

Guidance Notes

These notes have been written to help you fill in the Prior Notification form.

Anyone intending to carry out work in the following categories is required to notify the planning service of their intention to carry out such a development. This notification applies to the exercise of permitted development rights only, that is, to development for which planning permission is NOT required.

The categories are:

1. European Habitat (Natura) Sites.
2. Electricity undertakers and gas suppliers.
3. Toll collection facilities.
4. Demolition of buildings.

Please read the following definitions to determine whether you are required to give **PRIOR NOTIFICATION** to the Planning Service.

The Prior Notification form can only be used to notify the Planning Service of proposed developments which do not require permission. Advice and the appropriate planning application forms are available at your local planning office.

The Planning Service has 28 days from the receipt of notification to respond. You should receive an acknowledgement informing you of the date of receipt. Work cannot begin within the period of 28 days from the date on which the Planning Service receive your notification unless they indicate in writing that they are content. If they do not respond within the 28 day period, then the development can proceed, exactly as notified. If informal discussions take place with the Planning Service and the original proposal is modified by agreement, there is no requirement to renotify the Planning Service. They should give written approval to the modification to make it clear that the modified proposals can proceed. If the Planning Service indicate, within the 28 day period, that they require the formal submission of details for approval, work cannot begin until details have been approved by the Planning Service.

The following types of development are affected:

1. European Habitat Sites

These are sites protected to maintain or restore certain natural habitats and wild species as defined in the Conservation (Natural Habitats) Regulations 1994. Any development not directly connected with or necessary to the management of the site which would otherwise be permitted development is likely to have a significant effect on a European Site and shall not be started without the approval of the Planning Service.

2. Electricity Undertakers and Gas Suppliers

Electricity undertakers and gas suppliers are required to apply to the Planning Service for a determination as to whether the prior approval of the Service is required for the siting, design and external appearance of a building solely for the protection of plant or machinery.

3. Toll Collection Facilities

Permitted development is subject to the developer applying to the Planning Service for a determination as to whether the prior approval of the Planning Service is required for the siting, design and external appearance of the facilities. Permitted development only applies where:

- (i) the development is situated within 100m of the boundary of the toll road;
- (ii) the height of the building/structure is less than 7.5m (excluding any rooftop structure) or less than 10m (including rooftop structure). Rooftop structures include lift machinery and apparatus, or structure required for safety purposes or for the provision of heating, ventilation, air conditioning, water, gas or electricity;
- (iii) the total floor area of all buildings (other than toll collection booths) within the toll collection area is less than 1500m²

4. Demolition of Buildings

A class of permitted development has been created for “a building operation consisting of the demolition of a building”. Demolition is considered to involve development only for the following buildings:

- (i) dwellinghouses;
- (ii) buildings containing flats (provided flats are not ancillary to a non-residential use of that building or other building on the same site);
- (iii) buildings adjoining dwellinghouses or buildings containing flats.

If any of the 3 types are:

- (a) Listed Buildings;
- (b) in a Conservation Area;
- (c) Scheduled Ancient Monuments;
- (d) less than 50m³ measured externally; or
- (e) involve the demolition of a gate, fence, wall or other means of enclosure,

then demolition is not considered to involve development.

NOTE: This does not alter the fact that Listed Building Consent, Conservation Area Consent, or Scheduled Ancient Monument Consent is required as appropriate for any of categories (a) to (e).

For the 3 types of buildings described it is still not permitted if:

- (a) the building has been made unsafe or uninhabitable deliberately, and
- (b) it can be made safe by repairs works or temporary support.

Where demolition of the building is urgently necessary in the interest of health or safety, written justification for the demolition must be given to the Planning Service as soon as reasonably practicable.

Where demolition is possible as permitted development, it is subject to certain conditions, including:

- (i) prior notification to the Planning Service regarding the method of demolition and proposed restoration of the site.
- (ii) the prior notification application to include neighbour notification procedures.
- (iii) 5 years to then carry out the demolition on approval of notification.

The determination of the Planning Service is not required where demolition is:

- (i) urgently necessary in the interests of health and safety, on condition that the developer gives a written justification of the demolition to the planning authority as soon as reasonably practicable after the demolition is necessary; or
- (ii) taking place on land for which planning permission for redevelopment has been granted or deemed to be granted where the demolition is necessary in order to implement that planning permission; or
- (iii) required as a result of demolition order, made under the Housing (Scotland) Act 1987; or
- (iv) required as a result of an enforcement notice issued under the Town and Country Planning (Scotland) Act 1997; or
- (v) required as a result of an order requiring the removal of the building made under Section 71 of the 1997 Act which has been confirmed; or
- (vi) required by virtue of a planning agreement or obligation made under Section 75 of the 1997 Act; or
- (vii) required or permitted under any other legislation.

These permitted development rights do not affect, and are not affected by, any requirement to obtain a building warrant from the Planning Service under the Building (Scotland) Act 2003 for the demolition of any building.

Please read all the accompanying notes which are numbered to correspond with the questions on the form: