



## CHANGES TO HOUSEHOLDER PERMITTED DEVELOPMENT RIGHTS

Conservation Area status requires the character of the area to be maintained, but recognises the need for change, requiring a sensitive approach that respects the area and its important factors. Conservation Area status does NOT mean that the area should be 'frozen in time'. It does NOT prevent extensions or alterations to buildings, demolition of buildings or new construction. It does NOT require everything to look old.

### Permitted Development Rights

Some development is classified as 'permitted development' and this is examined in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and subsequent amendments. 'Permitted development' is development for which no formal planning application is required.

The main classes of permitted development include some development within the curtilage of a dwelling house (Part 1); Sundry Minor Operations (Part 2); and Changes of Use (Part 3).

The rules about changes made to a dwelling house or other property which is listed or within a Conservation Area are more stringent.

Living or working in a Conservation Area should be considered a privilege. Whilst there may be some restrictions in force that may limit the ability to undertake minor development, the benefits far outweigh the drawbacks. These restrictions should not be considered arduous, but instead be seen as safeguards to ensure that the area remains special.

### Article 4 Directions

Some Conservation Areas have "Article 4 Directions" which remove permitted development rights for householders which means that even minor works may need planning permission. These restrictions are in force because although a single small development may not have a big impact, the cumulative effect of lots of unsympathetic small operations can result in massive damage to the wider Conservation Area.

Directions under Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 remove certain permitted development rights. These are mainly concerned with setting restrictions on property owners' rights to change the external appearance of buildings, particularly any changes to windows, roof materials and painting external walls.

### New permitted development rights

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 Householder Permitted Development Rights (was out for consultation 2010/11) proposed changes to the permitted development rights for homeowners, and in conservation areas. These changes come into force on **Monday 6th February 2012** and will further restrict PD rights in conservation areas.

The new Class 3 Development (Any Alteration) will include replacement windows and doors, cladding, painting, new flue, satellite dish, etc and will mean that these works will require permission in a conservation area. This is an increase in restrictions compared to the current 1992 Order.



From the consultation document:

“As there is a statutory duty to preserve or enhance the character or appearance of a conservation area, and listed buildings, it is considered that controls are justified in the public interest to prevent the cumulative impact of a number of small scale changes to the external appearance of houses. Currently, unless an Article 4 direction is in place, some types of alteration or improvement to a dwellinghouse in a conservation area would be permitted development. This could include external cladding, window alterations etc. It is our understanding that it is common for Article 4 directions to apply to conservation areas and so it is not anticipated that increasing the restrictions in conservation areas in the proposed Order would generate an unacceptable number of planning applications. We propose that existing Article 4 directions should cease to have effect, subject to transitional arrangements. The need to make new directions should lead to a review of existing Article 4 directions, many of which were made sometime ago.”

	Current situation	Under new rules (from Feb 6th 2012)
<b>Not Permitted Development in a Conservation Area or Curtilage of a Listed Building (you would need to apply for permission in all circumstances)</b>	Class 2 (alterations to the roof, including extension/enlargement) Class 4 (Hard surface) Class 5 (Oil storage container) Class 9 (Stone cleaning or painting)	Class 2 (an extension, other than a single storey rear extension) Class 3 (Any alteration) Class 4 (Extension to roof) Class 5 (Any other roof alteration) Class 6A (Any other development in curtilage) Class 6B (Hard surface) Class 6CA (Porch) Class 6CC (Alteration to flat)
<b>Stricter Controls in a Conservation Area or within the Curtilage of a Listed Building</b>	Class 1 (extensions or external alterations) Class 3 (Outbuilding or pool) Class 6 (Satellite antenna)	Class 1 (Single storey extension) Class 6 (Outbuilding) Class 6C (Decking)
<b>No Restrictions in a Conservation Area</b>	Class 7 (Fence)	Class 6CB (Fence)



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