



A Guide to Making an Application for Planning Permission

September 2008

Introduction

These guidance notes have been prepared to help you apply for planning permission. We want to make this easy for you and have your application considered in as short a time as possible. **Please read and follow this guidance.**

NOTE: The most common errors which result in invalid applications are indicated in bold and italics in this guidance to help you avoid them.

The planning application process is carefully controlled by planning law and government guidance. This makes the planning process complex in many cases but it is necessary, considering the financial and environmental impacts of approval or refusal of developments and the right of the public to make comments. It is therefore important that the correct processes are followed even if they may appear complex. Accordingly, many applicants use an experienced professional agent such as a planning consultant or architect to draw up and submit their applications.

If you feel that these notes can be improved please contact us at Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD or e-mail DevelopmentManagement@pkc.gov.uk.

Can I speed up the planning process?

If you follow the guidance notes fully and give us all the information we need, we can progress your application quickly. By providing correct and sufficient information at the initial stage you are helping the Council, statutory agencies (such as Scottish Natural Heritage or the Scottish Environmental Protection Agency) and the public to assess your application properly and timeously.

Providing sufficient and accurate information with the initial application is also greatly to the advantage of applicants. Not only will it speed up the process but it will also help ensure that any subsequent permission is not open to challenge on legal grounds because of some error or omission.

What happens if the application is incomplete? We carry out an initial check of an application on receipt. If we note an error or omission at that stage we will inform you by letter and give you 21 days to submit the required information. However some errors may not be obvious to the Council and the responsibility remains with the applicant to ensure the application is complete and accurate. Where the application is made by an agent, the letter requesting further information will be sent to the agent but a copy will be sent to the applicant.

Around 70% of applications are not valid when first submitted. It is noticeable that certain agents and applicants almost always submit a full and correct application while others frequently submit an inadequate application. We return invalid applications and the submitted fee if the additional information has not been received within the 21 day period allowed.

How do these Guidance Notes relate to the Application Form?

The guidance notes are numbered to match the relevant section of the application form. ***All sections have to be completed unless they are noted as "if applicable" in this guidance.***

Will I need other application forms?

You will also need other application forms if you require a Building Warrant, Listed Building Consent, Conservation Area Consent, Advertisement Consent, permission for mineral workings and Prior Notification for agricultural buildings or demolition. Where these are required it is usually in addition to your application for planning permission.

Can I get help to fill in the form?

If you need help with any part of the application form you can call in to Perth & Kinross Council at Pullar House, 35 Kinnoull Street, PERTH PH1 5GD or telephone 01738 475300.

Will my application be available on the internet?

All planning applications are now made available to the public online at www.pkc.gov.uk/publicaccess so you can check the progress of your application on the internet once we have told you that it has been registered.

Can I get general information and guidance on my proposal before I submit a formal application?

You should use the Council's web site and study the relevant Local Plan in the first instance. If you still wish further advice, the Council will provide an initial written response to a proposal on receipt of a written enquiry. You should look at our leaflet "Pre-Application Consultation", also available at www.pkc.gov.uk, for further information on the process.

Completing the Form

Question 1 Type of Application

You have to tick only one of the following Application types (*indicating the wrong type of application is a common error*):

"Full" Planning Permission

An application for Planning Permission (sometimes referred to as "Full" Planning Permission) should be ticked if you are submitting all details of proposed building works, *including landscaping*, and/ or applying for a change of use of a building or land.

Outline Planning Permission

An application for "planning permission in outline" (sometimes referred to as permission in principle) means you are proposing to erect building(s) but do not wish to submit all details at present. The matters not included in an application for planning permission in outline are referred to as "Reserved Matters" and if Outline Permission is granted these have to then be submitted as a separate application.

Please give as much detail as possible in your "Outline" application as the Council often needs more information before being able to determine the application, especially in conservation areas. The Council can ask for further details where it considers these necessary to come to an informed decision. These can include design, layout and access so you should consider whether it would be better to submit a "full" application in the first place rather than go through the two-stage process necessary for an outline permission.

Approval of Reserved Matters

An application for approval of Reserved Matters gives the further details required by conditions on a planning permission in outline. The reserved matters must be in accordance with a valid outline

permission. Please state the reference number of the outline permission.

Other Types of Application (not falling within the above categories)

The most common is the renewal of a planning permission prior which has not yet started to be implemented and has not yet expired (Planning Permissions have a time limit for starting the development). In these cases you may seek permission to renew a planning permission by means of a letter to Development Management, Perth & Kinross Council, Pullar House, 35 Kinnoull Street, PERTH, PH1 5GD quoting the reference of the previous permission. The appropriate application fee must be paid and section 16 and the signature and date in section 17 of the planning application form should be completed (including the notification of owners of the site). However, you do not need to complete the rest of the application form, nor undertake neighbour notification.

Previous permissions

Please give details of any relevant previous permissions or applications.

Pre-application consultations

Please tell us if you have had any pre-application advice from a planning officer (which is normally done by letter) and let us know the planning officer's name, when this took place and any reference number which was given to you.

Q2a Name and Address of Applicant

The name of the applicant must be given but the address may be "care of" an agent.

Q2b Name and address of agent (if applicable)

If an agent (e.g. a planning consultant, architect or solicitor) is used then we will normally contact only the agent. If the agent is a firm or partnership, please give the name and phone number of the individual dealing with the application.

Q3 Location or Address of the Application Site

State the full address, including postcode, of the application site. If the application relates to open ground describe its location as clearly as possible (e.g. 'Land to rear of 12 to 18 High Street' or provide a grid reference)

Q4a Description of Proposed Development

Clearly state the use and/or work proposed in the application e.g.: *Change of use of shop to office, Change of use and alterations to form a house from a store, Extension to house, Erection of House, Formation of vehicular access.* Please also include any other useful information about the type of application for example, "Amendment of condition x on planning permission ref. xxxx", or "amendment to previous planning permission ref. xxxx".

An unclear or inaccurate description of the proposal is a frequent reason for delay while clarification is sought.

Q4b Area of Site

Please complete this question to confirm the size of the site in **hectares or square metres**, as appropriate. ***Imperial measurements (e.g. feet or acres) are not legally acceptable on the form or on plans and other drawings.***

Q5 Existing Use of Land and/or Buildings

Complete for all parts of the site and for all floors of existing buildings, e.g. "garden ground" or "vacant wholesale warehouse".

Q6 Temporary Permission (if applicable)

Complete this question when you are applying for consent for a temporary period or to renew a planning consent for a further limited period. In either case, state the extent of the limited period for which permission is sought. In the case of renewal you should apply at least four months before the expiry of the existing consent and provide the reference number and expiry date of the existing permission.

Q7 Residential Development (if applicable)

Please complete this question to tell us the number of houses or flats which you are applying for.

Q8 Commercial/Industrial Development (if applicable)

Complete this question for all non-residential proposals. Gross floor space is the whole area enclosed by a building, measured externally, and should be used rather than Net floor space which excludes circulation spaces and joint services, e.g. toilets. You should tell us in writing:

- *If the proposal forms a stage of a larger scheme for which planning permission is not at present sought.*
- *If the proposal is related to an existing use on or near the site.*
- *If the proposal is a replacement for existing premises elsewhere, now considered to be obsolete or otherwise unsatisfactory (please state your intention regarding the vacated premises).*
- *If the application is for an industrial use, the processes to be carried on and the type of machinery used.*
- *If the proposal involves the use or storage of large quantities of hazardous materials, it is essential to state the materials and quantities involved. In some cases a Hazardous Substances Consent will be required.*

Q9 Proposed Access Arrangements

Planning permission is normally needed for a new or altered vehicular and/or pedestrian access to a road. When you want to construct a pavement crossing for a vehicle on to a publicly-maintained road, or do other works to the pavement or roadway, you must also seek "Consent to Execute Works in a Road" from the Council as Roads Authority. This is normally done following the grant of planning permission. You should contact the Construction & Maintenance Manager, Perth & Kinross Council, The Atrium, 137 Glover Street, PERTH, PH2 0HY or telephone 01738 477200.

Q10 Parking (if applicable)

Complete this question to tell us the number of off-street car parking spaces within the existing site and under your control and the additional number which you propose to provide.

Q11 Proposed External Construction Materials (if applicable – that is, if building operations proposed)

Complete this question to confirm the proposed external finishing materials to be used on the building and boundary enclosures. You must specify the material and its colour in each case or note that these are specified on the accompanying plans.

Q12 Proposed Drainage Connections (if applicable – that is, if there is to be any new foul or surface water drainage)

Most new buildings within publicly-sewered areas should be given separate connections to a foul-water sewer and a storm-water sewer. If this is not possible in your case please contact Scottish Water, telephone 0845 601 8855. You need to state on the application form what the drainage arrangements will be. If the site of the planning application is located outwith the area served by a public sewer then the question of the drainage of the proposed development will not normally be investigated in the consideration of the application. In these instances you are advised to contact the Scottish Environmental Protection Agency (SEPA) - telephone 01738 627989.

Q13 Trees

The Council has a duty to ensure that existing trees are kept wherever possible. You should accurately show the position and canopy of any existing trees on the plans and state which, if any, you propose to fell. If the site of your application is within a conservation area, you must not fell or lop any tree without consulting The Environment Service on 01738 476476 at least six weeks before you intend to carry out the work. In some other cases trees will also be protected by a condition on a previous planning permission or by a Tree Preservation Order.

Q14 “Bad Neighbour” Development

Planning applications for certain categories of proposed development, known as “bad neighbour” development must be the subject of a public advertisement in the local press. “Bad neighbour” developments are defined in the Town and Country Planning (General Development Procedure) (Scotland) Order 1992. They include licensed premises, hot food shops, some specific leisure-related premises, sewerage systems for more than one house, tall buildings and operations during ‘unsocial hours’. We will be able to advise you if you are in doubt. For “bad neighbour” developments you must pay an additional fee to the Council to cover the cost of advertising the application. This fee is currently £100.

Q15 Neighbour Notification

Neighbour Notification is a common source of errors and one which puts any consent at particular risk of a legal challenge.

Although anyone can comment on any application, those who are legally defined as “neighbours” are formally notified of the application by the applicant (not the Council). You must notify all the “neighbours” whose land or buildings border your proposed development ***following the definition of “neighbouring land” given below.*** Notification is to allow those with an interest in neighbouring land to have the opportunity to inspect and comment on your planning application. You must complete this question to tell us you have notified these neighbours of the submission of your application, and to tell us who those neighbours are (use an additional sheet if necessary). ***Domestic and non-domestic properties are listed separately.*** As the location of neighbours is also to be shown on one of the necessary accompanying maps it is easiest to use on the map the same numbers (for Domestic Property) and letters (for Non-Domestic) as used when completing this question .

What you need to do:

If the neighbouring property is **domestic** (e.g. a house or flat) two copies of the notice and location plan must be issued - one addressed to “The owner” and the other to “The occupier”.

If the neighbouring property is **non-domestic** (i.e. any property other than a house or flat or its garden ground) three copies of the notice and location plan must be issued - to the owner, to the lessee, and to the occupier all as named and with the addresses given on the Valuation Roll. If you cannot find this information, you should send each notice and location plan addressed to “the owner”, “the lessee” and “the occupier” to the address of the neighbouring property. If it is not possible to identify an address to deliver these notices to using the Valuation Roll then , under 15A, tick the third box and the Council will advertise the application (a fee is payable –currently £100)

You must notify the neighbours who own, lease or occupy any land or buildings which either:

- *abut the application site*
- *lie immediately opposite across a road from the site, unless the width of the road exceeds 20 metres.*
- *lie within 4 metres of the site boundary, including if the site boundary were projected across a road (unless the width of the road exceeds 20 metres)*

where such land or buildings are within 90 metres of the proposed development for which you are applying. If the application site is within a building, such as a flat, then notifying all neighbours within 4

metres of your flat will involve notifying neighbours above and below as well as on either side.

How to deliver a neighbour notice:

Copies of the neighbour notification form are issued with the application form and these guidance notes. You have to complete these and serve them on each neighbour together with a location plan. **Using the normal postal service does not comply with planning law.** Hand delivery is allowed under planning law but has the disadvantage for the applicant that there is no proof of delivery if neighbours were to subsequently claim they had not been notified. The use of Recorded Delivery is in compliance with the law and is recommended as the preferred method of sending out notices as the receipt provides proof of delivery in the event of a subsequent dispute. **Failure to use the correct legal methods of notifying neighbours is a common error** and means that your application cannot be accepted. Neighbour notification is a complicated part of planning legislation and a common source of difficulty for applicants. If in doubt, please contact us on 01738 475300 for advice.

Q16 Land Ownership

Tick one of the boxes in A and one in B. In most cases it will be appropriate to complete the first box in A, i.e. where the applicant is the owner of the ground or the lessee under a lease, the unexpired term of which is not less than 7 years. However it is quite legal to apply for planning permission when you are not the proprietor of the ground or the lessee under a lease. In such cases, the second box should be used and you must inform the owner and/or tenant by serving on them the "Notice to 1) owners or 2) Tenants of Agricultural Holdings" provided with the application forms. If it is not possible to establish the owner, the Council will advertise the application, at the applicant's expense, but only where it can be shown that the applicant has taken all reasonable steps to identify the owner. The current fee for this advert is £100. In most cases in B the first box will be ticked. **The second box is used only for tenants of agricultural holdings.** If the second box is appropriate you should complete the question and serve the "Notice to 1) owners or 2) Tenants of Agricultural Holdings" on the tenants.

Q17 Declaration and Additional Documentation

In this section you are required to confirm that you have attached the necessary documentation and fees.

Planning Application Form

You must provide **the completed and signed application form together with three copies(which should be photocopies).**

Plans

You must **submit four copies** of each appropriate plan as follows:

• Location plan

- at a scale of 1/1250 or 1/2500, with an **additional plan at 1/10,000 for rural areas. Make sure the scale and the direction of North are shown..**
- show the site and adjoining land, buildings and roads. In rural areas it may be necessary to **add information** such as road numbers or place names to help locate the site.
- the location plan should **fill an A4 sheet** and should ideally be based on an Ordnance Survey plan
- **show the boundaries of the application site clearly outlined in red. Include within the red line all land required for the development including any private access as far as the public road and any land for a drainage system**
- In the case of a house extension or a free-standing building within a house garden such as a garage or shed, the red line should include the whole garden (the "curtilage" of the house)
- if there is any land in the area in the applicant's ownership but not included in the application site then **draw a blue line around that land**

- **Site plan**

- at a scale of 1/200 or, for larger sites, 1/500
- ***show the boundaries of the whole site (as defined above) clearly outlined by a red line.*** Ensure this is the ***same boundary as shown on the location plan.***

- the position of any existing buildings within the site

For full applications and as far as possible on outline applications you should also show:

- the position of any buildings proposed to be erected, built or altered within the site
- the position and height of any new fences or walls
- the position and width of any existing or proposed access as far as the public road (and which must be within the red line of the site boundary)
- the provision of any existing or proposed off-street car parking
- ***contours and/or spot levels of the entire site, together with existing and proposed sections where levels are being altered.***
- ***the accurate position and canopy spread of all trees within the site,*** with a clear indication of any trees which are to be felled. Where felling is proposed, a professional tree conditions survey will normally be required.
- ***full details of soft and hard landscaping*** (accompanied by a ***biodiversity statement*** where applicable)
- position of mains drainage or ***septic tank/sewage treatment plant and soakaway*** (which must be within the red line of the site boundary)

- **Detailed plans** (for full applications and as far as possible for outline applications)

- at a scale of 1/50 or 1/100
- a plan of each floor and the roof
- a section through the building showing the foundation, each floor and roof which should include ***proposed finished floor levels*** of all buildings relative to Ordnance Survey datum, if possible.
- an elevation of ***every face of the proposed building, with the direction each elevation faces indicated .***
- details of the materials and colours of all external finishes
- each elevation to accurately show the ***level of the lowest floor of the building along with the adjacent ground as proposed.***
- full ***details of any new fences or walls*** to be erected on the boundaries of the site, including heights and materials
- where the building operations include alterations or extensions to existing buildings, ***show the existing building and where applicable adjoining buildings***
- where building operations include downtakings and demolitions these should be shown by a broken red line
- all dimensions and scales to be in metric units

Please note that two sets of the plans must be coloured to show clearly proposed works and to resemble the proposed colours of the different external materials, where applicable. ***The coloured set should not be bound or stapled*** as it will require to be scanned into our computer system. ***A maximum size of drawing of A3*** is useful for scanning. ***The other three sets should however be collated and bound or stapled prior to being submitted.***

The submission of incorrect plans which do not follow this guidance is the most common reason for an application being considered invalid and thus being delayed.

Photographs

Photographs are not a legal requirement but can often allow applications to be considered more quickly. This will be particularly useful for simple types of development proposals. For example, photographs can

be used to show the frontage of a shop being altered or having signage added and its context within the street; or to show elevations of a house which is being extended, together with views from the proposed extension towards neighbouring boundaries. As with plans, four sets should be submitted.

Neighbour Notification

You must have served the neighbour notifications before submitting the application. It is preferable if this is done at the same time as submission of the application. This avoids neighbours contacting or visiting the planning service before the application has been received by the Council.

Neighbour Notification Plan

You must enclose a location plan identifying the neighbours you have notified, and cross-referencing them with the list in section 15 of the application form.

Land Ownership

You must have served the land ownership notification, if appropriate.

Fees

In almost all cases, you must pay a fee before the Council will commence consideration of your planning application. The fees required are set out by the Scottish Government - see the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations. A summary is available from the Council and is sent with the planning application forms and this guidance. Cheques should be made payable to "Perth and Kinross Council". ***Incorrect calculation of fees is a common error*** –please study the guidance on fees carefully and seek further advice if unsure.

"Bad Neighbour" Development Fee

As explained in Question 14, you must pay an additional fee where the application is for a "bad neighbour" development. This is currently £100.

Completed Applications

Your completed application may be sent to the Head of Planning, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, PERTH, PH1 5GD or delivered by hand to The Environment Service at the same address or to any of the Council's area offices during normal office hours. **Failure to complete the forms satisfactorily or to provide all the necessary plans and essential supporting information is likely to result in your application being delayed.**

Additional Information

Many applications will require additional supporting information, beyond the legal minimum of application forms and plans, before they can be determined. The most common matters covered by additional information are Flood Risk, Noise, Ground Contamination, Nature Conservation and Biodiversity, Affordable Housing and proposed method of Maintaining Landscaping.

Although the lack of this additional information may not make the application technically "invalid" on receipt, it will be necessary to receive this information before any approval can be issued and it often plays a large part in the assessment of the application by the Council, statutory consultees and the public. Accordingly, this information should ideally be submitted at the same time as the application. Applicants should be aware that late supporting information is unlikely to be considered by the Development Control Committee – see the leaflet "Submission of late papers to Committee Meetings".