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DO I NEED PLANNING PERMISSION TO FORM OR REPLACE A HARD SURFACED AREA WITHIN THE CURTILAGE OF A DWELLINGHOUSE?

If you answer **YES** to **ANY** of the following questions you **DO NEED PLANNING PERMISSION**

Tick answer

<ul style="list-style-type: none"> Will the hard surfaced area be within a conservation area or within the curtilage of a listed building? 	Yes	No
<ul style="list-style-type: none"> Will the hard surface be formed for any purpose other than one that is incidental to the enjoyment of the house (e.g. for business purposes)? 	Yes	No
<ul style="list-style-type: none"> Will the hard surfaced area be located between the house and a road bounding the curtilage of the house?; <u>and</u>, if so: <ul style="list-style-type: none"> a) will the hard surface be made of non-porous materials?; <u>and</u>, if so: b) will there be <u>no</u> provision made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the house? 	Yes to all	No No No

Definitions:

“**bound**” means to share a common boundary;

“**curtilage**” means the grounds associated with and immediately surrounding a dwelling, normally comprising the garden, courtyard and driveway etc.

“**dwellinghouse**” does not include a flat.

“**hard surfaced area**” is an area within the curtilage which is not covered in grass or other ‘soft’ landscaping, and which normally takes the form of a driveway, turning area or a parking (hardstanding) area for vehicles.

“**road**” is defined as including not only a publicly maintained road but also footpaths and private roads to which the public have access.

If you have not answered **YES** to **ANY** of the complete questions above you should not require planning permission. Please give us your name, address and signature below and return this Questionnaire together with a plan of your curtilage. The plan should show the location and relevant details of the proposed hard surface, the house and the location of any roads (as defined above) which bound your property.

We should then be able to confirm in writing whether or not planning permission is required. Such **written** confirmation is often important when it comes to selling a house. Make sure you have answered every question.

Your Name:

Address:
.....
.....
.....

Post Code:

Signed:

Date:

Notes:

1. This questionnaire is a summary interpretation of the relevant part of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended up to 6 February 2012. **Always return** the questionnaire rather than assume permission is not required as the legislation may have changed.
2. This questionnaire is not a “Certificate of Lawful Use or Development” under Section 150 or 151 of the Town and Country Planning (Scotland) Act 1997 as amended. The Certificate is a formal determination which provides a definitive position concerning the lawfulness of any existing (s.150) or proposed (s.151) use or operations under planning law. A fee is payable which is equivalent to half the relevant planning application fee where the development has not been carried out, and the full fee if it has.
3. This questionnaire deals with Planning Permission only.