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DO I NEED PLANNING PERMISSION FOR A GATE, FENCE OR WALL WITHIN OR BOUNDING THE CURTILAGE OF A DWELLINGHOUSE?

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

	Tick answer	
	Yes	No
• Is your property a flat (e.g. in a tenement or a 4-in-a-block)?	Yes	No
• Is the dwellinghouse within a conservation area?	Yes	No
• Will the gate, fence, wall or other means of enclosure be within, or bound, the curtilage of a listed building?	Yes	No
• Will any part of the gate, fence, wall or other means of enclosure exceed 2 metres in height?	Yes	No
• Will any part of the gate, fence, wall or other means of enclosure exceed one metre in height where it: (i) fronts a road; or (ii) extends beyond the line of the wall of the principal elevation or side elevation of the house that is nearest a road?	Yes	No
• If an existing gate, fence, wall or other means of enclosure is being replaced or altered; will it exceed whichever is the greater of the original height or heights described in the preceding two questions?	Yes	No

If you have answered **NO** to **ALL** the 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 garden. The plan should show the location of the proposed gates/fence/wall etc., the house and any road (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:

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Post Code:

Signed:

Date:

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.

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

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 October 2011. **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. You may require a Building Warrant for the works proposed.
4. With regard to gates, you will need Planning Permission to form a new vehicular access to a trunk or classified road.