



Planning and Development  
 Perth & Kinross Council  
 Pullar House  
 35 Kinnoull Street  
 PERTH PH1 5GD

Email: [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)  
 Telephone: (01738) 475300

## CHECKLIST

### 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"> <li>Will the hard surfaced area be within a conservation area* or within the curtilage of a listed building*?</li> </ul> <p>* A list of Conservation areas can be found on our website at <a href="http://www.pkc.gov.uk/conservationareas">http://www.pkc.gov.uk/conservationareas</a></p> <p>** A search of Listed Buildings can be carried out on Historic Scotland's website at <a href="http://www.historic-scotland.gov.uk/historicandlistedbuildings">http://www.historic-scotland.gov.uk/historicandlistedbuildings</a></p>	<b>Yes</b>	<b>No</b>
<ul style="list-style-type: none"> <li>Is your property a flat? (including a 'four-in-a-block')</li> </ul>	<b>Yes</b>	<b>No</b>
<ul style="list-style-type: none"> <li>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)?</li> </ul>	<b>Yes</b>	<b>No</b>
<ul style="list-style-type: none"> <li>Will the hard surface be used for the formation of a new vehicular access?; and if so will the new access be from a category A, B or C classified road?</li> </ul>	<b>Yes</b>	<b>No</b>
<ul style="list-style-type: none"> <li>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"> <li>a) will the hard surface be made of non-porous materials?; <u>and</u>, if so:</li> <li>b) will there be no provision made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the house?</li> </ul> </li> </ul>	<b>Yes to all</b>	<b>No</b> <b>No</b> <b>No</b>
<ul style="list-style-type: none"> <li>Have '<a href="#">permitted development</a>' rights been removed? You will need to check the original planning permission for the development. Permissions from 2007 onwards can be found on Public Access. Use the map search to find your plot. Please be aware that the map function on public access is not available when using tablets or mobile phones</li> </ul> <p>*You can check the planning history of the property on PublicAccess via our website <a href="http://www.pkc.gov.uk/publicaccess">http://www.pkc.gov.uk/publicaccess</a>. For help on how to</p>	<b>Yes</b>	<b>No</b>

search on public access please see our <a href="#">‘How to use Public Access’</a> guidance note.		
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If you have answered **NO** to **ALL** the questions above you should not require planning permission.

**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 forms of soft landscaping, and will normally include paths, driveways, patios, and turning areas or a hard standing or 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.

“**porous material**” is a material that allows water to drain freely in to the ground below and will not cause the run off of surface water into road drains.

**Notes:**

1. This checklist 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.
2. This checklist 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. The forms and guidance notes can be assessed at <https://eplanning.scotland.gov.uk/WAM/paperforms.htm>
3. This checklist deals with Planning Permission only. You may require a Building Warrant for the works proposed.
4. If you want to obtain written confirmation whether planning consent is required for a development you intend to carry out, you will need to submit an application for a Certificate of Lawfulness as detailed above (2).
5. If you are forming a new vehicular access, please note you may require permission from Transport Planning. Forms and Guidance can be assessed at <http://www.pkc.gov.uk/article/3606/Vehicular-Access-Guide>