

HOW TO FIND OUT IF YOU NEED PLANNING PERMISSION

This guidance relates to proposals for minor alterations and extensions to houses and any development within the gardens of houses including micro-renewable technologies, garages, sheds and other minor works. It does not cover developments of non-domestic properties.

What is development?

The term 'development' includes most building and engineering works and most changes of use of buildings and land.

What is permitted development?

Permitted development allows certain developments to take place without the need to apply for planning permission. This includes some minor extensions to houses, the installation of certain micro-renewable technologies (e.g. solar and photovoltaic panels, wind turbines etc.) and the erection of some outbuildings, walls and fences.

The rules around whether a development is "permitted" or not are complex and can result in a situation where you may require planning permission for a proposed extension or garage but your immediate neighbour does not.

To find out if your proposal is permitted development, you should complete a **Householder Enquiry Form** which is available on our website. Please ensure that all of the information we request is submitted as this is the minimum information required to make an assessment. The Householder Enquiry Form also asks for details which will help us to advise you if the proposed works require a building warrant.

Please note that your rights to permitted development may have been removed from properties located within conservation areas (you can view maps and find information at http://www.highland.gov.uk/info/192/planning_-_listed_buildings_and_conservation_areas/167/conservation and/or within the curtilage of listed buildings (<http://www.historic-scotland.gov.uk/>).

Additionally, in certain circumstances the Council may have removed permitted development rights by a condition attached to the original planning permission for a development.

What happens next?

Once we receive your completed form, we will assess your proposal on the basis of the information supplied and we will write and tell you if an application for planning permission and/or a building warrant is required.

If **planning permission** or a **building warrant** is needed you can download the forms and guidance notes from our website (see link below), or request that these are sent to you by post or email. http://www.highland.gov.uk/info/180/planning_-_applications_warrants_and_certificates/143/planning_permission

We will deal with your enquiry as quickly as possible and will aim to provide a response within 10 working days.

Assessments are made on the information you supply, no formal drawings are required and we will not make a site visit to your property. Therefore, the advice given is our informal opinion. If you wish legal certification that a proposed (or existing) development does not require planning permission, then you should make an application for a Certificate of Lawfulness.

What is a Certificate of Lawfulness?

A **Certificate of Lawful Use or Development** removes any uncertainty of the planning status of work carried out or proposed.

The process is similar to that of a planning application in that you must submit a completed form, http://www.highland.gov.uk/info/180/planning_-_applications_warrants_and_certificates/143/planning_permission drawings and a fee (see link below for the scale of fees). We may request additional information and visit the site. If we are satisfied that the proposal is lawful we will issue a **Certificate of Lawfulness**.

Scale of fees can be found at:

http://www.highland.gov.uk/downloads/download/216/apply_for_planning_permission_-_charges

What is the benefit of a Certificate of Lawfulness?

A Certificate of Lawfulness can be of benefit to you in a number of ways:

- It is a decision by the Planning Authority that has legal status providing certainty to developers and future purchasers of the land and buildings;
- It can be of assistance in applying for some types of licence;
- It may help resolve disputes about the planning status of land and buildings;
- It may also provide defence against the service of an enforcement notice.

This could be useful when selling or purchasing a property as it is proof to solicitors that any extension to the property or garage/outbuilding and any other small scale development within the grounds of the house is lawful and can save time in processing a sale/purchase of a property.

Pre application advice service

If you wish advice on a larger scale development, such as building an annexe or a house, you should use the Council's **pre application advice service** details can be found on our website

http://www.highland.gov.uk/info/180/planning_-_applications_warrants_and_certificates/187/when_to_get_planning_permission/4 .

Further Information

Further information and download links for application forms and guidance can be found at:

http://www.highland.gov.uk/info/161/planning_and_building_standards

You may also wish to contact your local planning office for advice:

http://www.highland.gov.uk/info/180/planning_-_applications_warrants_and_certificates/179/area_planning_offices