



planning aid
for Scotland

Planning Permissions and Appeals

empowering people to shape their future

What is a planning application?

Many types of new development need planning permission from the local council before building work can be carried out or the use of a property changed. In these cases, a planning application must be made to the local council describing what the new development will involve and where it will take place.

Can I comment on a planning application?

Yes! You have the right to comment on any planning application. This leaflet gives basic advice on how best to ensure that your voice be heard.

Who makes the decisions on planning applications?

Generally, decisions on most planning applications are made by your local council. Some councils have 'decentralised' decisions, for example, to local committees. Your local planning office will be able to advise you how your particular council will make the decision on a particular planning application.

The actual decisions on planning applications are usually taken by a committee of local councillors. Some councils 'delegate' decisions on less controversial applications to their Chief Planning Officer in order to speed up the process. If there are any objections to a planning application then it will almost certainly be considered by the planning committee. The planning committee must take everyone's views into account before reaching a decision on the planning application.

How can I find out more about planning applications?

There are several ways to find out if a planning application has been submitted to your local council.

Contact your local planning office and ask to inspect the Register, which contains details on all planning applications.

Neighbour notification, people applying for planning permission must notify neighbours who adjoin the site about their planning application (except in some cases e.g. listed building consent).

Keep in touch with your Community Council, the council will notify them of all planning applications in the area each week.

Watch out for notices in the local press or a notice posted on the site.

How do I comment on a planning application?

The first step is to find out as much as you can about the details of the application. You have the right to inspect any application at your local planning office; a good tip is to telephone first to check that the application has been received by the council and can be inspected. If you are unsure about any part of the application (if you need to have plans explained, for example) then ask for help. Someone should be available to answer your questions.

Any views on the application should be made in writing. Your local planning office will tell you where and who to write to, and will let you know what the deadline is. Make sure that you state clearly which application you are commenting on, find out its reference number and quote it in your letter. If you have difficulty in putting your views in writing then the local planning office should be able to make special arrangements.

What points should I comment on?

Your letter 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 object to them! Some points are listed below:

The impact on property and the adjacent area:

- Noise, nuisance and smell.
- Daylight and privacy.
- Visual appearance.
- Pollution.
- Environmental concerns.
- The impact on traffic movement.
- Increased traffic.
- Road safety and access.
- Parking problems.
- Effect on pedestrians and cyclists.
- The needs of the local area.
- Employment.
- Commercial, social and community facilities.
- Opportunities for leisure and recreation.

(NB: the effect of a development on value of your property is not strictly a planning consideration).

What further action can I take?

There are a number of extra ways in which you can make sure that your views are heard.

Let your local councillor know about your comments: he or she is elected to represent you and may even sit on the planning committee.

Speak to your neighbours and other local people, do they share your views? You could start a petition or even contact the local paper.

Find out when the planning application is due to be considered by the planning committee, you have the right to attend the meeting and, if you write in beforehand, you may be able to state your views to the committee.

What happens after the council's decision?

If the council grants the planning permission then there is little you can do to stop the development going ahead. In very few cases the Scottish Executive may decide to 'call-in' the application for re-consideration: if this happens there will be a further chance for you to comment.

If planning permission is refused then the applicant has the right to appeal against the decision. If an appeal takes place, you will be given the chance to make your views known if you objected in writing to the planning application.

If you feel that the council has not followed the correct procedures then it may be worth contacting the Local Government Ombudsman (ask the council for contact details, or look in the phone book). The ombudsman is not able to question the merits of any decision by the local council but you can investigate the way in which the decision has been taken.

Structure Plans and Local Plans

Structure Plans are broad-brush, strategic documents which generally cover larger areas (in some parts of Scotland, groups of councils join together to produce a single Structure Plan for the whole area). They provide framework for the Local Plans, which contain fine detail of policies and proposals at the local level.

Individuals and community groups have the opportunity to comment on Structure Plans and Local Plans as they are being prepared.

The primary consideration against which councils assess a planning application is how that application fits with the policies contained in the Structure Plan and Local Plan for the area, it is important to make the most of this opportunity.

Planning Aid for Scotland can advise you:

- How structure Plans and Local Plans are prepared and what they contain.
- How these plans affect you.
- What role you can have in making these plans.
- How to comment on or object to anything in them.