

Planning Briefing Note

Permitted Development Rights – Stage 3

Changes in legislation from 24th May 2024

The Scottish Government is carrying out a review of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2024, (GPDO) ([The Town and Country Planning \(General Permitted Development\) \(Scotland\) Amendment Order 2024 \(legislation.gov.uk\)](#)) as part of its wider planning reform programme. The review is being taken forward in phases, with each phase considering the potential for new and extended PDR for specific development types. The Order relates to the third phase of the review; the measures will affect the following Classes of development:

- 1. Domestic Renewables**
- 2. Non-Domestic Renewables**
- 3. Window Alteration or Replacement**
- 4. Electricity Network Infrastructure**

The Order is accompanied by the publication of Planning Circular 1/2024 and 2/2024:

[Planning circular 1/2024: householder permitted development rights - gov.scot \(www.gov.scot\)](#)

[Planning circular 2/2024: non-domestic permitted development rights - gov.scot \(www.gov.scot\)](#)

The GPDO grants planning permission for certain classes of development subject to various conditions. Where certain types of development are proposed, the applicant is required to notify the Planning Authority of the proposed development and the Planning Authority must then advise whether its prior approval is required for specific elements of the proposal. As outlined below, a number of the new Classes introduced by Scottish Government follow this notification process.

The process is a means of regulating specific aspects of a proposal that would otherwise be permitted development. It is also crucial to understand that the prior notification and prior approval process only applies to works that are permitted development. As such, the Planning Authority is not assessing the principle of development but discharging a condition of the GPDO.

It is worth noting, that although prior notifications and prior approvals are visible on the Weely Lists, no neighbour notification or public comment procedures apply to the majority of prior notification or prior approval applications, with the exception of notifications under Class 67 for new ground-based masts and Class 70 for certain demolition works.

For the avoidance of doubt, prior notifications for the new Classes of development, cannot be submitted through the ePlanning online portal at this time, forms must be downloaded and submitted directly to the relevant Local Authority. Forms are available to download from the ePlanning.scot portal.

The below provides a summary of amendments to new Classes that have been introduced.

1 Domestic Renewables

The changes introduced by the Order provide additional flexibility for homeowners to install a range of domestic microgeneration equipment without a planning application being required.

Ground and water source heat pumps (Class 6D and 6E)

The Order amends both classes so that the PDR cover associated pipework and other apparatus – in addition to the pump itself.

Free Standing wind turbine within the curtilage of a dwelling (Class 6G)

Prior to amendment, Class 6G was subject to a restriction that the wind turbine must be situated at least 100m from the curtilage of another dwelling (regardless of the size of the turbine). This is replaced with a restriction based on the size of the turbine, whereby the turbine must be situated a distance which is less than 110% of the overall height of the turbine from any other dwelling's curtilage. For example, if the turbine proposed is 10 metres in height, 110% of this is 11 metres, therefore the proposed 10 metre high turbine cannot be situated less than 11 metres from any other dwellings curtilage.

The formula would be **X metres x 1.1 = Y metres** (X being proposed turbine height, Y being the distance of 110%).

Further provisions limit the maximum height of any turbine to no more than 15m and that the lowest part of any blade must be at least 5m above ground level.

This Order specifies areas in which the PDR does not apply and standards for noise.

Class 6G will be subject to the applicant applying for prior notification/prior approval of the Planning Authority as to the siting, design and external appearance of the proposed turbine.

Solar panels on a dwelling (Class 6HA)

New Class 6HA provides PDR specifically for the installation, alteration or replacement of solar panels mounted on a dwelling. Previously such works could have been carried out under the provisions contained in Class 2B and Class 4A. Neither of those Classes apply in conservation areas.

New Class 6HA applies to dwellings including those within conservation areas – allowing solar panels to be attached to houses, flats and buildings containing flats in conservation areas.

Solar panels permitted by this class must not protrude more than 1 metre from outer surfaces, roofs or chimneys. The class does not permit solar panels on principal or side elevation fronting a road within conservation areas, and does not permit solar panels on listed buildings, their curtilages or within World Heritage Sites.

Solar panels on a building within the curtilage of a dwelling (Class 6HB)

Class 6HB allows for solar panels on an outbuilding, provided they do not protrude more than 500mm from outer surface of external wall, roof plane, roof ridge or chimney. The PDR does not apply within the front (principal elevation) curtilage nor on or within curtilage of listed building or World Heritage Site.

Wind turbine on detached dwelling (Class 6HC)

Class 6HC provide PDR for the installation, alteration or replacement of a wind turbine on a detached dwellinghouse. The Order sets out restrictions where PDR would not apply, such as, where there would be more than one turbine on the same dwellinghouse and setting limits on the size and location of the turbine. The PDR does not apply in certain designated areas, such as a conservation area.

2 Non-Domestic Renewables

As with the new and extended PDR for domestic microgeneration, the amendments are intended to provide greater flexibility to install renewable energy equipment on – or within the curtilage of – non-domestic buildings.

Non-domestic ground and water source heat pumps (Class 6I)

The Order has been amended such that the PDR covers the pump itself and any associated equipment. Restrictions disapplying the PDR in certain designated areas are removed, as is the restriction on total heat output capacity for the building.

Solar panels on non-domestic buildings (Class 6J)

The Order provides PDR for the installation, alteration or replacement of solar PV or solar thermal equipment on a non-domestic building. This Class permits PDR in conservation areas but subject to restrictions in certain designated areas and not when the solar panels are located on the principal or side elevation that fronts a road and must not protrude more than 1 metre from outer surface of the building.

Free standing solar panels in curtilage of non-domestic buildings (Class 6N)

The Order introduces a new Class allowing the installation of free standing solar panels within the curtilage of a non-domestic building. The new class restricts the total area of solar panels within the curtilage, to a cumulative surface area of 12m². Within conservation areas, installations of free standing solar panels are only permitted when they are located to the side or rear of the building, and with the cumulative surface area of the solar PV no more than 12m², in order to benefit from the PDR. The Order outlines designated areas where the PDR does not apply.

Solar canopies and battery storage equipment (Class 9M)

Class 9M contains PDR for solar canopies, and necessary battery storage and equipment, in qualifying parking areas: off-street parking areas lawfully used for the parking of vehicles and with a hard surface.

As originally introduced, solar canopies installed under Class 9M had to be primarily used for recharging vehicles i.e. used to power electric vehicle charge points or upstands. Phase 3 removes 'primary use' so that the PDR would cover solar canopies and necessary battery storage and equipment regardless of the use to which the electricity generated is put.

Class 9M will be subject to the applicant applying for prior notification/prior approval of the Planning Authority as to the siting and design of the development.

3 Window Alteration or Replacement (domestic and non-domestic buildings)

New Class 7A is intended to provide greater flexibility for homeowners and businesses to improve the thermal efficiency of their properties by extending PDR for replacement windows to a wider range of locations and a wider range of building types. In doing so it seeks to strike a balance between cost/climate considerations on the one hand, and heritage considerations on the other.

Prior to new Class 7A coming into force, replacement windows were permitted by various GPDO classes but required full planning permission in conservation areas.

In summary:

- Class 7A permits the alteration or replacement of an existing window – unless it is within a World Heritage Site.
- Within conservation areas, Class 7A:
 - permits the alteration or replacement of a window that is part of the building's rear or side elevation, unless the side elevation fronts a road.
 - permits the alteration or replacement of a window that is part of the building's principal elevation (or side elevation that fronts a road) if the window as altered/replaced would be the same or substantially the same as the existing window, as regards the:
 - a. manner in which the window is opened and closed,
 - b. number, orientation and colour of panes comprised in the window, and
 - c. dimensions and colour of the frame of the window or any astragal bars comprised in the window.

The material of the proposed and existing windows do not need to match. For example, if the proposed window would be the same or substantially the same as the existing one in respect of the criteria above but the proposed window is made of a different material to the existing window, the process below does not apply.

Class 7A provides prior notification/prior approval requirements, in respect of the windows design and external appearance, if:

- the window is part of the building's principal elevation (or side elevation that fronts a road), and
- the window as altered/replaced would not be the same or substantially the same as the existing window in respect of points a) to c) listed above.

In due course, additional advice in respect to Class 7A will be available on Aberdeenshire Council's website. However, enquiries can be submitted through the 'Do I Need Planning Permission' form available on Aberdeenshire Council's website ([Do I Need Planning Permission Enquiry Form \(aberdeenshire.gov.uk\)](https://www.aberdeenshire.gov.uk)). The following information submitted with the enquiry would allow further advice to be provided:

- A plan indicating the location of the property;
- A written description of the proposal and the materials to be used;
- Photos of the existing windows, including information to show which elevation they are on (e.g. principle elevation, side elevation facing a road or side/rear elevation).
- Manufacturers details of proposed windows.

4 Electricity Network Infrastructure

The changes set out in the Order aim to clarify, extend and introduce new PDR for Class 40 so that electricity network infrastructure can be deployed safely and efficiently to support energy generation and meet growing demands for electricity.

This change makes clear that the Class 40 PDR apply to all licence holders identified at section 6 of the Electricity Act 1989 – not just licence holders for the generation, transmission or supply of electricity. The maximum size of electricity substations that can be installed or replaced has been increased, with restrictions in specified designated areas.

This class allows electricity undertakers to carry out development for the installation and replacement of electric lines, electricity substations and telecommunication lines, as well as site survey and investigation works, the erection of gates, fences, walls and other enclosures, and certain development on their operational land.

The Order includes the requirement for prior notification/prior approval in respect of the siting, design and external appearance of proposed buildings erected on 'operational land', but this is limited to buildings which would exceed 3m in height.