Conservation Area Consent Form

Guidance Notes

- *Planning (Listed Building And Conservation Areas) (Scotland) Act 1997.*
- *Historic Environment (Amendment) (Scotland) Act 2011*
- *The Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Amendment Regulations 2011*
- *The Town And Country Planning (Listed Buildings In Conservation Areas) (Scotland) Regulations 1987.*
- *Scottish Historic Environment Policy SHEP 2011*
- *Scottish Planning Policy 2010*
- *Managing Change in the Historic Environment Guidance Series*

The Conservation Area Consent Form allows you to apply for consent to demolish a building in a conservation area. This form is to be submitted as part of your proposal, and applies only when your proposal site is in a conservation area and the building is not listed.

These guidance notes provide clarification and further information to help you complete each section of the form.

**When To Use This Form**

1. This form should be used for proposals which involve total or substantial demolition of any unlisted building/structure in a conservation area.

2. If you are seeking consent to demolish a listed building in a conservation area, you need to obtain Listed Building Consent rather than Conservation Area Consent.

3. If the building and/or site is a scheduled monument, you need to obtain scheduled monument consent from Historic Scotland, acting on behalf of Scottish Ministers. Further advice should be obtained direct from Historic Scotland for any works involving a scheduled monument.
4. Listed buildings are exempt from the requirements of Conservation Area Consent. Section 67(1) of the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 also excludes demolition of an ecclesiastical building in ecclesiastical use, the demolition of a scheduled monument, and the demolition of any building in certain exempted categories specified in the direction on the part of Scottish Ministers, from the need for conservation area consent.

**Information Required**

5. You must describe the extent of the proposed demolition accurately and concisely in your form. You should specify whether or not the proposal involves complete or substantial demolition of buildings. You should note that Conservation Area Consent is only required for *total* or *substantial* demolition works to unlisted building and structures in conservation areas. You do not need consent to demolish a building which has a volume less than 115 cubic metres, or for part demolition of buildings, or for minor alterations to gates, walls and fences even within a conservation area. Such works may, however, require planning permission if the site is an “Article 4” Area (i.e. where the planning authority has secured additional controls to protect the character of an area). Check with your planning authority if you are not clear about this.

*NB: In general terms as indicated above, the demolition of an unlisted building in a conservation area without Conservation Area Consent, is a criminal offence.*

**Information on conservation areas**

6. Planning authorities have a duty under Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to designate conservation areas as a way of preserving and enhancing the character and appearance of parts of their areas which have special architectural or historic interest. Designation gives greater control over the demolition of buildings and provides the basis for policies designed to preserve or enhance all the aspects of character or appearance that define an area’s special interest.

7. You can find information about conservation areas in development plans and on your planning authority’s website. Information may be available on a GIS or map search facility.
General Guidance for Conservation Areas

8. As a general guide, the provisions of the SHEP and SPP 23 are as follows.

- The planning authority is required by law to ensure that the decisions it takes will ensure that the character of the conservation area will be preserved and enhanced.

- In deciding whether consent should be granted, planning authorities should take account of the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site.

- If the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated.

- In some cases, demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult. Structural surveys and/or financial justifications will usually be required to support such a case.

- In instances where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building. Hence it is important that you note in the form if you are submitting an application for planning permission for new development at the same time.

9. Detailed plans for an acceptable replacement building should be available before Conservation Area Consent is granted for demolition, particularly where a building to be demolished is of architectural value, either in itself or as part of a group, or occupies an important site within the conservation area.
Plans And Particulars Required

10. The application must be accompanied by sufficient particulars to identify the building to which it relates, including a plan; such other plans and drawings necessary to describe the proposed works; and such other particulars as may be required by the authority. It is not possible to make an application for “conservation area consent in principle”; you are required to provide sufficient details to enable the impact of the works on the Conservation area to be assessed at this stage. You should therefore consider submitting an application for planning permission at the same time as making this application.

11. You will need to submit a location plan. It is recommended that this is at a scale of 1:1250 or 1:2500 (or larger), showing at least two named roads and surrounding buildings. The properties shown should be numbered or named to ensure that the exact location of the application site is clear. The application site must be edged clearly with a red line. It should include the building and all land attached. A blue line must be drawn around any other land owned by the applicant, close to or adjoining the application site.

12. In addition, you must provide adequate information – plans and elevations, and/or photographs – to clearly show the building that is proposed for demolition.

13. You should provide supporting information to address the points that will enable the planning authority to give effective and efficient consideration of your application. This should set out your case for demolition on one or more of the following:

   - If you believe that the building does not make a positive contribution to the character of the conservation area, you should include a statement outlining the evidence to support this assertion;

   - If you believe that the building is incapable of repair, a detailed survey should be provided highlighting the issue(s) which cannot be resolved;

   - If you believe that the building is capable of repair but that this is not economically viable to achieve, a detailed survey should be provided together with a priced schedule of works for the repair of the building and evidence of the value of the building once repaired. In addition, it will normally be important to show that the building has been marketed for a reasonable period, normally not less than 6 months;

   - If you believe that the replacement scheme offers significant community benefits a statement should be provided explaining the nature of these benefits and how they cannot be realised if the building is retained.
If your proposal is not to rebuild but to use the cleared area for parking, access or amenity purposes, the authority has to consider whether these purposes are reasonable, and whether the existence of an area of ground without a building will be in character with the current building density in the conservation area. Information which is submitted in support of the application should therefore address the question of preservation and enhancement of the character of the conservation area.

In the past, unsightly gaps have appeared in conservation areas as a result of premature demolition, and have resulted in unsatisfactory development, allowed primarily to fill those gaps. To avoid this happening, planning authorities are requested to consider the long term future of a particular site rather than considering the reasons for demolition in isolation. Your supporting information should address these points.

Further guidance is set out within the SHEP and Historic Scotland’s Managing Change in the Historic Environment Guidance Series.
Certificates Of Ownership And Neighbours

13. In addition you must complete the appropriate Certificates of ownership – Certificate A, B, C or D - in relation to the application. You need not be the owner of the building or the structure to apply for permission, but if you are not the owner (or the only owner), the procedures require that you serve a Notice on the owner. If you do not know who the owner is then an advert will have to be placed in a newspaper. If you are unsure about the necessary procedures you should contact the planning authority. These Certificates are all contained within the on-line form.

14. No fee is required. There are also no neighbour notification procedures to be carried out. Although you are not required to notify neighbours, you may wish to advise them informally.

What Do The Planning Authority Take Into Account In Making A Decision?

15. The planning authority must have regard to the desirability of preserving or enhancing the character or appearance of the conservation area in exercising its responsibility under the planning legislation; this statutory duty should always be borne in mind when considering demolition applications. As set out in the SPP paragraph 116 “The merits of the building and its contribution to the character and appearance of the conservation area are key considerations when assessing demolition proposals. Where demolition is considered acceptable, careful consideration should be given to the design and quality of the replacement scheme.”

16. To assist you, the planning authority may have specific policies or guidance notes relating to the types of development in conservation areas which may be acceptable. They may have a Conservation Area Character Appraisal specific to the particular conservation area. You may find that by making a small amendment to your proposals you can meet the authority’s planning and design objectives. You may also wish to discuss your proposal before you submit your application by seeking pre-application discussion with your planning authority. For details of relevant policies and guidance about arrangements for pre-application discussions, please look at your planning authority’s website.

Decision On Your Application
17. The decision which is made will be to grant Conservation Area Consent, either with or without conditions, or to refuse consent. It is normal for a grant of consent to have conditions attached. Planning authorities usually wish to control the timing of demolition works, and link these to future redevelopment (if appropriate) to ensure that the site is not left vacant for a long period. It is also usual to have conditions requiring some record to be made of the building or structure before it is demolished.
What Happens If Consent Is Refused?

18. If the planning authority refuses Conservation Area Consent you have a right of appeal to the Scottish Ministers against its decision.

Electronic Submission Of Application

19. Under the terms of Regulation 8A(4) of The Town and Country Planning (Listed Buildings in Conservation Areas) (Scotland) Regulations 1987, please note that by submitting your application for Conservation Area Consent using this form you are deemed to have agreed to the following:

   a. to the use of electronic communication for all purposes relating to the application; and
   
   b. that the electronic address you have used is the one which will be incorporated into the application

unless you advise the planning authority in writing that you wish to revoke the agreement.