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Development Control

“Development Control” is the process of controlling new development by granting or refusing planning permission, and controlling unauthorised developments. Most new development requires the permission of your local planning authority (your local Council) before any work can commence. Some small works may not require a planning application - these are called “permitted development”

This leaflet explains to you:

- What happens if you need to apply for planning permission
- How to apply for planning permission
- What happens if planning permission is refused, and how to appeal
- How to comment on someone else’s proposals.

Local planning authorities also have powers to enforce planning control and stop unauthorised development. A separate leaflet explains the principles of enforcement, and your rights if enforcement action is taken against you.

The Town and Country Planning (Scotland) Act 1997 is the basis of current planning legislation. It states that planning permission is required for any ‘development’. The definition of development is contained in the Act, and is extremely wide-ranging. If your proposal falls within the definition it will be classed as development, and will normally need planning permission.

However, there are some exceptions to the definition which your planning authority would advise you of. Some minor developments, such as the erection of some house extensions, do not require you to submit a planning application. They are ‘permitted development’.

Applying for permission

Planning applications can take two main forms, the choice of which depends on the nature of the development proposed:

- Full planning permission - the application contains all details of the proposed development
- Outline planning permission - this is used where the applicant wishes to know whether a development is acceptable ‘in principle’. It can only be used in certain circumstances. If the outline application is approved, further application(s) must be made for the details of the scheme. These are sometimes known as ‘reserved matters’ applications.

Both forms of planning application will consist of an application form, payment of a fee, location map, and (in the case of detailed applications) scaled drawings showing the site and what is proposed. Your local planning authority will be able to tell you their exact requirements. You should also note that there are a range of specialised applications which may be required in certain circumstances, eg. listed building consent, conservation area consent or advertisement consent.

How the application is assessed

The local planning authority have a target of two months in which to reach a decision on the application. If they have not determined the application within this time, the applicant can appeal to the Scottish Ministers. More complex applications are likely to take longer to determine due to consultation with various statutory or community bodies.

The local planning authority will publicise the application and consult with other Council departments and appropriate organisations for their views. The application will then be assessed against the content of the Development Plan (see the sheet on ‘Development Plans’). The planning officer will also visit the site and consider consultation responses, objections or comments from the public and relevant Scottish Executive advice. S/He will then write a report containing a detailed assessment.

The decision-making process varies between local planning authorities. Certain applications will be determined by the councillors who sit on the planning committee of the Council or by an Area Committee of Councillors where the local authority area has a large geographical extent. In some areas, the Council may have delegated power to the chief planning officer to enable her/him to determine certain types of applications. But in all instances, it is the councillors not the planning officers who retain ultimate responsibility.

Making an appeal

Applicants for planning permission have a right of appeal to the Scottish Ministers against a refusal of permission or any conditions imposed on a planning permission. This appeal must be lodged within six months of a refusal date.

The Scottish Ministers appoint an independent Planning Reporter to listen to both sides of the case. Appeals can be considered in two ways:

- **Written submissions:** The arguments of all parties are submitted in writing and the decision is made on the basis of those written submissions. The most common method.
- **Public Inquiry:** This is the more formal method, and takes place where complex issues are involved. Public Inquiries follow a clear set of procedures and allow all interested parties, including neighbours and community groups, to give evidence and cross-examine others in a formal courtroom-like setting.

Third parties, such as neighbours or community groups cannot appeal against a planning permission that they do not agree with. So, if you do not agree with a development proposal then you should object to the local planning authority before they determine the planning application.

Commenting on planning applications

You should state clearly why you think the council should or should not grant planning permission. Remember that you can support planning applications as well as objecting to them. Listed below are some relevant points:

- The impact on adjacent property and the local area:
 - noise, nuisance and smell
 - daylight and privacy
 - visual appearance
- The impact of traffic movement:
 - increased traffic
 - road safety and access
 - parking problems
 - effect on pedestrians and cyclists
- The needs of the area:
 - employment
 - commercial, social and community facilities
 - opportunities for leisure and recreation

(NB: the effect of a development on the value of your property or the loss of a view are not planning considerations).

Contacts

Your local council planning office should be your first stop for planning information. If you are still unsure or need independent advice then Planning Aid for Scotland may be able to help. We offer professional advice free of charge to individuals and community groups.

For more information contact Planning Aid for Scotland.