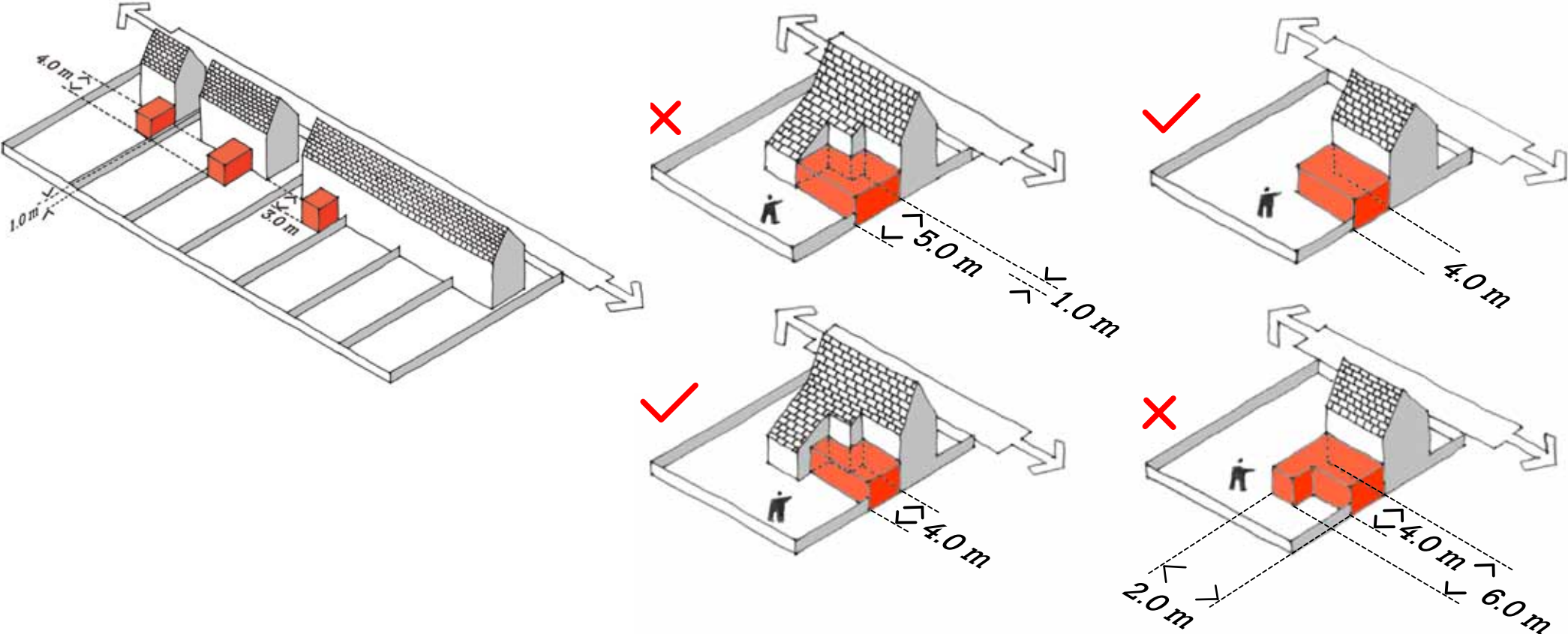


4. MAKING CHANGES TO A DWELLINGHOUSE – SINGLE STOREY GROUND FLOOR EXTENSIONS

**4.17**  
If any part of the extension is within 1 metre of the boundary of the curtilage, it can only project from the line of the rear elevation nearest to the boundary by 3 metres if a terraced house or 4 metres in any other case.

**4.18**  
This restriction does not apply to a side extension that does not project beyond the line of the rear elevation. For example if a side extension, does extend beyond the line of the rear wall and is within 1 metre of the

boundary, then it cannot project from the rear wall nearest the boundary by more than 3 metres if a terraced house or 4 metres in any other case.



#### 4. MAKING CHANGES TO A DWELLINGHOUSE – SINGLE STOREY GROUND FLOOR EXTENSIONS

##### 4.19

The overall height of an extension can have a significant impact on neighbours. The **eaves** of the extension **cannot** be higher than 3 metres. The overall height of the extension **cannot** exceed 4 metres.

##### 4.20

When measuring the height of the extension on sloping, or uneven ground, the height should be measured from the lowest point immediately adjacent to the extension.

##### 4.21

The area covered by all extensions, including any existing and the proposed extension, cannot be greater than the footprint of the original dwellinghouse. This is to ensure that the extension (including previous extensions) is in proportion to the original dwellinghouse.

##### 4.22

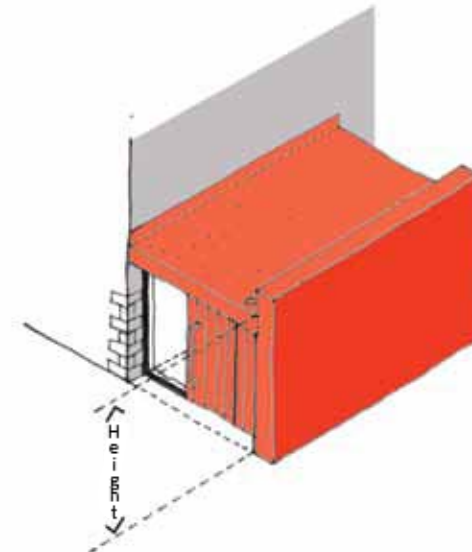
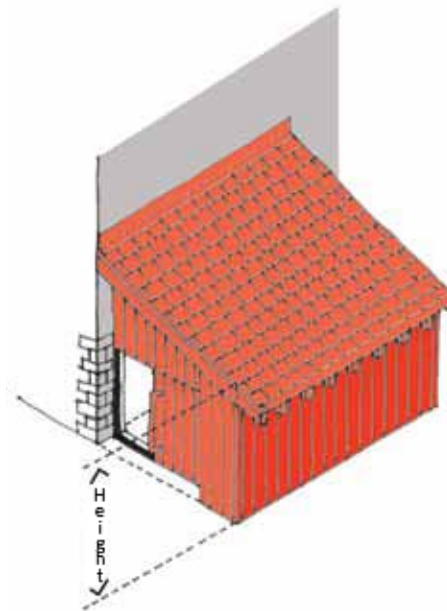
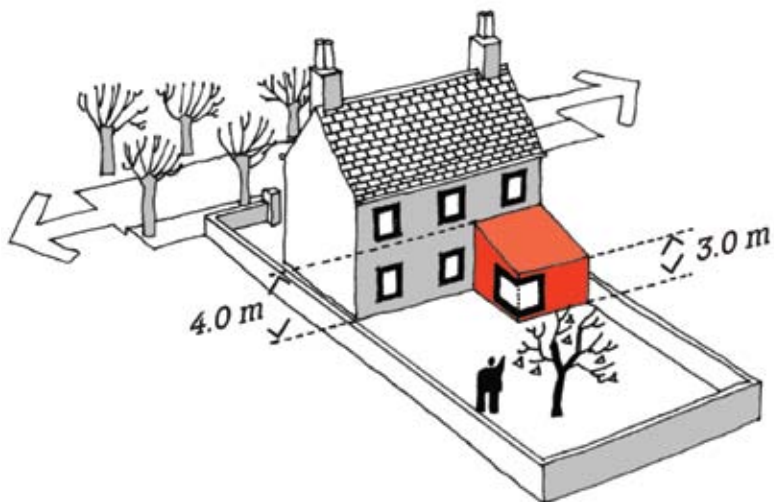
The proposed extension (including previous extensions) and existing developments cannot exceed half of the of the rear (or front if appropriate) curtilage of the original dwellinghouse. This is explained further in paragraphs 3.12 – 3.13.

##### 4.23

There are no Class 1A permitted development rights in a **conservation area** or for **flats**. A listed building consent is required if the proposed extension affects the character or setting of a listed building.

##### 4.24

Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available from <http://www.historic-scotland.gov.uk/historicandlistedbuildings> or [www.environment.scotland.gov.uk](http://www.environment.scotland.gov.uk).





**4. MAKING CHANGES TO A DWELLINGHOUSE – SINGLE STOREY GROUND FLOOR EXTENSIONS****LEGISLATION****Class 1A.—**

**(1) Any enlargement of a dwellinghouse by way of a single storey ground floor extension, including any alteration to the roof required for the purpose of the enlargement.**

(2) Development is not permitted by this class if—

- (a) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road;
- (b) any part of the development would be within 1 metre of the boundary of the curtilage of the dwellinghouse and it would extend beyond the line of the wall forming part of the rear elevation that is nearest that boundary by more than—
  - (i) 3 metres in the case of a terrace house; or
  - (ii) 4 metres in any other case;
- (c) the height of the eaves of the development would exceed 3 metres;
- (d) any part of the development would exceed 4 metres in height;
- (e) as a result of the development the area of ground covered by the resulting dwellinghouse would be more than twice the area of ground covered by the original dwellinghouse;
- (f) as a result of the development the area of ground covered by development within the front or rear curtilage of the dwellinghouse (excluding the original dwellinghouse and any hard surface or deck) would exceed 50% of the area of the front or rear curtilage respectively (excluding the ground area of the original dwellinghouse and any hard surface or deck); or
- (g) it would be within a conservation area.



## 4. MAKING CHANGES TO A DWELLINGHOUSE – GROUND FLOOR EXTENSION OF MORE THAN A ONE STOREY

### Ground floor extension of more than a one storey

#### SUMMARY

##### 4.25

Permitted development rights allow the [enlargement](#) of a [dwellinghouse](#) by the way of a ground floor extension consisting of more than one storey. The permitted development rights also allow any alteration to the roof required for the purpose of the enlargement. In summary, the effect of the limitations is that:

- extensions are generally located to the rear
- the distance between the extension and any boundary is a minimum of 10 metres
- the height of the extension is not higher than the existing dwellinghouse
- the footprint of the extension is not larger than the [original dwellinghouse](#) or covering more than half the [curtilage](#)

##### 4.26

Many 1½ storey and 2 storey extensions are more likely to have a greater impact than a single storey extension. It is recognised that the majority of 1½ storey and 2 storey extensions will require an application for planning permission.

##### 4.27

There are no permitted development rights in [conservation areas](#) or for flats. Listed building consent will normally be required if your building is Listed.

##### 4.28

A building warrant from the local authority will be required for this type of extension, as explained in [Section 2](#).



#### 4. MAKING CHANGES TO A DWELLINGHOUSE – GROUND FLOOR EXTENSION OF MORE THAN A ONE STOREY



##### TECHNICAL EXPLANATION

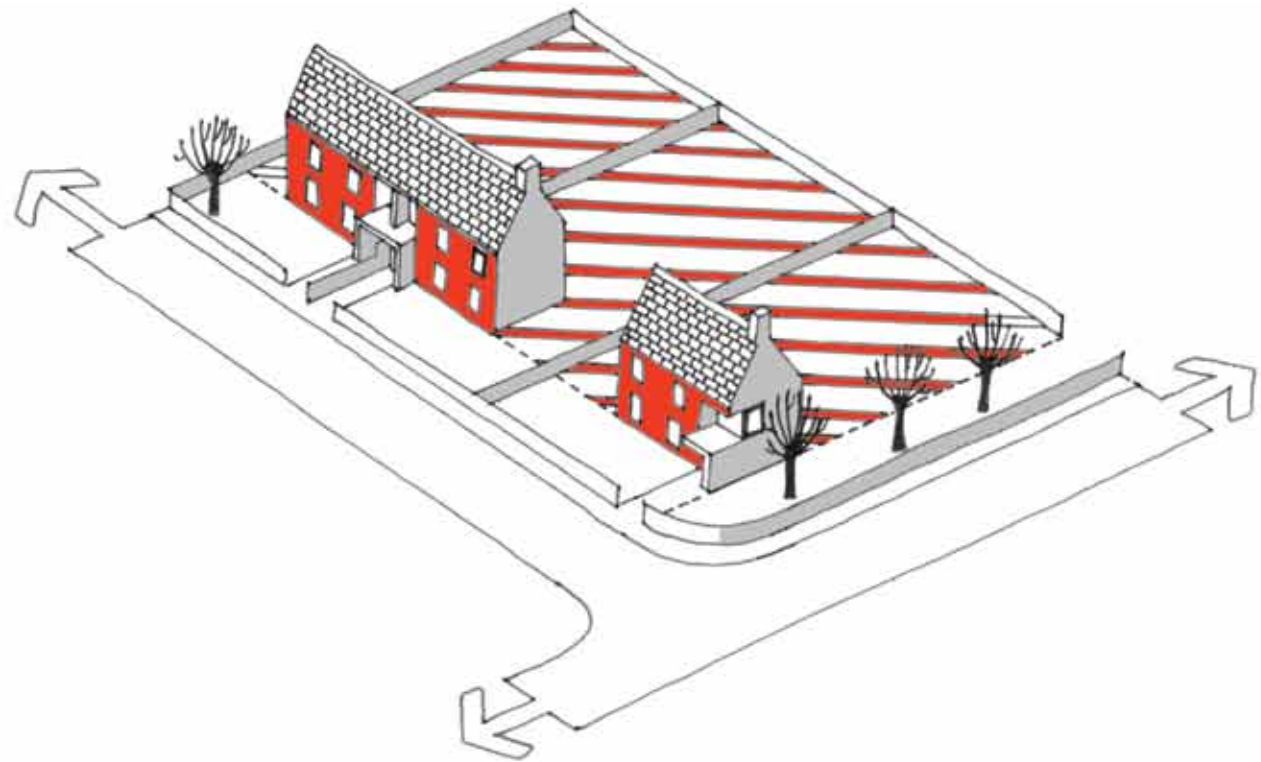
###### 4.29

If the extension exceeds any of the following limits then an [application for planning permission](#) is required.

###### 4.30

The extension **cannot** be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting a road. The identification of the principal elevation and side elevations are discussed in paragraphs 3.2 – 3.6, whilst [fronting a road](#) is discussed at 3.7 – 3.10. This is illustrated in figure 14.

**Figure 14:** The shaded areas of the curtilage indicate where an extension of more than a single storey is permitted as long as the other limitations are met.



#### 4. MAKING CHANGES TO A DWELLINGHOUSE – GROUND FLOOR EXTENSION OF MORE THAN A ONE STOREY

##### 4.31

1½ storey or 2 storey extensions are more likely to have a visual impact, potentially causing overshadowing or overlooking. No part of the extension can therefore be within 10 metres of any boundary of the [curtilage](#).

##### 4.32

The overall height of the extension **cannot** be higher than the existing roof. This would be the ridge of the roof. Roof alterations relating to the extension are also permitted. Other roof alterations should be carried out using the other relevant classes.

##### 4.33

The area covered by all extensions, including any existing and the proposed extension, cannot be greater than the footprint of the original dwellinghouse. This is to ensure that the extension (including previous extensions) is in proportion to the original dwellinghouse.

##### 4.34

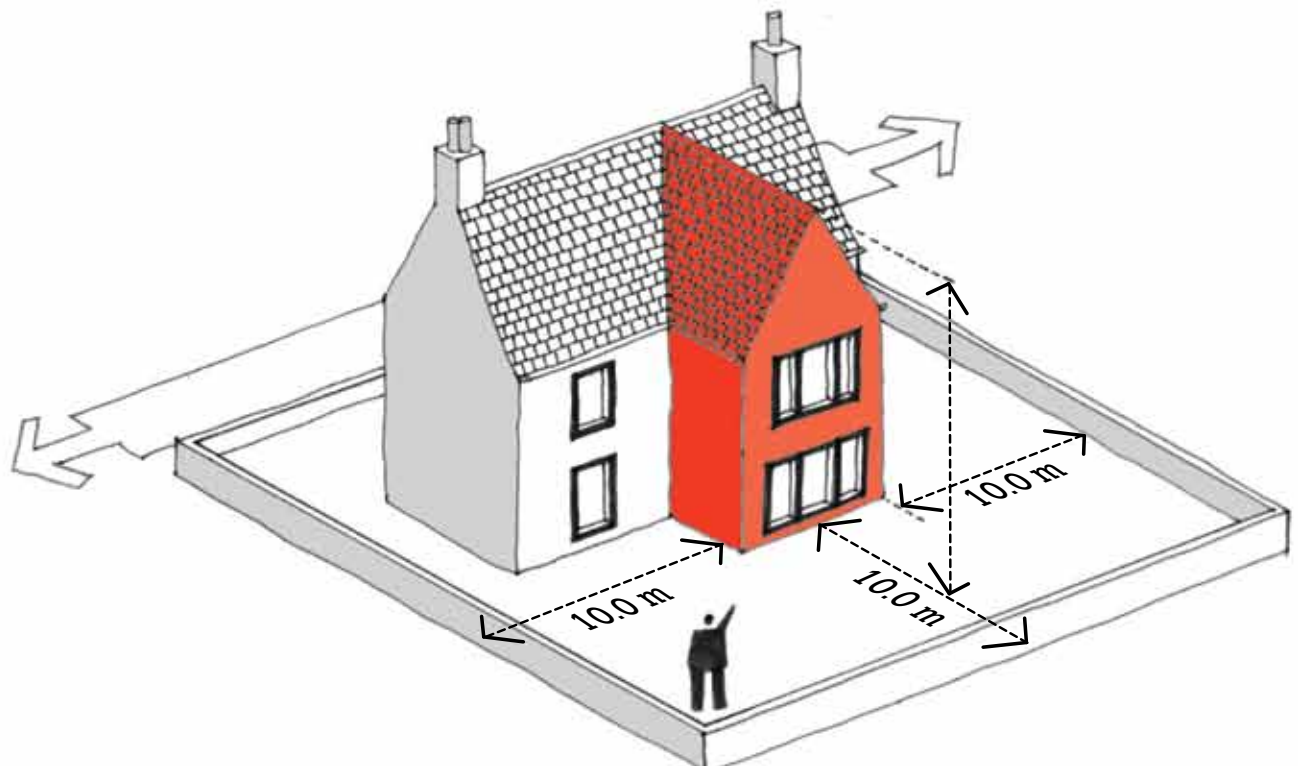
The proposed extension (including previous extensions) and existing developments cannot exceed half of the rear (or front if appropriate) curtilage of the [original dwellinghouse](#). This is explained further in paragraphs 3.11 – 3.13.

##### 4.35

There are no Class 1B permitted development rights in a [conservation area](#) or for flats. A listed building consent is required if the proposed extension affects the character or setting of a listed building.

##### 4.36

Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available from <http://www.historic-scotland.gov.uk/historicandlistedbuildings> or [www.environment.scotland.gov.uk](http://www.environment.scotland.gov.uk).



**4. MAKING CHANGES TO A DWELLINGHOUSE – GROUND FLOOR EXTENSION OF MORE THAN A ONE STOREY****LEGISLATION****Class 1B.—**

**(1) Any enlargement of a dwellinghouse by way of a ground floor extension consisting of more than one storey, including any alteration to the roof required for the purpose of the enlargement.**

(2) Development is not permitted by this class if—

- (a) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road;
- (b) any part of the development would be within 10 metres of the boundary of the curtilage of the dwellinghouse;
- (c) as a result of the development the height of the dwellinghouse would exceed the height of the existing dwellinghouse, when measured at the highest part of the roof and excluding any chimney;
- (d) as a result of the development the area of ground covered by the resulting dwellinghouse would be more than twice the area of ground covered by the original dwellinghouse;
- (e) as a result of the development the area of ground covered by development within the front or rear curtilage of the dwellinghouse (excluding the original dwellinghouse and any hard surface or deck) would exceed 50% of the area of the front or rear curtilage respectively (excluding the ground area of the original dwellinghouse and any hard surface or deck); or
- (f) it would be within a conservation area.

## 4. MAKING CHANGES TO A DWELLINGHOUSE – GROUND FLOOR EXTENSION OF MORE THAN A ONE STOREY

### Porch

#### 4.37

Permitted development rights allow the erection, construction or alteration of any porch outside any external door of a dwellinghouse. The limitations are:

- the porch cannot have a footprint of greater than 3 square metres
- the minimum distance between the porch and any boundary and a road is more than 2 metres
- the height of the porch cannot be higher than 3 metres

#### 4.38

If the porch exceeds any of the above limits then [an application for planning permission](#) is required.

#### 4.39

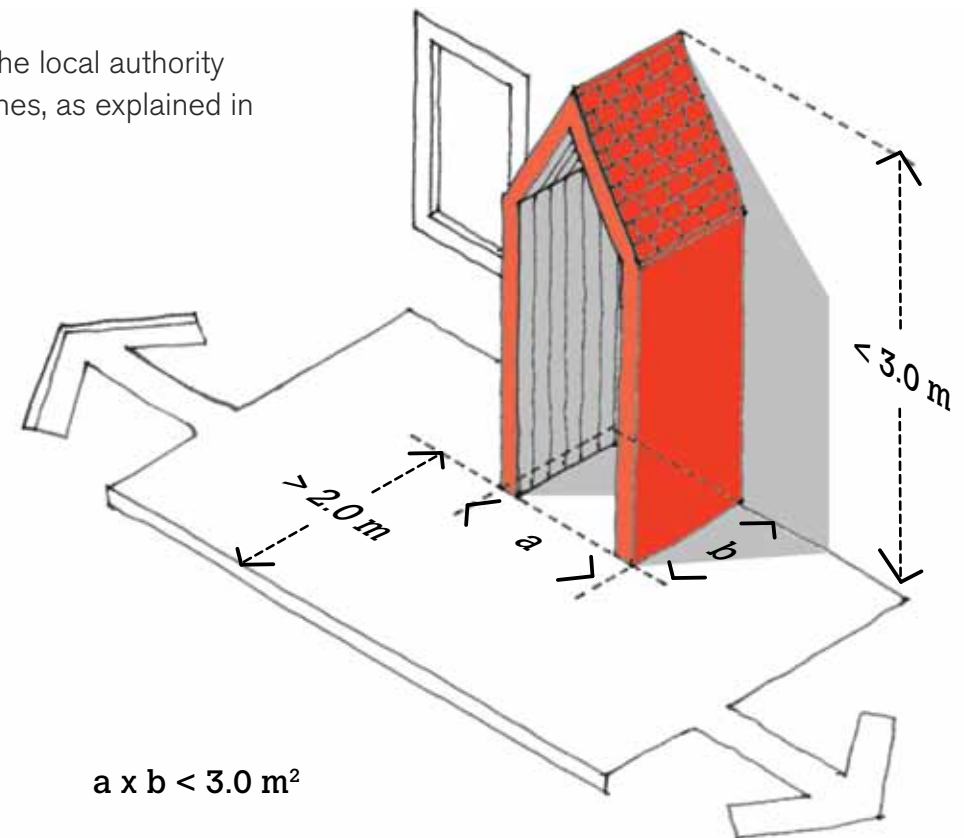
There are no permitted development rights for porches in a [conservation area](#) or for a flat. A [listed building consent](#) is required if the proposed extension affects the character or setting of a [listed building](#).

#### 4.40

Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available from <http://www.historic-scotland.gov.uk/historicandlistedbuildings> or [www.environment.scotland.gov.uk](http://www.environment.scotland.gov.uk)

#### 4.41

A building warrant from the local authority may be required for porches, as explained in [Section 2](#).



**4. MAKING CHANGES TO A DWELLINGHOUSE – GROUND FLOOR EXTENSION OF MORE THAN A ONE STOREY****LEGISLATION****Class 1C.—**

**(1) The erection, construction or alteration of any porch outside any external door of a dwellinghouse.**

(2) Development is not permitted by this class if—

- (a) its footprint would exceed 3 square metres;
- (b) any part of it would be within 2 metres of a boundary between the curtilage of the dwellinghouse and a road;
- (c) any part of the development would exceed 3 metres in height; or
- (d) it would be within a conservation area.

## 4. MAKING CHANGES TO A DWELLINGHOUSE – ENLARGEMENT OF THE ROOF

### Enlargement of the roof

#### SUMMARY

#### 4.42

Permitted development rights allow the [enlargement](#) of a dwellinghouse by way of an addition or alteration to its roof. This class typically relates to the addition of a dormer. A badly designed dormer can harm the appearance of a dwellinghouse. The larger the dormer, the more challenging it is to produce a good design. In summary, the effect of the limitations is that:

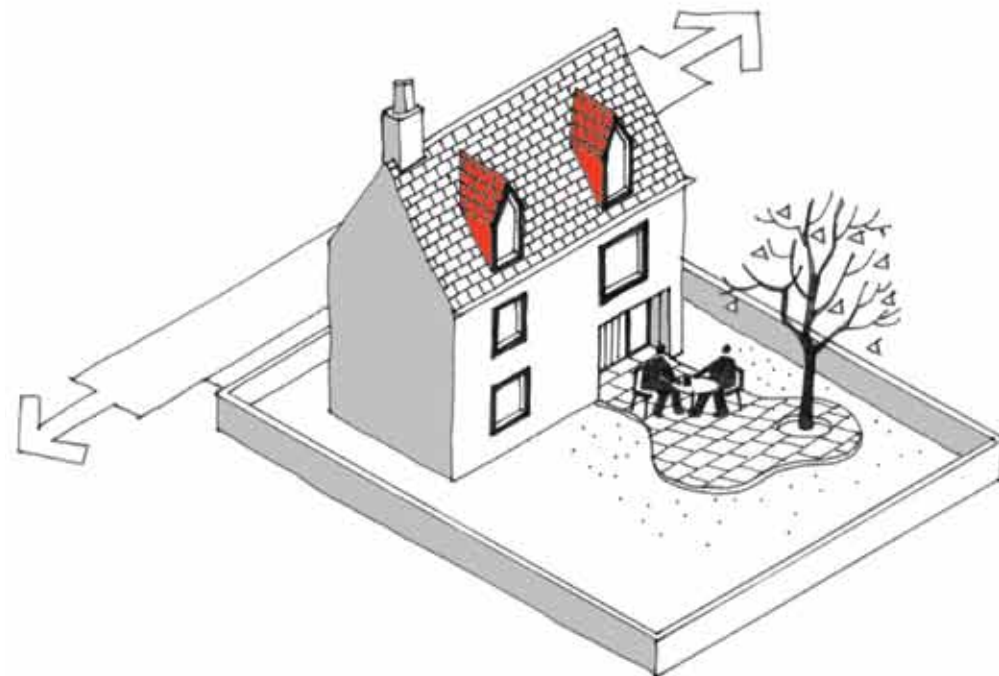
- dormers are generally located to the rear
- the distance between the dormer and boundary it fronts is a minimum of 10 metres
- the height of the dormer is not higher than the existing dwellinghouse
- the dormer, or dormers, covers less than half the roof
- the distance between the dormer and the edge of the roof is a minimum of 0.3 metres

#### 4.43

There are no permitted development rights to enlarge a roof in a [conservation area](#). Listed building consent will normally be required if your building is Listed.

#### 4.44

Building standards may apply and a building warrant from the local authority may be required for this type of development as explained in [Section 2](#).



## 4. MAKING CHANGES TO A DWELLINGHOUSE – ENLARGEMENT OF THE ROOF

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### TECHNICAL EXPLANATION

#### 4.45

If the development exceeds any of the following limits then an [application for planning permission](#) is required.

#### 4.46

Figure 15 overleaf illustrates the restrictions for a dormer, the highlighted areas indicate where the development is not permitted as long as the other limitations are met.

#### 4.47

There are no permitted development rights in a [conservation area](#) or for flats. A listed building consent is required if the proposed development affects the character or setting of a listed building.

#### 4.48

Planning authorities will be able to confirm whether a property is located within a [conservation area](#). Information on listed buildings is available from [www.historic-scotland.gov.uk/historicandlistedbuildings](http://www.historic-scotland.gov.uk/historicandlistedbuildings) or [www.environment.scotland.gov.uk](http://www.environment.scotland.gov.uk).



#### 4. MAKING CHANGES TO A DWELLINGHOUSE – ENLARGEMENT OF THE ROOF

##### 4.49

The development **cannot** be part of the roof forming the principal elevation or side elevation if that elevation is fronting a road. The identification of the principal elevation and side elevations are discussed in paragraphs 3.2 – 3.6, whilst **fronting a road** is discussed at 3.7 – 3.10.

##### 4.50

Any enlargement or alteration to a roof is likely to have a visual impact and potentially cause overlooking. The development must be at least 10 metres from the boundary that it fronts.

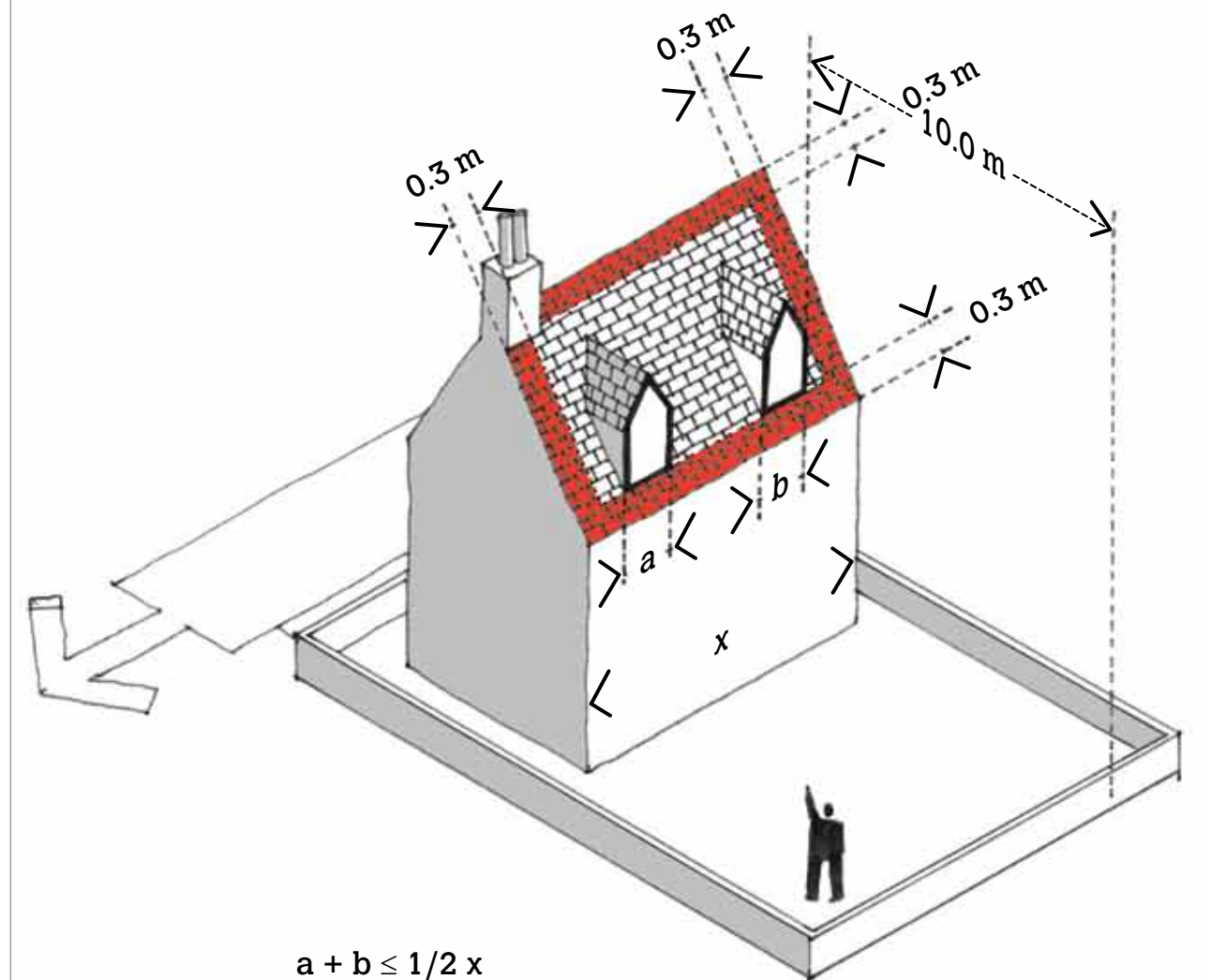
##### 4.51

The dormer must not exceed half the width of the roof plane (the width of the roof plane is measured at the eaves line). The development must be at least 0.3 metres from the edge of the roof plane, for example the ridge of the roof or the edge of a hipped roof.

##### 4.52

The overall height of the dwellinghouse **cannot** be increased as a result of the development. This is measured against the existing ridge of the roof.

Figure 15: Roof enlargements



**4. MAKING CHANGES TO A DWELLINGHOUSE – ENLARGEMENT OF THE ROOF****LEGISLATION****Class 1D.—****(1) Any enlargement of a dwellinghouse by way of an addition or alteration to its roof.**

(2) Development is not permitted by this class if—

- (a) it would be on a roof plane forming part of the principal elevation or side elevation where that elevation fronts a road;
- (b) it would be on a roof plane and would be within 10 metres of the boundary of the curtilage of the dwellinghouse which that roof plane fronts;
- (c) as a result of the development the height of the dwellinghouse would exceed the height of the existing dwellinghouse, when measured at the highest part of the roof and excluding any chimney;
- (d) its width would exceed half the total width of the roof plane, measured at the eaves line, of the dwellinghouse;
- (e) any part of the development would be within 0.3 metres of any edge of the roof plane of the dwellinghouse; or
- (f) it would be within a conservation area.

## 4. MAKING CHANGES TO A DWELLINGHOUSE – INTRODUCTION TO IMPROVEMENTS, ADDITIONS OR ALTERATIONS TO A DWELLINGHOUSE THAT ARE NOT AN ENLARGEMENT

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### Introduction to improvements, additions or alterations to a dwellinghouse that are not an enlargement

#### 4.53

There are many types of alterations or improvements to a [dwellinghouse](#) that are not [enlargement](#). The most common types of alterations or improvements to a dwellinghouses are described in classes 2A and 2B.

### Access Ramps

Class 2A – The erection, construction or alteration of any access ramp outside any external door of a dwellinghouse.

This class allows small ramps to be attached to any external door of dwellinghouse so long as certain limitations are met. The ramp is not longer than 5 metres and the overall length of ramp and landings is not longer than 9 metres. The ramp is not higher than 0.4 metres and the combined height of the ramp and any handrail does not exceed 1.5 metres.

### Improvements or alterations that are not an enlargement, including replacement windows, solar panels, flues and satellite dishes etc

Class 2B – Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.

This class is best visualised as a 1 metre bubble surrounding the walls and roof of a dwellinghouse. A householder can add a wide range of different types of development without having to apply for planning permission.

Wind turbines, balconies, raised terraces or platforms are not permitted by this class.

#### 4.54

These permitted development rights do **NOT** apply to [flats](#).

#### 4.55

If the proposed development falls into any of the above classes and is in a [conservation area](#) then an application to the [planning authority](#) is required.

## 4. MAKING CHANGES TO A DWELLINGHOUSE – ACCESS RAMPS

### Access Ramps

#### 4.56

Permitted development rights allow the erection, construction or alteration of any access ramp outside any external door of a dwellinghouse. The limitations are:

- the length of all flights cannot be more than 5 metres
- the length of all flights and landings cannot be more than 9 metres
- the height of the access ramp, including associated handrails, cannot be higher than 1.5 metres
- the height of the platform cannot be higher than 0.4 metres

#### 4.57

If the access ramp exceeds any of the above limits, or is in a [conservation area](#), or within the curtilage of a listed building, then an [application for planning permission](#) is required. Listed building consent is required if the proposed access ramp affects the character or setting of a listed building.

#### 4.58

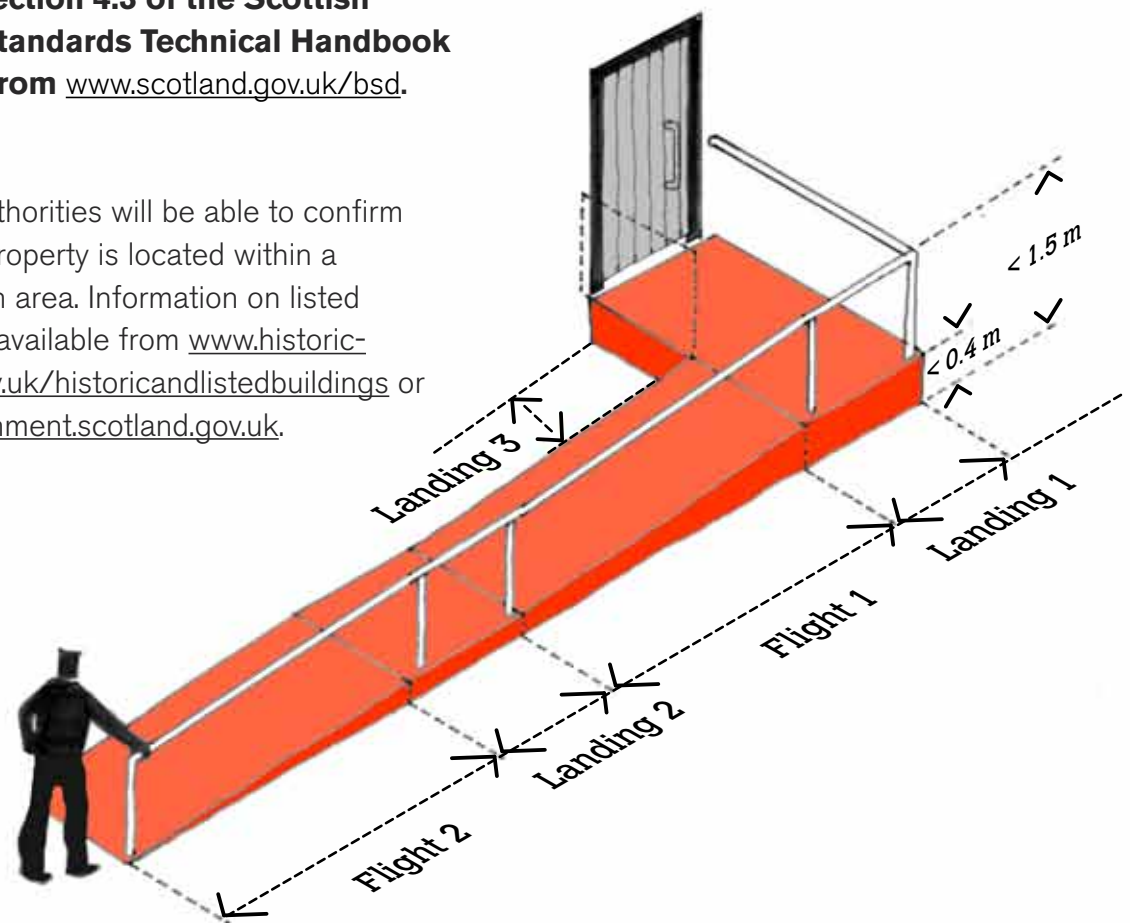
**Scottish Building Standards require ramps to be safe. Supporting guidance, including information on suitable gradients and lengths of ramp, can be found in section 4.3 of the Scottish Building Standards Technical Handbook available from [www.scotland.gov.uk/bsd](http://www.scotland.gov.uk/bsd).**

#### 4.59

Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available from [www.historic-scotland.gov.uk/historicandlistedbuildings](http://www.historic-scotland.gov.uk/historicandlistedbuildings) or [www.environment.scotland.gov.uk](http://www.environment.scotland.gov.uk).

#### 4.60

When measuring the height of the development on sloping or uneven ground, the height should be measured from the lowest point immediately adjacent to the ramp.



**4. MAKING CHANGES TO A DWELLINGHOUSE – ACCESS RAMPS****LEGISLATION****Class 2A.–****(1) The erection, construction or alteration of any access ramp outside an external door of a dwellinghouse.**

(2) Development is not permitted by this class if–

- (a) the combined length of all flights forming part of the access ramp would exceed 5 metres;
- (b) the combined length of all flights and landings forming part of the access ramp would exceed 9 metres;
- (c) any part of the ramp would exceed 0.4 metres in height;
- (d) the combined height of the ramp and any wall (excluding any external wall of the dwellinghouse), fence, balustrade, handrail or other structure attached to it would exceed 1.5 metres; or
- (e) it would be within a conservation area or within the curtilage of a listed building.

#### 4. MAKING CHANGES TO A DWELLINGHOUSE - IMPROVEMENTS OR ALTERATIONS THAT ARE NOT AN ENLARGEMENT, INCLUDING REPLACEMENT WINDOWS, SOLAR PANELS, FLUES AND SATELLITE DISHES ETC

### Improvements or alterations that are not an enlargement, including replacement windows, solar panels, flues, and satellite dishes etc

#### 4.61

Permitted development rights allow any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement. This is best visualised as a 1 metre bubble surrounding the dwellinghouse. A householder can therefore carry out a wide range of different types of development without having to apply for planning permission. This class also covers the installation, alteration or replacement of solar PV or solar thermal equipment.

#### 4.62

If the development exceeds any of the following limits then an application for planning permission is required.

#### 4.63

The development must not enlarge the dwellinghouse. This means that the development cannot increase the internal volume of the original building. This includes a canopy or roof, with or without wall, which is attached to the building but does not include a balcony.

#### 4.64

The development must not project by more than 1 metre from the wall or roof.

#### 4.65

The following types of development are not permitted by this class:  
balcony, roof terrace or raised platform  
wind turbine

#### 4.66

The following developments are also not permitted as they are permitted by other classes:

- access ramps
- a range of building or engineering operations including garden works, oil tanks
- a flue forming part of biomass heating system
- flue forming part of combined heat and power system
- air source heat pump
- CCTV

#### 4.67

Section 6 discusses the installation, alteration or replacement of a biomass heating system flue or a combined heat and powers system flue or air source heat pump.

#### 4. MAKING CHANGES TO A DWELLINGHOUSE - IMPROVEMENTS OR ALTERATIONS THAT ARE NOT AN ENLARGEMENT, INCLUDING REPLACEMENT WINDOWS, SOLAR PANELS, FLUES AND SATELLITE DISHES ETC

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##### 4.68

To ensure that the general character of an area is maintained, there is a condition that materials used for any roof covering must be similar in appearance to the existing roof. Solar PV or solar thermal panels are not considered to be a roof covering.

##### 4.69

An alteration to the external appearance would allow the painting (or repainting) of the property. It would also allow the painting or attaching of an advertisement to the property. While an application for planning consent may not be required by virtue of this class, an application for advertisement consent may be required under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 depending on the nature and size of any such advertisement.

##### 4.70

There are no Class 2B permitted development rights in a [conservation area](#). [Listed building consent](#) is required if the proposed development affects the character or setting of a [listed building](#).

##### 4.71

A building warrant from the local authority may be required, as explained in [Section 2](#).

##### 4.72

Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available from <http://www.historic-scotland.gov.uk/historicandlistedbuildings> or [www.environment.scotland.gov.uk](http://www.environment.scotland.gov.uk).

#### 4. MAKING CHANGES TO A DWELLINGHOUSE - IMPROVEMENTS OR ALTERATIONS THAT ARE NOT AN ENLARGEMENT, INCLUDING REPLACEMENT WINDOWS, SOLAR PANELS, FLUES AND SATELLITE DISHES ETC



### LEGISLATION

#### **Class 2B.—**

**(1) Any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement.**

(2) Development is not permitted by this class if—

- (a) it would protrude more than 1 metre from the outer surface of an external wall, roof plane, roof ridge or chimney of the dwellinghouse;
- (b) it would be a wind turbine;
- (c) it would be a balcony;
- (d) it would be on the roof and would result in a raised platform or terrace;
- (e) it would be within a conservation area; or
- (f) it would be development described in class 2A(1), 3B(1), 6C(1), 6F(1), 6H(1) or 72(1).

(3) Development is permitted by this class subject to the condition that the materials used for any roof covering must be as similar in appearance to the existing roof covering as is reasonably practicable.



## 4. MAKING CHANGES TO A DWELLINGHOUSE - INTRODUCTION TO OTHER DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

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### Introduction to other development within the curtilage of a dwellinghouse

#### 4.73

There are many other types of developments that can happen within the curtilage of a dwellinghouse. The following 5 classes cover the most common types of developments. Installation of microgeneration equipment is discussed in [Section 6](#).

### Ancillary buildings including sheds, garages, sun-houses, greenhouses etc.

Class 3A – The provision within the curtilage of a dwellinghouse of any building required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance or improvement of such a building.

This class generally allows the provision of any building incidental to the enjoyment of the dwellinghouse if it is in the rear curtilage. In the main this covers sheds, garages, greenhouses etc.

In the case of dwellinghouses in a [conservation area](#) or within the curtilage of a [listed building](#), the floor area of the ancillary building can not exceed 4 square metres.

### Any building, engineering, installation or other operation

Class 3B – The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse, required for a purpose incidental to the enjoyment of that dwellinghouse.

This class generally allows for the carrying out of an operation within the rear curtilage of a dwellinghouse not covered by other classes. Typical development permitted by this class include free-standing solar panels, flag poles, swimming pools, oil tanks etc.

This permitted development rights does not apply in [conservation areas](#) or within the curtilage of a [listed building](#).

#### 4. MAKING CHANGES TO A DWELLINGHOUSE - INTRODUCTION TO OTHER DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

##### Hard surface

Class 3C – The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse or the replacement in whole or in part of such a surface.

This class generally permits the construction or replacement of a hard surface. If the hard surface is between the dwellinghouse and a road then the materials used should be permeable or, alternatively, rain water run off should be to a permeable surface within the curtilage.

This permitted development rights for hard surfaces does not apply in [conservation areas](#) or within the curtilage of a [listed building](#).

##### Decking or other raised platform

Class 3D – The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.

This class generally permits the construction of a deck or other raised platform in the rear garden so long as the floor level does not exceed 0.5 metres and the combined height of the deck and any attached balustrade or screening does not exceed 2.5 metres.

In the case of land in a [conservation area](#) or within the curtilage of a [listed building](#), the footprint of the deck cannot exceed 4 square metres.

##### Gates, fences, walls or other means of enclosure

Class 3E – The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.

The overall height of the gate, fence, wall or other means of enclosure must not exceed 2 metres. However, if it fronts a road or comes forward of the principal elevation or side elevation nearest a road then it cannot exceed 1 metre. Where an existing gate, fence, wall or other means of enclosure is replaced or altered the height limit is either 1 metre or 2 metre or, if greater than these, the height of the original structure.

These permitted development rights do not apply in a [conservation area](#) or within the curtilage of a [listed building](#).

## 4. MAKING CHANGES TO A DWELLINGHOUSE – ANCILLARY BUILDINGS INCLUDING SHEDS, GARAGES, GREENHOUSES ETC

### Ancillary buildings including sheds, garages, greenhouses etc

#### SUMMARY

##### 4.74

Permitted development rights allow for the provision of any building required for a purpose incidental to the enjoyment of the dwellinghouse. Typical developments include sheds, garages, sun-houses and greenhouses. In summary, the effect of the limitations is that:

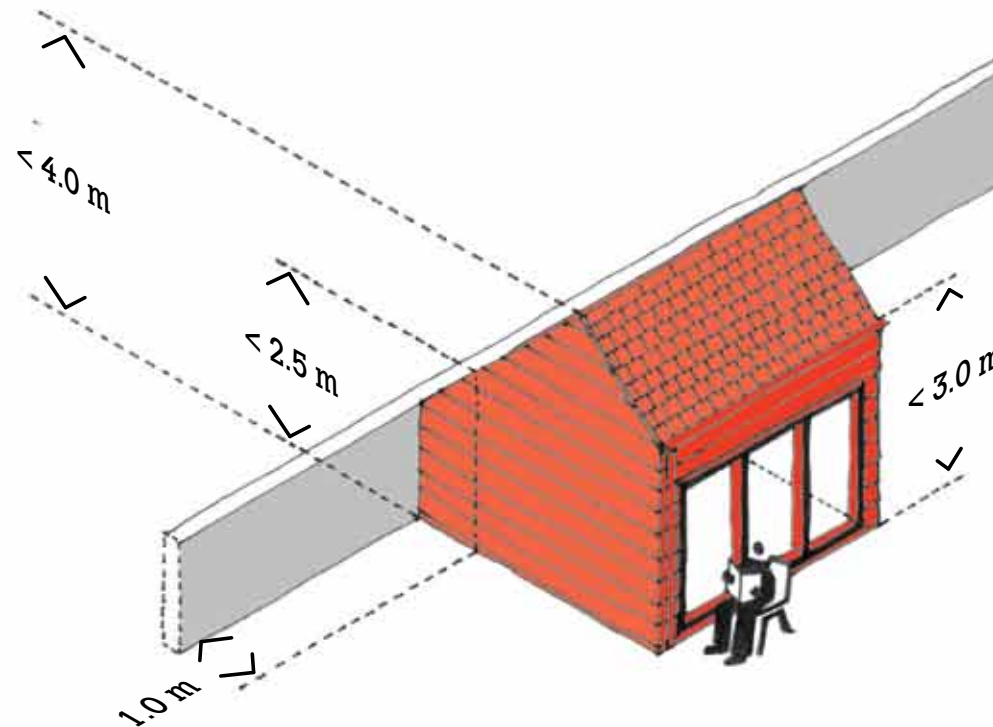
- ancillary buildings are generally located to the rear
- at least half the curtilage remains undeveloped
- the height of the building is not higher than 4 metres and the sections within 1 metre of the boundary would be higher than 2.5 metres
- the height of the eaves is not higher than 3 metres

##### 4.75

In the case of dwellinghouses in a conservation area or within the curtilage of a listed building development is permitted as long as the footprint of the ancillary building does not exceed 4 square metres. [Listed building consent](#) is required if the proposed development affects the character or setting of a [listed building](#).

##### 4.76

A building warrant from the local authority may be required for these types of developments, as explained in [Section 2](#).



#### 4. MAKING CHANGES TO A DWELLINGHOUSE – ANCILLARY BUILDINGS INCLUDING SHEDS, GARAGES, GREENHOUSES ETC



### TECHNICAL EXPLANATION

#### 4.77

If the building exceeds any of the following limits then an application for planning permission is required.

#### 4.78

The building **cannot** be used as a separate dwelling.

#### 4.79

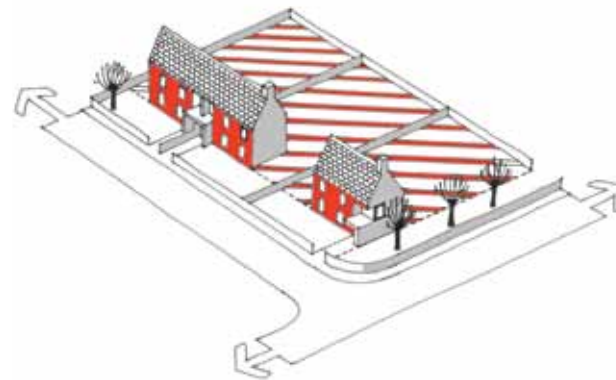
The building **cannot** be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting a road. The identification of the **principal elevation** and side elevations are discussed in paragraphs 3.2 – 3.6, whilst **fronting a road** is discussed at 3.7 – 3.10.

#### 4.80

This is illustrated below, the shaded areas of the curtilage indicate where an ancillary building is permitted as long as the other limitations are met.

#### 4.81

The overall height of a building can have a significant impact on neighbours. The **eaves** of the building **cannot** be higher than 3 metres. The height of the building **cannot** exceed 4 metres.



#### 4.82

The parts of the building within 1 metre of a boundary must not be higher than 2.5 metres. This is illustrated on page 43.

#### 4.83

When measuring the height of the development on sloping or uneven ground, the height should be measured from the lowest point immediately adjacent to the extension.

#### 4.84

The proposed development and existing developments (including extensions, sheds, garages) cannot exceed half of the of the rear (or front if appropriate) curtilage of the original dwellinghouse, this is explained in paragraphs 3.11 – 3.12.

#### 4.85

In the case of dwellinghouses in a **conservation area** or within the curtilage of a **listed building**, the floor area of the ancillary building cannot exceed 4 square metres. A **listed building consent** is required if the proposed development affects the character or setting of a **listed building**.

#### 4.86

Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available from [www.historic-scotland.gov.uk/historicandlistedbuildings](http://www.historic-scotland.gov.uk/historicandlistedbuildings) or [www.environment.scotland.gov.uk](http://www.environment.scotland.gov.uk).

**4. MAKING CHANGES TO A DWELLINGHOUSE – ANCILLARY BUILDINGS INCLUDING SHEDS, GARAGES, GREENHOUSES ETC****LEGISLATION****Class 3A.—**

**(1) The provision within the curtilage of a dwellinghouse of a building for any purpose incidental to the enjoyment of that dwellinghouse or the alteration, maintenance or improvement of such a building.**

(2) Development is not permitted by this class if—

- (a) it consists of a dwelling;
- (b) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road;
- (c) the height of the eaves would exceed 3 metres;
- (d) any part of the development would exceed 4 metres in height;
- (e) any part of the development within 1 metre of the boundary of the curtilage of the dwellinghouse would exceed 2.5 metres in height;
- (f) as a result of the development the area of ground covered by development within the front or rear curtilage of the dwellinghouse (excluding the original dwellinghouse and any hard surface or deck) would exceed 50% of the area of the front or rear curtilage respectively (excluding the ground area of the original dwellinghouse and any hard surface or deck); or
- (g) in the case of land in a conservation area or within the curtilage of a listed building, the resulting building would have a footprint exceeding 4 square metres.

## 4. MAKING CHANGES TO A DWELLINGHOUSE - ANY BUILDING, ENGINEERING, INSTALLATION OR OTHER OPERATION

---

### Any building, engineering, installation or other operation



#### SUMMARY

#### 4.87

Permitted development rights allow for the carrying out of works within the rear curtilage of a dwellinghouse not covered by other classes. It is intended to apply to garden works, free-standing solar panels, flag poles, swimming pools and oil tanks. In summary, the effect of limitations is that:

- the development is generally located in the rear
- the height of the resulting structure is not higher than 3 metres
- at least half the curtilage remains undeveloped

#### 4.88

This permitted development rights do not apply in [conservation areas](#) or within the curtilage of a [listed building](#).

#### 4.89

A building warrant from the local authority may be required for these types of developments, as explained in [Section 2](#).

#### 4. MAKING CHANGES TO A DWELLINGHOUSE - ANY BUILDING, ENGINEERING, INSTALLATION OR OTHER OPERATION

### TECHNICAL

#### 4.90

If the development exceeds any of the following limits then an application for planning permission is required.

#### 4.91

Building operation is included in the description, as in terms of the definition of development and includes a wider range of development than just the provision of an actual building.

#### 4.92

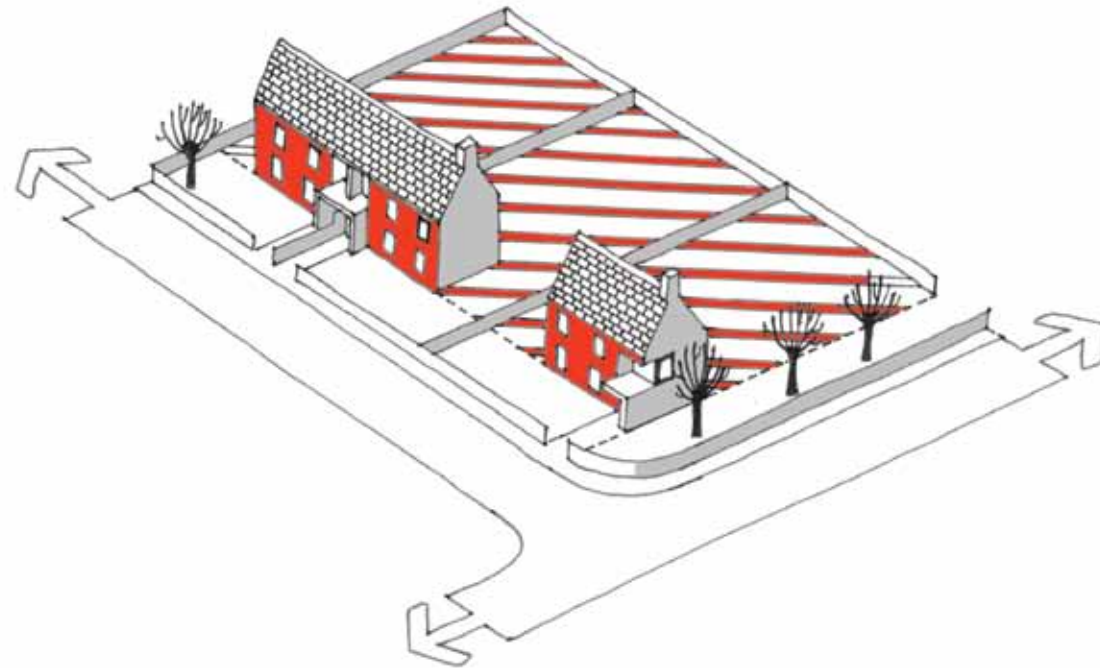
The development **cannot** be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting a road. The identification of the [principal elevation](#) and side elevations are discussed in paragraphs [3.2 – 3.6](#), whilst [fronting a road](#) is discussed at [3.7 – 3.10](#).

#### 4.93

This is illustrated below, the shaded areas of the curtilage indicate where works is permitted as long as the other limitations are met.

#### 4.94

The overall height of the development can have a significant impact on neighbours. The development **cannot** be higher than 3 metres. When measuring the height of the development on sloping or uneven ground, the height should be measured from the lowest point immediately adjacent to the development.



#### 4. MAKING CHANGES TO A DWELLINGHOUSE - ANY BUILDING, ENGINEERING, INSTALLATION OR OTHER OPERATION

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##### 4.95

The proposed development and existing developments (including extensions, sheds, garages etc.) **cannot** exceed half of the rear curtilage (or front if appropriate) curtilage of the original dwellinghouse, this is explained in paragraphs [3.12 – 3.13](#).

##### 4.96

The following types of development are not permitted by this class, as these types of developments are permitted by other classes:

- ancillary buildings
- hard surface
- decking
- gate, fence, wall or other means of enclosure
- ground source heat pump
- water source heatpump
- free-standing wind turbine
- air source heat pump
- means of access

##### 4.97

There are no Class 3B permitted development rights in a [conservation area](#) or within the curtilage of a [listed building](#). An application to the planning authority is required.

##### 4.98

Planning authorities will be able to confirm whether a property is located within a [conservation area](#). Information on [listed buildings](#) is available from [www.historic-scotland.gov.uk/historicandlistedbuildings](http://www.historic-scotland.gov.uk/historicandlistedbuildings) or [www.environment.scotland.gov.uk](http://www.environment.scotland.gov.uk).



**4. MAKING CHANGES TO A DWELLINGHOUSE - ANY BUILDING, ENGINEERING, INSTALLATION OR OTHER OPERATION****LEGISLATION****Class 3B.—**

**(1) The carrying out of any building, engineering, installation or other operation within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.**

(2) Development is not permitted by this class if—

- (a) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road;
- (b) any resulting structure would exceed 3 metres in height;
- (c) as a result of the development the area of ground covered by development within the front or rear curtilage of the dwellinghouse (excluding the original dwellinghouse and any hard surface or deck) would exceed 50% of the area of the front or rear curtilage respectively (excluding the ground area of the original dwellinghouse and any hard surface or deck);
- (d) it would be within a conservation area or within the curtilage of a listed building; or
- (e) it would be development described in class 3A(1), 3C(1), 3D(1), 3E(1), 6D, 6E, 6G(1), 6H(1) or 8.

## 4. MAKING CHANGES TO A DWELLINGHOUSE – HARD SURFACE

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### Hard surface

#### 4.99

Permitted development rights allow the construction or replacement of a hard surface within the curtilage of a dwellinghouse.

#### 4.100

If the hard surface exceeds any of the following limits then an application for planning permission is required.

#### 4.101

If the hard surface is located between the dwellinghouse and a road, then it must be constructed of a porous material or that provision is made for surface water run off to be directed to a porous area within the curtilage of the dwellinghouse.

#### 4.102

This provision is introduced following a review of extreme flooding events and concerns expressed by regulatory authorities and water companies that the cumulative impact of small increases in hard surfacing is leading to increased run off into road drains that ultimately flow into watercourses or sewage treatment works. The intention of the condition is to encourage householders to adopt the principles of source control.

#### 4.103

The Department of Communities and Local Government has produced separate guidance on permeable paving. This can be found at: [www.communities.gov.uk/documents/planningandbuilding/pdf/pavingfrontgardens.pdf](http://www.communities.gov.uk/documents/planningandbuilding/pdf/pavingfrontgardens.pdf).

#### 4.104

Planning permission is required for a hard surface in [conservation areas](#) and in the curtilage of [listed buildings](#). A building warrant from the local authority may be required, as explained in [Section 2](#).

#### 4.105

Planning authorities will be able to confirm whether a property is located within a [conservation area](#). Information on [listed buildings](#) is available from: [www.historic-scotland.gov.uk/historicandlistedbuildings](http://www.historic-scotland.gov.uk/historicandlistedbuildings) or [www.environment.scotland.gov.uk](http://www.environment.scotland.gov.uk).

#### 4. MAKING CHANGES TO A DWELLINGHOUSE – HARD SURFACE



### LEGISLATION

#### **Class 3C.—**

**(1) The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of that dwellinghouse or the replacement in whole or in part of such a surface.**

(2) Development is not permitted by this class if it would be within a conservation area or within the curtilage of a listed building.

(3) Development is permitted by this class subject to the condition that where the hard surface would be located between the dwellinghouse and a road bounding the curtilage of the dwellinghouse—

(a) the hard surface must be made of porous materials; or

(b) provision must be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

## 4. MAKING CHANGES TO A DWELLINGHOUSE – DECKING OR OTHER RAISED PLATFORM

### Decking or other raised platform

#### SUMMARY

##### 4.106

Permitted development rights allow the erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse. In summary, the effect of the limitations is that:

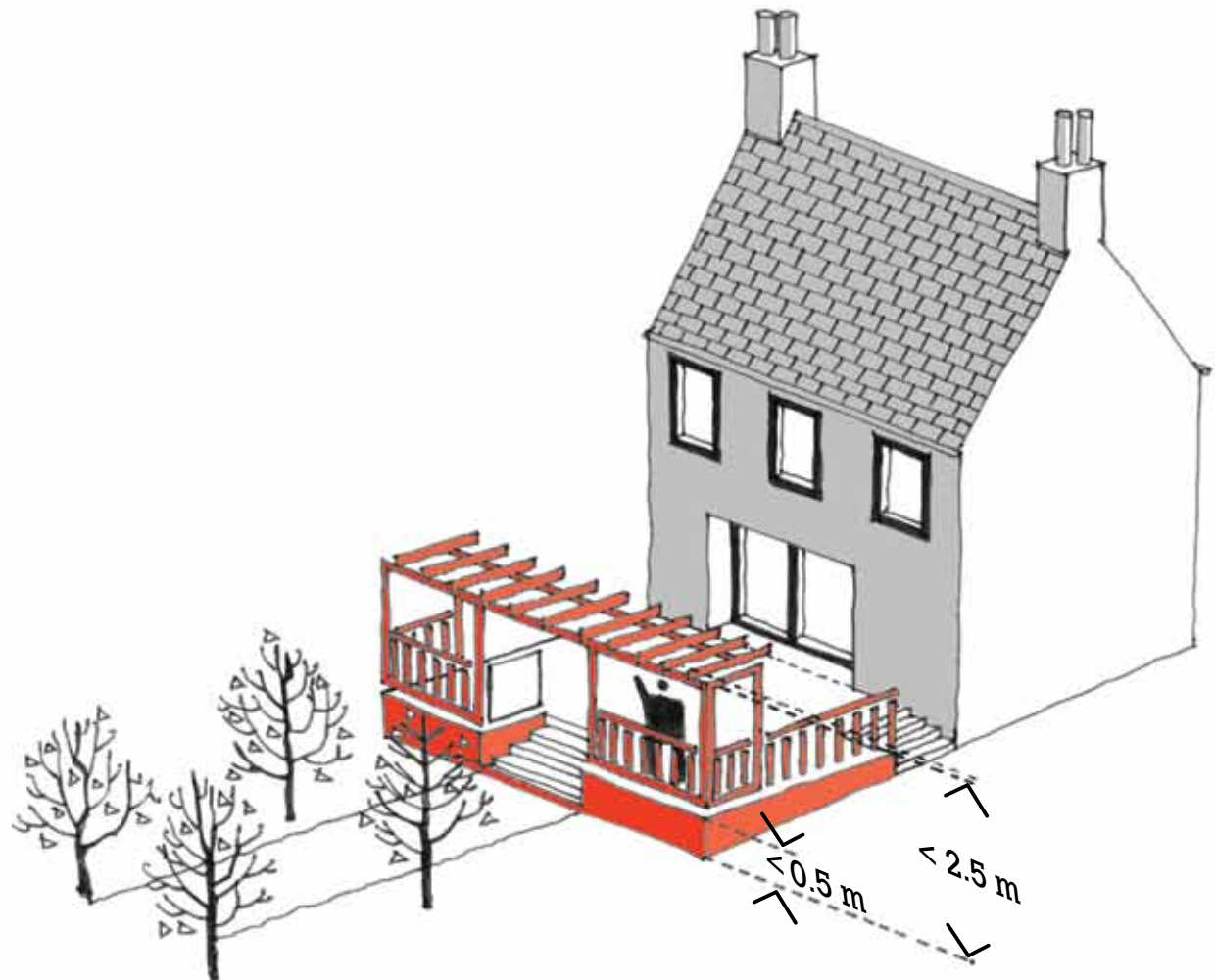
- decks are generally located to the rear
- the height of the floor level does not exceed 0.5 metre
- the total height of the deck, including any attached structure does not exceed 2.5 metres

##### 4.107

If the deck, or raised platform, is in a conservation area or within the curtilage of listed building the maximum size of the deck, or raised platform, is 4 square metres. There are no permitted development rights for flats.

##### 4.108

A building warrant from the local authority may be required for the deck or other raised platform, as explained in [Section 2](#).



## 4. MAKING CHANGES TO A DWELLINGHOUSE – DECKING OR OTHER RAISED PLATFORM



### TECHNICAL EXPLANATION

#### 4.109

If the deck, or raised platform, exceeds any of the following limits then [an application for planning permission](#) is required.

#### 4.110

Decks cannot be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting a road. The identification of the [principal elevation](#) and side elevations are discussed in paragraphs 3.2 – 3.6, whilst [fronting a road](#) is discussed at 3.7 – 3.10.

#### 4.111

This is illustrated below, the shaded areas of the curtilage indicate where an extension is permitted as long as the other limitations are met.

#### 4.112

The maximum height of the platform of the decking is 0.5 metre. The total height if, for example screens are attached, is 2.5 metres.

#### 4.113

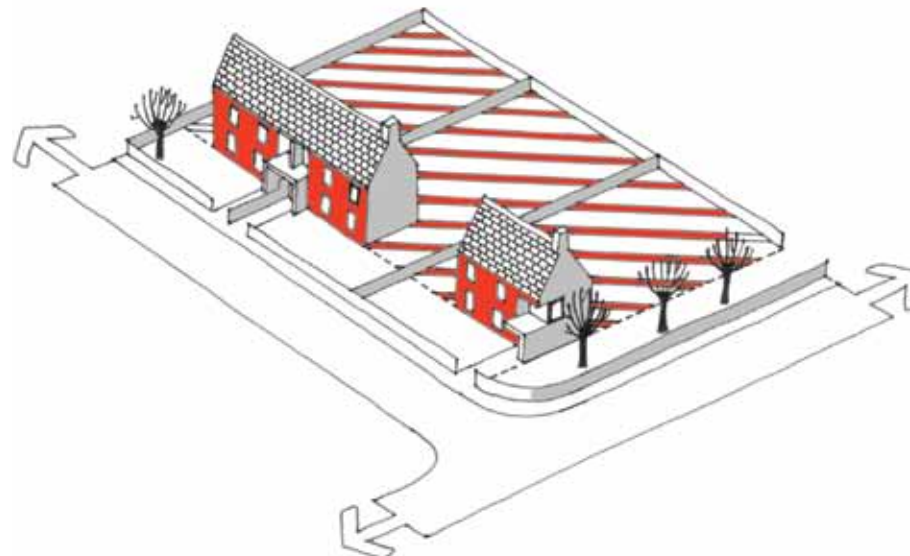
When measuring the height of the deck on sloping or uneven ground, the height should be measured from the lowest point immediately adjacent to the decking.

#### 4.114

The size of decking in [conservation areas](#) and within the curtilage of [listed buildings](#) is restricted to 4 square metres to be permitted development.

#### 4.115

Planning authorities will be able to confirm whether a property is located within a [conservation area](#). Information on [listed buildings](#) is available from [www.historic-scotland.gov.uk/historicandlistedbuildings](http://www.historic-scotland.gov.uk/historicandlistedbuildings) or [www.environment.scotland.gov.uk](http://www.environment.scotland.gov.uk).



**4. MAKING CHANGES TO A DWELLINGHOUSE – DECKING OR OTHER RAISED PLATFORM****LEGISLATION****Class 3D.—**

**(1) The erection, construction, maintenance, improvement or alteration of any deck or other raised platform within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of that dwellinghouse.**

(2) Development is not permitted by this class if—

- (a) any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road;
- (b) the floor level of any part of the deck or platform would exceed 0.5 metres in height;
- (c) the combined height of the deck and any wall, fence, balustrade, handrail or other structure attached to it, would exceed 2.5 metres; or
- (d) in the case of land within a conservation area or within the curtilage of a listed building the deck or platform would have a footprint exceeding 4 square metres.

## 4. MAKING CHANGES TO A DWELLINGHOUSE – GATES, FENCES, WALLS OR OTHER MEANS OF ENCLOSURE

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### Gates, fences, walls or other means of enclosure

#### 4.116

Permitted development rights allow the erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure.

#### 4.117

If the gate, fence, wall or other means of enclosure exceeds the following limits then an application for planning permission is required.

#### 4.118

The maximum height of any gate, fence, wall or other means of enclosure is 2 metres. Whilst its maximum height 1 metre if it fronts a road (explained in paragraphs 3.9 - 3.10) or comes forward of the [principal elevation](#) or side elevation nearest a road. Identifying the principal elevation is explained in paragraphs 3.2 – 3.6.

#### 4.119

When measuring the height of the development on sloping or uneven ground, the height should be measured from the lowest point immediately adjacent to the gate, fence, wall or other means of enclosure.

#### 4.120

The replacement or alteration of an existing gate, fence, wall or other means of enclosure to its original height is permitted. For example, an existing 1.2 metre fence forward of the principal elevation can be replaced with a fence up to 1.2 metres in height. If the replacement fence is higher than 1.2 metres then an application for planning permission would be required. Alternatively, if replacing a 0.8 metre high fence forward of the [principal elevation](#) it can be replaced by with a fence up to 1 metre in height.

#### 4.121

Planning permission is needed for gates, fences, wall or other mean of enclosure in [conservation areas](#) and in the curtilage of [listed buildings](#).

#### 4.122

Planning authorities will be able to confirm whether a property is located within a [conservation area](#). Information on [listed buildings](#) is available from [www.historic-scotland.gov.uk/historicandlistedbuildings](http://www.historic-scotland.gov.uk/historicandlistedbuildings) or [www.environment.scotland.gov.uk](http://www.environment.scotland.gov.uk).

**4. MAKING CHANGES TO A DWELLINGHOUSE – GATES, FENCES, WALLS OR OTHER MEANS OF ENCLOSURE****LEGISLATION****Class 3E.–**

**(1) The erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure any part of which would be within or would bound the curtilage of a dwellinghouse.**

(2) Development is not permitted by this class if–

- (a) any part of the resulting gate, fence, wall or other means of enclosure would exceed 2 metres in height;
- (b) any part of the resulting gate, fence, wall or other means of enclosure would exceed one metre in height where it–
  - (i) fronts a road; or
  - (ii) extends beyond the line of the wall of the principal elevation or side elevation that is nearest a road;
- (c) it replaces or alters an existing gate, fence, wall or other means of enclosure and exceeds whichever is the greater of the original height or the heights described in sub-paragraphs (a) and (b);
- (d) it would be within a conservation area; or
- (e) it would be within, or bound, the curtilage of a listed building.



## 5. MAKING CHANGES TO A FLAT

### 5.1

Due to the vast variety of flats, it is not possible to provide extensive permitted development rights for flats.

### 5.2

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”.

### 5.3

The specific permitted development rights for flats are detailed below. Other relevant classes include:-

- Class 7: construction of gate, fences, walls and other means of enclosure
- Class 72: Closed Circuit Television Cameras (CCTV).

### Improvements or alterations that are not an enlargement, including replacement windows, solar panels, flues, satellite dishes

#### SUMMARY

### 5.4

Permitted development rights allow any improvement or other alteration to the external appearance of a dwelling situated within a building containing one or more flats that is not an [enlargement](#). This is best visualised as a 1 metre bubble surrounding a flat. A wide range of different types of developments are permitted without having to apply for planning permission, including the installation, alteration or replacement of solar PV or solar thermal equipment. In summary, the effect of the limitations is that:

- the development does not enlarge the flat
- the distance any development can project from the walls and roof of the flat is not more than 1 metre

- the development is not a balcony, roof terrace or raised platform, wind turbine, a flue forming part of biomass heating system, flue forming part of combined heat and power system, air source heat pump, CCTV or an [enlargement](#)

### 5.5

There are no permitted development rights in a [conservation area](#) or within the curtilage of a listed building. A [listed building consent](#) is required if the proposed development affects the character or setting of a [listed building](#).

### 5.6

A building warrant from the local authority may be required, as explained in [Section 2](#).

## 5. MAKING CHANGES TO A FLAT – IMPROVEMENTS OR ALTERATIONS THAT ARE NOT AN ENLARGMENT, INCLUDING REPLACEMENT WINDOWS, SOLAR PANELS, FLUES AND SATELLITE DISHES ETC.



### TECHNICAL EXPLANATION

#### 5.7

If the development exceeds any of the following limits then an application for planning permission is required.

#### 5.8

The development must not enlarge the flat. This means that the development cannot increase the internal volume of the original building. Enlargement includes a canopy or roof, with or without wall, which is attached to the building but does not include a balcony.

#### 5.9

The development must not project by more than 1 metre from the wall or roof.

#### 5.10

The size of windows and doors **cannot** be altered. An application for planning permission is required if, for example, a larger window is created from 2 smaller windows or a window is converted into a door which is larger than the window.

#### 5.11

The development cannot be a balcony or, if it is on the roof, a raised platform or terrace. The following types of development are not permitted by this class because they are permitted by other classes:

- wind turbine
- biomass heating system flue
- combined heat and powers system flue
- air source heat pump
- CCTV

#### 5.12

There are no Class 4A permitted development rights for conservation areas or within the curtilage of a listed building. Planning authorities will be able to confirm whether a property is located within a conservation area. Information on listed buildings is available from: [www.historic-scotland.gov.uk/historicandlistedbuildings](http://www.historic-scotland.gov.uk/historicandlistedbuildings) or [www.environment.scotland.gov.uk](http://www.environment.scotland.gov.uk).

#### 5.13

**Section 6** discusses the installation, alteration or replacement of a biomass heating system flue or a combined heat and powers system flue or air source heat pump.

#### 5.14

An alteration to the external appearance of a flat would allow the painting (or repainting) of the property. It would also allow the painting or attaching of an advertisement to the property. While an application for planning permission may not be required by virtue of this class, an application for advertisement consent may be required under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 depending on the nature and size of any such advertisement.

**5. MAKING CHANGES TO A FLAT – IMPROVEMENTS OR ALTERATIONS THAT ARE NOT AN ENLARGMENT, INCLUDING REPLACEMENT WINDOWS, SOLAR PANELS, FLUES AND SATELLITE DISHES ETC.****LEGISLATION****Class 4A.–**

**(1) Any improvement or other alteration to the external appearance of a dwelling situated within a building containing one or more flats.**

(2) Development is not permitted by this class if–

- (a) it would be an enlargement;
- (b) it would protrude more than 1 metre from the outer surface of an external wall, roof plane, roof ridge or chimney;
- (c) the dimensions of an existing window or door opening would be altered;
- (d) it would be a balcony;
- (e) it would be on the roof and would result in a raised platform or terrace;
- (f) it would be a wind turbine;
- (g) it would be within a conservation area or within the curtilage of a listed building; or
- (h) it would be development described in class 6C(1), 6F(1) or 6H(1) or 72(1).

## 5. MAKING CHANGES TO A FLAT – GATES, FENCES, WALLS OR OTHER MEANS OF ENCLOSURE

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### Gates, fences, walls or other means of enclosure

#### 5.15

Permitted development rights allow the erection, construction, maintenance, improvement or alteration of any gate, fence, wall or other means of enclosure.

#### 5.16

If the gate, fence, wall or other means of enclosure exceeds any of the following limits then an application for planning permission is required.

#### 5.17

The maximum height of any new gate, fence, wall or other means of enclosure is 2 metres, but where it is within 20 metres of a road the maximum height is 1 metre.

#### 5.18

When measuring the height of the development on sloping or uneven ground, the height should be measured from the highest point immediately adjacent to the gate, fence, wall or other means of enclosure.

#### 5.19

The replacement or alteration of an existing gate, fence, wall or other means of enclosure to its original height is permitted. For example, an existing 1.2 metre fence within 20 metres of a road can be replaced with a fence up to 1.2 metres in height. If the replacement fence is higher than 1.2 metres then an application for planning permission would be required. Alternatively, if replacing a 0.8 metre high fence within 20 metres of a road it can be replaced by with a fence up to 1 metre in height.

#### 5.20

There are no Class 7 permitted development rights for [conservation areas](#) or within the curtilage of a [listed building](#). Planning authorities will be able to confirm whether a property is located within a [conservation area](#). Information on listed buildings is available from [www.historic-scotland.gov.uk/historicandlistedbuildings](http://www.historic-scotland.gov.uk/historicandlistedbuildings) or [www.environment.scotland.gov.uk](http://www.environment.scotland.gov.uk)

**5. MAKING CHANGES TO A FLAT – GATES, FENCES, WALLS OR OTHER MEANS OF ENCLOSURE****LEGISLATION****Class 7.–****(1) The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.**

(2) Development is not permitted by this class if–

- (a) the height of any gate, fence, wall or other means of enclosure to be erected or constructed within 20 metres of a road would, after the carrying out of the development, exceed one metre above ground level;
- (b) the height of any other gate, fence, wall or other means of enclosure to be erected or constructed would exceed two metres above ground level;
- (c) the height of any existing gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in sub-paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or
- (d) it would involve development within the curtilage of, or in respect of a gate, fence, wall or other means of enclosure surrounding, a listed building. or
- (e) it would be development described in class 3E(1)

## 6. INSTALLING MICROGENERATION EQUIPMENT

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### 6.1

The relevant permitted development rights for the main types of microgeneration equipment are explained within this section.

### 6.2

This guidance replaces:

- Planning Circular 2/2009: The Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Amendment Order 2009; and
- Planning Circular 2/2010: The Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Amendment Order 2010.

### 6.3

Classes 6A and 6B have been removed since Classes 2B and 4A now apply for installation of solar PV and solar thermal equipment that would be attached to a wall or roof of a [dwellinghouse](#) or a flat. Class 3B permits the installation of free-standing solar PV and solar thermal equipment for a dwellinghouse.

### 6.4

All the limitations and restrictions within a class will need to be complied with. Where a proposal would involve a combination of classes, then the development would have to comply with the limitations and restrictions of all the relevant classes to be [permitted development](#).

### 6.5

There are many types of [microgeneration](#) equipment. The following 6 classes, along with Classes 2B, 3B and 4A, cover the installation of the most common types of domestic [microgeneration](#), ensuring appropriate controls are applied to the specific type of development.

## 6. INSTALLING MICROGENERATION EQUIPMENT

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### **Flues for Biomass Heating System**

Class 6C – The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse or building containing a flat.

### **Flues for Combined Heat and Power System**

Class 6F – The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse or building containing a flat.

### **Ground and Water Source Heat Pumps**

Class 6D – The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse or building containing a flat.

Class 6E – The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse or building containing a flat.

### **Free-standing Wind Turbines and Air Source Heat Pumps**

Class 6G – The installation, alteration or replacement of a free-standing wind turbine within the curtilage of a dwelling.

Class 6H – The installation, alteration or replacement of an air source heat pump within the curtilage of a dwelling.

## 6. INSTALLING MICROGENERATION EQUIPMENT – FLUES FOR BIOMASS HEATING SYSTEM

### Flues for Biomass Heating System

#### 6.6

Permitted development rights allow the installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse or building containing a flat.

#### 6.7

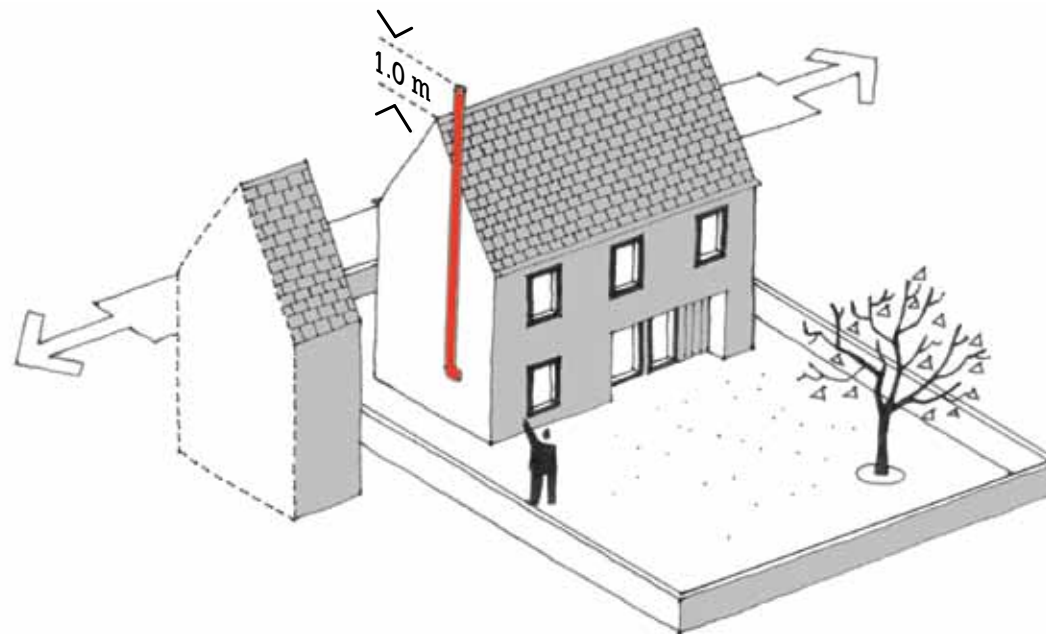
If the flue exceeds any of the following limitations then [an application for planning permission](#) is required.

#### 6.8

A planning permission is needed for flues for [dwellinghouses](#) or [flats](#) within an [Air Quality Management Area](#). [Air Quality Management Area](#) has the meaning given in section 83(1) of the Environment Act 1995.

#### 6.9

Planning permission is required if the flue is to be attached to the [principal elevation](#) of a [dwellinghouse](#) or [flat](#) within a [conservation area](#) or [World Heritage Site](#). The identification of the [principal elevation](#) is discussed in paragraphs 3.2 – 3.6.





**6. INSTALLING MICROGENERATION EQUIPMENT – FLUES FOR BIOMASS HEATING SYSTEM****LEGISLATION****Class 6C.–**

**(1) The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse or building containing a flat.**

(2) Development is not permitted by this class if–

- (a) the height of the flue would protrude more than one metre above the highest part of the roof (excluding any chimney) on which the flue is fixed;
- (b) in the case of land within a conservation area or a World Heritage Site, the flue would be installed on the principal elevation of the dwellinghouse or building containing a flat; or
- (c) the flue would be within an Air Quality Management Area.

## 6. INSTALLING MICROGENERATION EQUIPMENT – FLUES FOR COMBINED HEAT AND POWER SYSTEM

### Flues for Combined Heat and Power System

#### 6.10

Flues for Combined Heat and Power System permitted development rights allow the installation, alteration or replacement of a flue for combined heat and power system, on a [dwellinghouse](#) or building containing a [flat](#).

#### 6.11

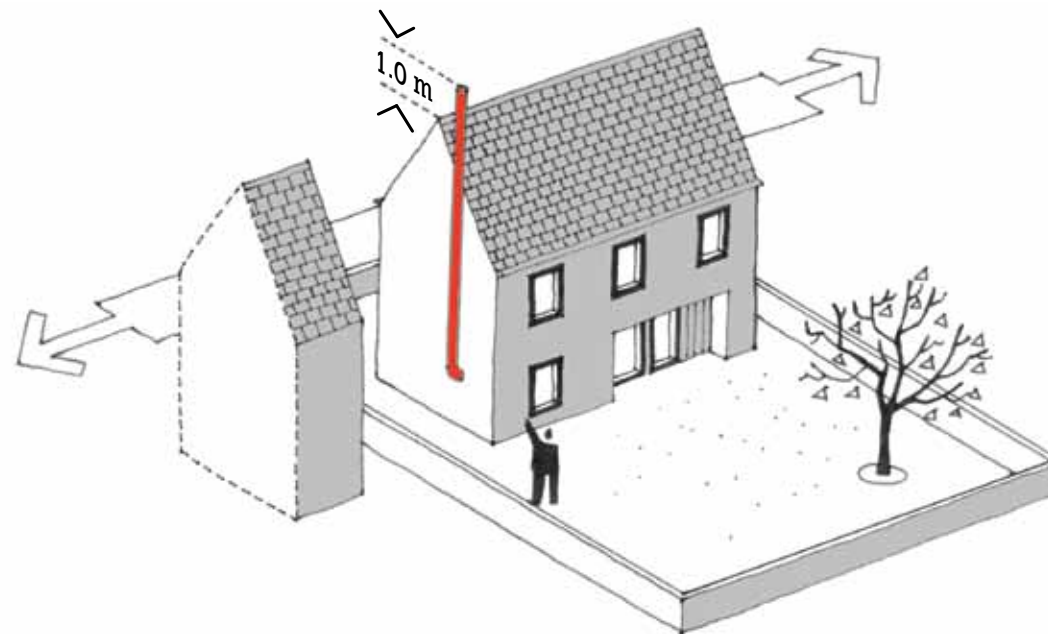
If the flue exceeds any of the following limitations then an [application for planning permission](#) is required.

#### 6.12

A planning permission is needed for flues for [dwellinghouses](#) or [flats](#) within an [Air Quality Management Area](#). Air Quality Management Area has the meaning given in section 83(1) of the Environment Act 1995.

#### 6.13

Planning permission is required if the flue is to be attached to the principal elevation of a [dwellinghouse](#) or [flat](#) within a [conservation area](#) or [World Heritage Site](#). The identification of the principal elevation is discussed in paragraphs 3.2 – 3.6.



**6. INSTALLING MICROGENERATION EQUIPMENT – FLUES FOR COMBINED HEAT AND POWER SYSTEM****LEGISLATION****Class 6F.–**

**(1) The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse or building containing a flat.**

(2) Development is not permitted by this class if–

- (a) the height of the flue would protrude more than 1 metre above the highest part of the roof (excluding any chimney) on which the flue is fixed;
- (b) in the case of land within a conservation area or World Heritage Site, the flue would be installed on the principal elevation of the dwellinghouse, or building containing a flat; or
- (c) in the case of a combined heat and power system fuelled by biomass sources, the flue would be within an Air Quality Management Area.

## 6. INSTALLING MICROGENERATION EQUIPMENT – GROUND AND WATER SOURCE HEAT PUMPS

### Ground and Water Source Heat Pumps

#### 6.14

Permitted development rights allow the installation, alteration or replacement of a [Ground Source Heat pump](#) or [Water Source Heat pump](#) within the curtilage of a [dwellinghouse](#) or a building containing a [flat](#).

#### 6.15

There are no restrictions on those permitted development rights.



### LEGISLATION

**Class 6D.– The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse or building containing a flat.**

**Class 6E.– The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse or building containing a flat.**

## 6. INSTALLING MICROGENERATION EQUIPMENT – FREE-STANDING WIND TURBINES AND AIR SOURCE HEAT PUMPS

### Free-standing Wind Turbines and Air Source Heat Pumps

#### 6.16

Classes 6G and 6F permits the installation, alteration or replacement of a free-standing micro wind turbines (MWT) and air source heat pumps (ASHP) within the curtilage of a [dwelling](#), which means a dwellinghouse, a building containing one or more flats or a flat contained within such a building. However, it is recognised that in most cases an application for planning permission is required.

#### 6.17

The aim of these provisions is to manage adverse impacts on neighbours and amenity generally (e.g. noise and visual impact) set against the wider environmental, social and economic benefits of microgeneration. They do this by means of limitations and conditions.

#### Limitations

#### 6.18

The limitations are that:

- the installation must be not less than over 100 metres from the curtilage of a neighbouring dwelling

- development is not permitted if it would result in the presence within the curtilage of a dwelling of more than one installation of each type of technology

#### 6.19

That still provides potential opportunities for one MWT and one ASHP within the same curtilage but not more than one of each using permitted development rights. This allows for a wind turbine to provide the electricity to power a heat pump.

#### Conditions

#### 6.20

The conditions require that MWT/ASHP [microgeneration](#) equipment be:

- subject to the prior notification and/or prior approval procedure
- sited to minimise effects on the amenity of the area so far as reasonably practicable
- used only for the purposes of domestic [microgeneration](#)
- removed as soon as reasonably practicable where it is no longer needed for or capable of domestic [microgeneration](#)

### *The prior notification and prior approval condition*

#### 6.21

For MWT the condition requires that a developer must before beginning the development apply to the planning authority for the approval of the authority of the design and size of the proposed wind turbine and a determination as to whether the prior approval of the authority will be required in respect of the siting and external appearance of the proposed wind turbine. Where the prior approval of the planning authority is required or where the authority indicates in response to a prior notification that it is required, the authority has 2 months in which to determine the case. Where prior notification applies, the period runs from receipt of the prior notification; where prior approval is required by the Order, without prior notification, the period is 2 months from the receipt of the application for prior approval. Thereafter the developer can challenge the failure of the authority to reach a decision or the decision itself.

## 6. INSTALLING MICROGENERATION EQUIPMENT – FREE-STANDING WIND TURBINES AND AIR SOURCE HEAT PUMPS

### 6.22

The purpose of prior approval for micro-wind turbines is to allow the planning authority to consider any matter it may deem relevant in respect of the design and size of the proposed wind turbine. However, it is intended principally to provide a safeguard for aerodromes, radar technical sites, radio and television networks and National Scenic Areas (NSAs) that could be affected by wind turbine installations.

### 6.23

The consultation process which the planning authority should undertake is the same as that for a planning application.

### 6.24

Aerodromes and radar technical sites are safeguarded by the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) (Scotland) Direction 2003. Circular 2/2003<sup>1</sup> contains the Direction and explains what consultation is required by planning authorities when a planning application for development is made which could affect such a site. Certain military technical sites owned by the Secretary

of State for Defence are also safeguarded under a similar process.

### 6.25

The operators of safeguarded aerodromes, technical sites and military explosives storage areas are also likely to need to examine specific proposals with particular reference to matters such as siting, design (including height), external appearance and type of construction when planning authorities consider applications for approval required by conditions attached to a grant of planning permission in principle. Although these are not applications for planning permission, and are therefore not covered by the Direction, Circular 2/2003 explains that planning authorities should as a matter of good practice consult the relevant consultees when they receive such applications and allow the consultees sufficient time to consider the implications for their operations before taking decisions on them.

### 6.26

It is considered therefore that as a conclusion of that good practice the same consultation procedure should apply where the planning authority's prior approval of a micro-wind turbine installation is sought.

### 6.27

Any response from the aviation safeguarding or other consultee to the planning authority would allow the authority to: issue their approval; issue it subject to conditions, or; refuse the application for approval. Where conditions are attached to an approval or the authority decides to refuse the application for approval, the developer can challenge the decision.

### 6.28

In relation to air source heat pumps, the prospective developer needs to give prior notification to the authority of its intentions. The planning authority may determine that prior approval is then required subject to the information provided in the notification on the siting and external appearance of the pump.

<sup>1</sup> [www.scotland.gov.uk/Publications/2003/01/16204/17030](http://www.scotland.gov.uk/Publications/2003/01/16204/17030)

## 6. INSTALLING MICROGENERATION EQUIPMENT – FREE-STANDING WIND TURBINES AND AIR SOURCE HEAT PUMPS

### 6.29

In considering a prior notification and/or application for prior approval, authorities must also have regard to the requirements of the EIA regulations. Further guidance on EIA and permitted development is contained in Circular 3/2011 The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011<sup>2</sup>.

### *Consultation - Further guidance*

#### 6.30

Additional guidance on aerodrome and technical sites safeguarding from obstacles including wind turbines is provided by the Civil Aviation Authority in CAP 168: Licensing of Aerodromes<sup>3</sup>, CAP 670: ATS Safety Requirements<sup>4</sup>, CAP 738 – Safeguarding of Aerodromes<sup>5</sup> and CAP 764 – CAA Policy and Guidelines on Wind Turbines<sup>6</sup>.

#### 6.31

For terrestrial radio and television networks the planning authority may consider it necessary to consult with the electronic communications provider or OFCOM to safeguard signal

<sup>2</sup> <http://www.scotland.gov.uk/Publications/2011/06/01084419/0>

<sup>3</sup> [www.caa.co.uk/docs/33/CAP168.PDF](http://www.caa.co.uk/docs/33/CAP168.PDF)

<sup>4</sup> [www.caa.co.uk/docs/33/CAP670.PDF](http://www.caa.co.uk/docs/33/CAP670.PDF)

<sup>5</sup> [www.caa.co.uk/docs/33/CAP738.PDF](http://www.caa.co.uk/docs/33/CAP738.PDF)

<sup>6</sup> [www.caa.co.uk/docs/33/Cap764.pdf](http://www.caa.co.uk/docs/33/Cap764.pdf)

broadcasts from main sites or from relay sites typical of rural settings. OFCOM has provided guidance on the impact of tall structures on broadcast and other wireless services<sup>7</sup>.

#### 6.32

In relation to NSAs, the same prior approval process consultations may be conducted with Scottish Natural Heritage. It is good practice to follow guidance in Circular 9/1987 - Development Control in National Scenic Areas, which requires notification of applications to SNH for all buildings or structures over 12 metres high (including agricultural and forestry developments). For micro-wind turbines, SNH regards 12 metres as being to the blade tip height. Further information is contained in SNH's Micro Renewables and the Natural Heritage Guidance Note<sup>8</sup>.

#### 6.33

It would also be open to the planning authority and prospective developer to negotiate away any issues of concern, including submitting revised proposals as opposed to appeals or local reviews being pursued.

<sup>7</sup> [http://licensing.ofcom.org.uk/binaries/spectrum/fixed-terrestrial-links/wind-farms/tall\\_structures.pdf](http://licensing.ofcom.org.uk/binaries/spectrum/fixed-terrestrial-links/wind-farms/tall_structures.pdf)

<sup>8</sup> [www.snh.org.uk/pdfs/strategy/renewable/A301202.pdf](http://www.snh.org.uk/pdfs/strategy/renewable/A301202.pdf)

### *General amenity condition*

#### 6.34

When MWT or ASHP equipment is installed on domestic properties under permitted development rights, consideration should be given to the siting and layout of the equipment in relation to the design of the building and its visual appearance; to those in the neighbouring area to which the equipment will be visible; as well as to the optimal orientation for energy purposes.

### *Purpose condition*

#### 6.35

The Purpose condition is intended to guide developers towards installations that are fit for purpose and scalable to domestic situations. Accredited installers will usually provide that advice. The Energy Act 2004 defines “microgeneration” as the use for the generation of electricity or the production of heat of any plant where its capacity is:

- (a) in relation to the generation of electricity, 50 kilowatts;
- (b) in relation to the production of heat, 45 kilowatts thermal.

## 6. INSTALLING MICROGENERATION EQUIPMENT – FREE-STANDING WIND TURBINES AND AIR SOURCE HEAT PUMPS

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### 6.36

However there is no threshold between domestic and non-domestic generation. Indicative guidance may be provided by suppliers of the products. Non-domestic scale microgeneration equipment will generally require planning permission meantime.

### *Removal condition*

#### 6.37

In instances where existing MWT or ASHP equipment is no longer intended to be used, for example if other technologies are installed, or the equipment becomes incapable of being used, for example through breakdown that cannot be or is not repaired, the condition requires that it must be removed as soon as reasonably practicable. The removal condition is otherwise self-explanatory.

### *Inability to comply with conditions and limitations*

#### 6.38

Where a prospective developer is unable to comply with the conditions and limitations above, then a full application for planning permission would be required.

### *Further advice*

#### 6.39

Further advice on siting and design can be found in the Scottish Government's guidance "Planning for Micro Renewables", which is available on-line at [www.scotland.gov.uk/Resource/Doc/150324/0040009.pdf](http://www.scotland.gov.uk/Resource/Doc/150324/0040009.pdf)

#### 6.40

It is a matter for the planning authority to consider enforcement action where they consider that microgeneration equipment does not meet the limitations or conditions.

#### 6.41

The downloadable prior notification forms on the e-planning website have been updated. Councils should consider adopting these updated forms to ease the provisions for householders.



**6. INSTALLING MICROGENERATION EQUIPMENT – FREE-STANDING WIND TURBINES AND AIR SOURCE HEAT PUMPS** **LEGISLATION****Class 6G.–****(1) The installation, alteration or replacement of a free-standing wind turbine within the curtilage of a dwelling.**

(2) Development is not permitted by this class if–

- (a) it would result in the presence within the curtilage of a dwelling of more than one free-standing wind turbine; or
- (b) the wind turbine would be situated less than 100 metres from the curtilage of another dwelling.

(3) Development is not permitted by this class in the case of land within–

- (a) a conservation area;
- (b) a World Heritage Site;
- (c) a site of special scientific interest; or
- (d) a site of archaeological interest.

(4) Development is not permitted by this class if the wind turbine would be within the curtilage of a listed building.

(5) Development is permitted by this class subject to the following conditions–

- (a) the developer must before beginning the development apply to the planning authority for–
  - (i) the approval of the authority in respect of the design and size of the proposed wind turbine; and
  - (ii) a determination as to whether the prior approval of the authority will be required in respect of the siting and external appearance of the proposed wind turbine;
- (b) the application is to be accompanied by–
  - (i) a written description of the proposed development, including details of the design and size of the proposed wind turbine; and
  - (ii) a plan indicating the site;

**6. INSTALLING MICROGENERATION EQUIPMENT – FREE-STANDING WIND TURBINES AND AIR SOURCE HEAT PUMPS** **LEGISLATION****Class 6G.– (continued)**

- (c) the development is not to be commenced before—
    - (i) the applicant has received written approval from the planning authority in respect of the size and design of the wind turbine; and
    - (ii) the occurrence of one of the following—
      - (aa) the receipt by the applicant from the planning authority of a written notice of their determination that prior approval in respect of the siting and external appearance of the proposed wind turbine is not required;
      - (bb) the expiry of a period of 28 days following the date on which the application was received by the planning authority without the planning authority giving notice of their determination that such approval is required; or
      - (cc) where the planning authority gives the applicant notice within a period of 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval;
  - (d) the development must, except to the extent that the planning authority otherwise agree in writing, be carried out—
    - (i) to the extent to which prior approval is required, in accordance with the details approved;
    - (ii) to the extent to which prior approval is not required, in accordance with the details submitted with the application;
  - (e) the development is to be carried out within a period of three years from the date on which all approvals required in accordance with this paragraph have been given.
- (6) Development is permitted by this class subject to the conditions that a free-standing wind turbine—
- (a) must, so far as reasonably practicable, be sited so as to minimise its effect on the amenity of the area; and
  - (b) is used only for the purposes of domestic microgeneration; and
  - (c) that is no longer needed for or capable of domestic microgeneration must be removed as soon as reasonably practicable.

**6. INSTALLING MICROGENERATION EQUIPMENT – FREE-STANDING WIND TURBINES AND AIR SOURCE HEAT PUMPS** **LEGISLATION****Class 6H.–****(1) The installation, alteration or replacement of an air source heat pump within the curtilage of a dwelling.**

(2) Development is not permitted by this class if–

- (a) it would result in the presence within the curtilage of a dwelling of more than one air source heat pump; or
- (b) the air source heat pump would be situated less than 100 metres from the curtilage of another dwelling.

(3) Development is not permitted by this class in the case of land within a conservation area if the air source heat pump would be visible from a road.

(4) Development is not permitted by this class if the air source heat pump would be within–

- (a) a World Heritage Site; or
- (b) the curtilage of a listed building.

(5) Development is permitted by this class subject to the following conditions–

- (a) the developer must before beginning the development apply to the planning authority for a determination as to whether the prior approval of the authority will be required to the siting and external appearance of the air source heat pump;
- (b) the application is to be accompanied by a written description of the proposed development and a plan indicating the site;
- (c) the development is not to be commenced before the occurrence of one of the following–
  - (i) the receipt by the applicant from the planning authority of a written notice of their determination that such prior approval is not required;
  - (ii) the expiry of a period of 28 days following the date on which the application was received by the planning authority without the planning authority giving notice of their determination that such approval is required; or
  - (iii) where the planning authority gives the applicant notice within a period of 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval;

**6. INSTALLING MICROGENERATION EQUIPMENT – FREE-STANDING WIND TURBINES AND AIR SOURCE HEAT PUMPS****LEGISLATION CONTROLLING****Class 6H.– (continued)**

- (d) the development must, except to the extent that the planning authority otherwise agree in writing, be carried out—
  - where prior approval is required, in accordance with the details approved;
  - where prior approval is not required, in accordance with the details submitted with the application;
- (e) the development is to be carried out—
  - where approval has been given by the planning authority, within a period of three years from the date on which approval was given; or
  - in any other case, within a period of three years from the date on which the application under paragraph (a) above was made.
- (6) Development is permitted by this class subject to the conditions that an air source heat pump—
  - (a) must, so far as reasonably practicable, be sited so as to minimise its effect on the amenity of the area;
  - (b) is used only for the purposes of domestic microgeneration; and
  - (c) that is no longer needed for or capable of domestic microgeneration must be removed as soon as reasonably practicable.

## 7. INSTALLING CLOSED CIRCUIT TELEVISION CAMERAS

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### 7.1

Class 72 extends permitted development rights 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.

### 7.2

This class does not apply within conservation areas or national scenic areas. Nor does it give permitted development rights to poles or other structures specially constructed to hold cameras; these still require planning consent.

### 7.3

Where CCTV cameras are being installed on a listed building or scheduled monument, they will continue to be subject to listed building consent and schedule monument consent procedures.

### 7.4

Up to 4 cameras are permitted on the same side of a building or structure and up to 16 cameras on any one building or structure, provided that they are at least 10 metres apart.

### 7.5

Each camera must be sited so as to minimise its effect on the external appearance of the building or structure and cameras should also be removed once they are no longer required for security purposes.

### 7.6

The field of vision of a camera should, so far as practicable, not extend beyond the boundaries of the land where it is sited or any adjoining land to which the public have access. Intrusion and inconvenience to neighbours should be limited so far as is practicable without compromising the camera's effectiveness for security purposes.

**7. INSTALLING CLOSED CIRCUIT TELEVISION CAMERAS** **LEGISLATION****Class 72.—****(1) The installation, alteration or replacement on any building or other structure of a closed circuit television camera for security purposes.**

(2) Development is not permitted by this class if—

- (a) the development is in a conservation area or a national scenic area;
- (b) the dimensions of the camera including its housing exceed 75 centimetres by 25 centimetres by 25 centimetres;
- (c) any part of the camera would, when installed, altered or replaced, be less than 250 centimetres above ground level;
- (d) any part of the camera would, when installed, altered or replaced, protrude from the surface of the building or structure by more than one metre when measured from the surface of the building or structure;
- (e) any part of the camera would, when installed, altered or replaced, be in contact with the surface of the building or structure at a point which is more than one metre from any other point of contact;
- (f) any part of the camera would be less than 10 metres from any part of another camera installed on a building or structure;
- (g) the development would result in the presence of more than four cameras on the same side of the building or structure; or
- (h) the development would result in the presence of more than 16 cameras on the building or structure.

(3) Development is permitted by this class subject to the following conditions:—

- (a) the camera shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building or structure on which it is situated;
- (b) the camera shall be removed as soon as reasonably practicable after it is no longer required for security purposes;
- (c) the field of vision of the camera shall, so far as practicable, not extend beyond the boundaries of the land upon which the building or structure is erected or of any area which adjoins that land and to which the public have access.

(4) For the purposes of this class—“camera”, except in paragraph (2)(b), includes its housing, pan and tilt mechanism, infra red illuminator, receiver, mountings and brackets.

## 8. THINGS TO CONSIDER

### Water mains, sewers and ensuring surface water drainage

Householders and developers are encouraged to contact Scottish Water to undertake a property search in order to ascertain whether any proposed extension, or buildings, are constructed over or adjacent to its existing underground pressurized water mains as access is required to allow sewers to be maintained or repaired. Similarly, Scottish Water advice is that the increase in run-off from the additional roof area resulting from extending a property is appropriately dealt with to reduce the risk of localised flooding or indeed flooding downstream. Scottish Water would also expect to see that surface water drainage is dealt with on site and not discharged into the public sewerage system. Contact Scottish Water: [www.scottishwater.co.uk](http://www.scottishwater.co.uk)

### Old mine works

In former coal mining areas prior written permission is required from the Coal Authority for any ground works which would enter or disturb any coal mine entries (current or abandoned) or the coal itself at any depth from the surface downwards. Contact the Coal Authority: <http://coal.decc.gov.uk/>

### Protected species

If a dwellinghouse contains a bat roost and a proposed alteration, extension or enlargement would affect it, a licence may be required from Scottish Natural Heritage prior to commencement. Bat roosts, even when not in use, are protected. Proposed works should if possible be designed to avoid impacting on bats or bat roosts. Further information, including on how the presence of a bat roost in a dwellinghouse might be identified, and on how if necessary to apply for a licence, can be found on SNH's website at:

[www.snh.gov.uk/about-scotlands-nature/species/mammals/land-mammals/bats/](http://www.snh.gov.uk/about-scotlands-nature/species/mammals/land-mammals/bats/)  
[www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/protected-animals/](http://www.snh.gov.uk/planning-and-development/advice-for-planners-and-developers/protected-animals/)  
[www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/mammals/bat-protection/](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/mammals/bat-protection/)

If householders think bats may be present in their property or if they are unsure about the effect of any proposed works on a bat roost, they should contact Scottish Natural Heritage for further advice. Other protected species commonly associated with houses include nesting birds such as the swift, house martin and house sparrow. All wild birds are given some protection under the law, particularly their nests. If a dwellinghouse supports a bird nest which is in use or being built and the proposed works would affect the nest site, the works should be planned to avoid the nesting season. If works are carried out during the season, an offence may be committed. Further information about birds and the law can be found on SNH's website at: [www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/birds/](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/birds/)

## 9. GLOSSARY

### the 1992 Order

the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. The main amendments for the purposes of householder development are:

Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Amendment Order 2009

Town and Country Planning (General Permitted Development) (Domestic Microgeneration) (Scotland) Amendment Order 2010

Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011

### Advertisement

any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction (excluding any such thing employed wholly as a memorial or as a railway signal), and includes any hoarding or similar structure or any balloon used or adapted for

use and anything else used, or designed or adapted principally for use, for the display of advertisements.

### Advertisement Consent

a consent granted for the display of an advertisement by either the express consent of the planning authority or Scottish Ministers in accordance with the provisions of The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 or deemed to be granted in accordance with part IV of the same regulations.

### Air Quality Management Area

has the meaning given in section 83(1) of the Environment Act 1995.

### Article 4 Direction

a direction, usually made by a planning authority and approved by Scottish Ministers, where in a particular area, particular permitted developments rights are not applicable.

### ASHP

air source heat pumps.

### Balcony

a platform, enclosed by a wall or balustrade, projecting outward from the external wall of a building, with access from an upper floor window or door.

### Conservation Area

an area of special architectural or historic interest [the character or appearance of which it is desirable to preserve or enhance] designated under Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

### Conservation Area Consent

consent granted under the above mention that for demolition of an unlisted building within a conservation area.

### Class

a class of development to which permitted development rights apply because planning permission is granted by the 1992 Order.

### Curtilage

curtilage is not defined in the 1997 Act or 1992 Order but it is accepted to mean land which is used for the comfortable enjoyment of a building and which serves the purpose of that building in some necessary or reasonably useful way. It need not be marked off or enclosed in any way. Normally the curtilage would relate to the property boundary of the dwellinghouse.



## 9. GLOSSARY

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### **Domestic microgeneration**

means the production of electricity or heat for domestic consumption using microgeneration equipment.

### **Dwellinghouse**

a residential property, not including a building containing one or more flats, or a flat contained within such a building.

### **Eaves height**

the height of the eaves should be measured at the base of the external wall of the extension to the point where the external wall would meet (if projected upwards) the upper surface of the roof slope. Parapet walls and overhanging parts of eaves should not be included in any calculation of eaves height.

### **Enlargement of dwellinghouses**

any development that increases the internal volume of the original dwellinghouse and includes a canopy or roof, with or without walls, which is attached to the dwellinghouse, but does not include a balcony.

### **Enlargement for flats**

means any development that increases the internal volume of the original building, and includes a canopy or roof, with or without walls, which is attached to the building but does not include a balcony.

### **Free-standing solar**

means solar photovoltaics or solar thermal equipment which is not installed on a building.

### **Free-standing wind turbine**

means a wind turbine which is not installed on a building.

### **Flat**

means a separate and self-contained set of premises whether or not on the same floor and forming part of building from some other part of which it is divided horizontally.

### **Fronts**

an elevation which face onto a road.

### **General Permitted Development Order (GPDO)**

a statutory instrument granting permitted development rights.

### **Listed Building**

a building of special architectural or historic interest included in a list compiled or approved by the Scottish Ministers under Section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, any object or structure fixed to the building or which, while not fixed, forms part of the land within its curtilage since before 1 July 1948 and still in that curtilage at the date of listing.

a list of listed building is available from Historic Scotland [www.historic-scotland.gov.uk/historicandlistedbuildings](http://www.historic-scotland.gov.uk/historicandlistedbuildings).

### **Listed Building Consent**

consent granted under the above mentioned Act for demolition of a listed building, or alteration that would affect its character.

### **MWT**

means micro wind turbines.

### **Microgeneration**

has the meaning given in section 82(6) of the Energy Act 2004 which equipment with an output of up to 50 kilowatts of electricity or 45 kilowatts of thermal (heat) energy.

## 9. GLOSSARY

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### Original dwellinghouse

is the dwellinghouse as built or as it was on 1 July 1948 if it was built before then.

### Permitted Development (PD)

planning permission granted for certain classes of development by the 1992 Order. Also known as **Permitted Development Rights (PDR)**.

### Permitted Development Legislation

permitted development rights are granted by the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. The 1992 Order grants planning permission for classes of specific types of developments, but most classes are subject to a set of limitations and conditions. The relevant pieces of legislation can be found on [www.legislation.gov.uk/ssi/2011/357/contents/made](http://www.legislation.gov.uk/ssi/2011/357/contents/made).

### Principal elevation

the elevation of the original dwellinghouse which by virtue of its design or setting, or both, is the principal elevation.

### Road

as defined by section 151 of the Roads (Scotland) Act 1984. A road is any way over which there is a public right of passage including its verge. A road is therefore not confined to only publicly adopted roads used by motor vehicles.

### Road Construction Consent

a permission which must be obtained from the roads authority before constructing a new road or extending an existing road, in accordance with Section 21 of the Roads (Scotland) Act 1984.

### Solar PV

solar photovoltaics: which is equipment designed to convert energy from the sun into electricity.

### Solar thermal

means equipment designed to heat water using energy from the sun.

### Terrace house

means a dwellinghouse situated in a row of three or more buildings used, or designed for use, as single dwellinghouses; and having a mutual wall with, or having a main wall adjoining the main wall of, the dwellinghouse (or building designed for use as a dwellinghouse) on either side of it. It includes the dwellinghouses at each end of such a row of buildings as is referred to.

### the 1997 Act

the Town and Country Planning (Scotland) Act 1997 as amended.

### the 2006 Act

the Planning etc (Scotland) Act 2006.

### World Heritage Site

land appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage.



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