



From mountain to sea

Prior Notification Agents and Applicants Guidance Note

FOR EXTERNAL USE

PN GEN EXT Version v1.0

*This guidance note has been produced to applicants and agents understand the
Prior Notification and Prior Approval Process and specific considerations and
requirements for agricultural and forestry developments and conversions subject to
this process*

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Prior Notifications - Introduction

The General Permitted Development Order (referred to in this guidance as 'the GDPO') sets out various permitted development rights which effectively grant planning permission for certain classes of development subject to various conditions.

One condition of the GDPO is that, where certain types of development are proposed, you are required to notify the Planning Authority of the proposed development before exercising these permitted development rights.

Subject to relevant information being submitted and your proposal complying with the terms of the GDPO, the Planning Authority must then advise within 28 days of receiving your notification whether its 'prior approval' is required for specific elements of the proposal. The process is a means of regulating aspects of a proposal that would otherwise be permitted development.

Where prior approval is required by the Planning Authority, we will indicate what information or aspects of the proposed development require prior approval. Once you have submitted an application for prior approval, we will provide you with a decision as to whether our prior approval is given or refused.

For each class of permitted development subject to a notification, the GDPO sets limits as to what can be considered by the Planning Authority under the notification procedure. These vary depending on the type of development proposed. This Guidance is intended to outline the process and information requirements relevant to the main types of prior notifications that are likely to be received. It does not intend to duplicate all of the advice provided in the Scottish Government [Circular 2/2015 as amended](#) which provides extensive information regarding non domestic permitted development rights and should be read in conjunction with this guidance.

A wide variety of development is subject to prior notification process including agricultural uses, forestry uses, demolition, micro generation and telecoms infrastructure. Please refer to the Circular for more information.

As well as covering the general process, this Guidance Note covers the most common types of development subject to these procedures in more detail:

Agricultural and Forestry Development

- Erection (or significant extension) of agricultural and forestry buildings
- Formation/alteration of private way for agricultural or forestry purposes

Conversions of Agricultural and Forestry Buildings to other uses

- Conversion of agricultural or forestry buildings to residential uses
- Conversion of agricultural or forestry buildings to flexible commercial uses
- Conversion from one flexible commercial use to another at a later date.

If you are dealing with a different type of development and you think that a prior notification process may be required, then please [contact us](#) for further general advice. For feedback on your proposal, we would always encourage a [pre application enquiry](#), whether it be in terms of a development requiring planning permission or notification. This will give you a degree of certainty over the proposal and any further information required.

Please note that a Prior Notification **cannot** be dealt with retrospectively and if the works have been carried out or are being carried out an application for full planning permission will be required.

Agricultural and Forestry Development

Agricultural and Forestry Developments may be permitted by the GDPO subject to prior notification. Anyone intending to build or significantly alter or extend a farm or forestry building is required to notify the planning authority of their intention to carry out such development. Also, anyone wanting to form or alter a private way or carry out excavation or engineering operations in relation to a farm or forestry undertaking must also notify the planning authority in advance.

Works are not permitted development and a planning application would be required where:

- the farm holding is less than 0.4ha or the development is not reasonably required for the purposes of agriculture or forestry.
- the site is located in a historic battlefield
- the construction, extension or alteration of any building or structure or plant is over 1000 square metres outside a protected area or 465 square metres in a protected area¹
- the development is for the construction of works or structures (other than a building) for the purposes of accommodating livestock or plant and machinery and covers an area greater than 465 square metres
- any extension or alteration of a building where the cubic content of the original building would be exceeded by more than 20% or the height of the building as extended or altered would exceed the height of the original building,
- the development is within 25 metres of the metalled portion of a trunk or classified road;

¹ * Protected Areas are: a National Scenic Area, a National Park, a World Heritage Site, a historic garden or designed landscape, the curtilage of a category A listed building, a site of archaeological interest, a conservation area.

- the building is over 12 metres in height, or 3 metres in height where the building is within 3km of an aerodrome;
- the proposal involves the construction or carrying out of any works to a building which is used, or to be used, for housing pigs, poultry or rabbits or animals bred for their skin or for storage of slurry or sewage sludge and the building is within 400 metres of a “protected building”. A protected building is normally a dwelling but does not include buildings forming part of a working farm or certain specialist industrial buildings.

Please note that for all such developments it is important that you clearly identify why the development is required. You should provide details relating to the specific purpose of the proposed development and the agricultural or forestry use or activity that it is intended to support or facilitate. Any new works must be requisite for the purposes of agriculture or reasonably necessary for the purposes of forestry and proportionate to the scale of the existing activities on the land. Failure to provide this information may mean we need to seek further information from you, delaying your notification. Full details of what is required to be submitted can be found in Appendix 1. We encourage you to provide as much detail as possible in order to avoid us requiring Prior Approval for the development.

We would ask that you check that your development does not fall into any of the above categories before making your notification. You should carefully consider your development siting, layout and design in the context of the landscape and character of the area. This includes using colour or materials which are respectful of the surrounding area and choosing sites for buildings or tracks that minimise cut and fill and allow for natural screening. Agricultural buildings should generally be accommodated close to existing farm hubs wherever practical. For all development you should be careful to offset any works from watercourses or waterbodies. Adequate drainage proposals should be considered for tracks, hardstanding and buildings to promote sustainable drainage systems.

For Private Ways we would ask that the construction details of the proposed track are provided and that the Private Way is sensitively sited in respect of the landscape and any natural heritage feature, Tracks should avoid being located too close to water courses. Applicants should refer to our Planning Advice on buffer strips ([link](#)) in respect to the tracks close to watercourses. In upland areas particular care should be taken in terms of the track construction. Further guidance on upland tracks has been published by Nature Scot (Constructed Tracks in the Scottish Uplands) which is available on the Nature Scot website.

Conversions of Agricultural and Forestry Buildings to other uses

The GDPO permits the change of use of agricultural and forestry buildings to residential dwellings and 'flexible commercial uses. To be permitted development, a building must be converted, not rebuilt and any alterations must not exceed the external dimensions of the building to be converted.

The GPDO permits a wide range of building works to be carried out to enable a conversion and this includes partial demolition as well as the installation and replacement of doors, walls, windows and roofs. However, the GDPO does not permit such extensive demolition and rebuilding works as to create what, in effect, would constitute a rebuild or new building.

This means that some buildings would be considered unsuitable for conversion where the works required to create the new use would be substantial. In cases where it appears that significant works are required to enable the development, we may ask for further details, such as a structural survey, to confirm that the existing building is in a suitable condition to be converted.

Any conversion granted via the GDPO comes with additional caveats. For this type of residential conversion, many of the permitted development rights normally available to 'householders' are removed by the GPDO and subsequent alterations to a dwelling created in this way will require an application for full planning permission.

Given these restrictions, you should consider carefully whether Prior Notification is the correct route for your development.

The GPDO defines the following use classes as 'flexible commercial uses':

- Class 1 (Shops)
- Class 2 (Financial, professional and other services)
- Class 3 (food and drink)
- Class 4 (business)
- Class 6 (storage or distribution) and
- Class 10 (non-residential institutions)

Once converted under the rights prescribed by the GPDO, these commercial uses are considered to sit out with the Use Classes Order and are classed as 'sui generis' in terms of planning legislation. This means a further notification is required to change between one flexible commercial use and another flexible commercial use at a later date. If changing to a use not covered above, a planning application would be required. Applicants seeking to change the use of a building which has previously been converted under the Order must make a further Prior Notification indicating which use class they wish to convert the building to and providing details of any ancillary works required to facilitate the conversion.

Limits to Permitted Development Rights for conversions and submission details

You should note that Permitted Development Rights for conversions do not exist in the following areas:

- the curtilage of a listed building
- if the building forms part of a site of archaeological interest (you can check this at [Aberdeenshire Council Sites and Monuments Record - Aberdeenshire](#))
- in areas where the planning authority require to consult the Health and Safety Executive, such as pipeline consultation zones or explosive storage areas.

Permitted Development Rights for conversions are subject to further limitations:

- the building must have been used solely for an agricultural or forestry purpose on 4 Nov 2019 (or must have been last used solely for an agricultural or forestry purpose if not in use on that date) (*please confirm on the application form*). Permitted development rights do not apply to buildings erected after 4 November 2019.
- for an agricultural building, it must be within an agricultural unit over 0.4 ha and must have existed as part of that unit on 4 November 2019 and used solely for the purposes of agriculture. The extent of the agricultural unit² should be confirmed via the submission of the SGRPID farm plan as part of the notification.
- for a forestry building, it must have existed on 4 November 2019 and used solely for the purposes of forestry.
- permitted development rights only allow for the creation of up to 5 dwellings within the original farm unit or a maximum of 500 square metres of flexible commercial use. Beyond these limits a planning application would be required. (*if you have previously exercised any permitted development rights for conversions within the unit please inform us*).
- No dwelling can be larger than 150 square metres and a flexible commercial use can be no larger than 500 square metres. This is covered floorspace across all internal floorspace This includes floorspace which is covered such as car ports or outside covered living space. (*Please ensure that your plans clearly show the area of internal floor space in all cases*)
- The proposal MUST be a conversion (rather than a rebuild) and, as such, the external dimensions of the resultant building cannot be larger than the existing

²The Order provides definition of Agricultural unit. agricultural unit" means agricultural land which is occupied as a unit for the purposes of agriculture other than fish farming, but includes—

- (a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit; or
- (b) any dwelling on that land occupied by a farmworker;

building. Structural changes should be minimal. Note that drainage and rainwater goods and flues etc are permitted to be out with the existing envelope of the building. (*Existing and proposed plans of the building to be converted must therefore be submitted as part of the notification*).

- Any 'curtilage' of the proposed use must reasonably be within the curtilage of the existing building. (*Curtilages such as garden ground for a dwelling must clearly be marked on the plans and should be limited to areas immediately around the building. Garden ground or ancillary ground should not extend into surrounding land or fields not reasonably associated with the building*)
- Ancillary development (as defined in the Order) is permitted where it is reasonably required to enable the conversion. Any new ancillary development such as drainage, new or modified access proposals or areas of hardstanding must be included on the site plan. (*Where you are not proposing a new access, please clearly identify the existing access from the public road to the site on your plans*) You should assume that access requirements for a conversion will need to meet the same standards in terms of the provision of visibility splays (and confirmation of ownership or ability to maintain these splays), hardstanding, bin storage and parking arrangements as for a new build dwelling and these should be identified on the plans. Should you require further advice on this please contact us.
- In addition to the above there are some instances where Permitted Development rights are limited by wider restrictions on Permitted Development Rights for instance where a new or substantially upgraded road access is proposed onto a classified road (A, B or C Class Road).
- Partial change of use of a building is not permitted development.

Considering your conversion and additional information requirements

Assuming that the proposal is permitted development in terms of the above caveats, all Prior Notifications under these classes have limits as to what can be taken into consideration as part of the planning assessment. The following issues can be considered and will generally be considered against the relevant Local Development Plan Policies relating to these subjects:

- **Design and appearance**
- **Transport and access**
- **Provision of natural light** (residential uses only)
- **Risk of contamination**
- **Flooding**

- **Impacts on noise to residents or users of a commercial building** and, in the case of a commercial use, the impacts of noise from the commercial use on other receptors will be considered.

[Appendix 1](#) this guidance sets out the minimum submission requirements for these classes of development. However, to fully assess the notification in line with the matters set out above, additional information will often be required and it would be extremely useful if further detailed information is submitted by the applicant with the notification. This may avoid the need for Prior Approval in some cases. Additional information may include:

- *Design and Access Statement*
- *Contaminated Land Form and Report*
- *Structural Survey Confirming Suitability for Conversion*
- *Flood Risk Assessment (in areas close to or within SEPA Flood Risk Areas)*
- *Noise Questionnaire or Noise Impact Assessment*
- *Daylight Assessment*
- *Details of roads access provision such as layby/visibility splays and accessing arrangements noting the restrictions to accesses from classified roads.*

[Appendix 2](#) of this guidance includes a Contaminated Land Form which should be submitted for all conversions. Failure to submit this form is likely to lead to us requiring Prior Approval to ensure that the site is not contaminated.

[Appendix 3](#) of this guidance includes a Noise Questionnaire. We would recommend you submit this questionnaire with any prior notification for a commercial conversion.

We must consider your notification against set considerations noted in this guidance which are fully set out in the GPDO and Circular. This may include undertaking consultations with internal and external consultees. Please be aware that due to the more complex nature of these notifications we expect that many developments subject to a notification may require prior approval.

Making a Prior Notification

Making a Submission

Prior Notifications for new agricultural and forestry buildings and private ways can be submitted on a form directly via the [ePlanning portal](#). Unfortunately, at the time of writing, that particular form cannot be used to submit notifications for Conversions of Agricultural and Forestry Buildings. A downloadable form is available on the ePlanning portal for submission of these types of notification. This should be completed and either appended as a document to a portal submission or emailed directly to us along with the plans and any other supporting documents. Please ensure you have read the [guidance for making a Prior Notification and Prior Approval \(260KB\)](#) as published on the ePlanning Portal.

Submission Requirements

Appendix 1 provides details of the minimum information that you need to submit in order for us to consider your notification. If this is not provided you will be requested to submit any outstanding information and we will not accept the notification unless all the minimum required information has been provided. If the information requested is not provided within 28 days we will return your notification.

It is important to note that while Appendix 1 sets out the minimum level of information required, we may, depending on the particular case, request further information as set out above.

Note that a fee is required for most types of notification.

Returned Notifications

Due to the complex nature of the considerations set out in the GDPO, some notifications may be returned after the validation stage. This may be as a result of issues coming to light after a physical site inspection that reveal that the development is not permitted development. The reasons for returning a notification will be clarified to you in the correspondence. Please note that, in some cases, additional procedures such as Environmental Impact Assessment Screening or confirmation that the development will not have a significant effect on certain environmental designations may be required before we can further consider your notification. Where a notification is returned any fee paid will be returned.

Assessing your Prior Notification

Once validated, we have 28 days to assess your notification. Please note that, if insufficient information has been provided at the outset, this period will not begin until we have received sufficient information to validate your notification.

We aim to determine all notifications within this time period. This is likely to require the Case Officer to make a site visit.

Please note it is not always possible for us to confirm the date or time of a site visit and the Case Officer has a right to access land to consider your proposal. If you have any concerns regarding this please contact us.

In some cases, the Case Officer may determine, as part of the assessment of the information provided or on visiting the site, that the development is not permitted development. In such cases we will write to you to confirm this and the reasons why.

If, for any reason, you have not received a response within 28 days of your submission, we would advise you to contact us.

If Prior Approval is not required

If we confirm that Prior Approval **is not required** this means you can rely on your permitted development rights and carry out the development as specified in the drawings and documents you submitted with the Prior Notification. These will be listed on the decision. Please see section [Undertaking your development](#) for further information. You must undertake the works within a set time period as set out on your decision notice.

If Prior Approval is required

Prior Approval may be required for certain or all aspects of a development proposed under a notification. This may be for one or more of the following reasons:

- The planning authority have concerns over an aspect of the proposed development (for instance the layout, siting or design of an Agricultural Building)
- We need you to provide further information in order to properly assess the impacts of the proposal. This may include the need to consult internal or external consultees.
- Certain elements of the proposal may need to be managed by planning conditions to mitigate any potential adverse impacts of the development. As there is no mechanism to apply conditions to a prior notification, we must therefore require Prior Approval for the proposed development.

Requiring Prior Approval does not necessarily mean the works proposed under your notification are unacceptable and if we have concerns about a proposal we will endeavour to discuss these with you, particularly where an alteration to the development may be required in order to mitigate any potential adverse impacts caused by the development. This may involve informal discussions with the planning authority prior to you applying for prior approval and we may advise you to modify your proposal in order to make it acceptable. Please note that in some cases this may need another Prior Notification (for instance if a proposed agricultural building requires to be relocated).

Submitting a request for Prior Approval

Where Prior Approval is required, we ask that you submit your plans and any supporting information with a clear reference to your Prior Notification reference (e.g. APP/****/****) and clearly requesting Prior Approval of the submitted details. There is no additional fee required at the Prior Approval stage.

This will allow us to properly understand that you wish to proceed to the Prior Approval stage and understand which plans, drawings and documents you are asking us to consider, as these may differ from those submitted with the notification. It will also give you an opportunity to amend any details as advised by the Case Officer.

Where possible, your submission should be made via the [ePlanning](#) Portal.

Considering a request for Prior Approval

The consideration of your Prior Approval application is similar to the standard planning process in that we have 2 months to consider whether to grant or give our Prior Approval. This process may involve consultations with technical consultees. In complicated cases, we may seek an extension to the 2 month period.

We will issue a formal decision as to whether or not Prior Approval has been given. Where Prior Approval is given, this may be conditional and you must comply with any conditions set out in the decision notice. You should be aware that the approval does not cover any other obligations or legal requirements set out in other regulatory regimes. There may be scope to vary a proposal submitted for Prior Approval during its consideration without the need to re notify however this will depend on what is required in terms of making a proposal acceptable. Fundamental variations during the Prior Approval process may require re notification.

If your Prior Approval is refused or is granted with conditions you can appeal to the Scottish Ministers. Details of how to appeal will be on your decision notice. You can submit further notifications if you consider any reasons for refusal can be addressed in that way. In such cases we would encourage you to undertake pre application discussion via a [pre application enquiry](#).

Undertaking your development

Your decision notice will set out the timescales under which you are required to carry out your development. If the timescales lapse a further notification would be required. The development must be carried out in accordance with the approved details. You should be particularly aware that, once granted, we have limited scope to alter the terms of your permission without a further application and therefore you should ensure that matters which may affect your development, such as building warrant compliance and the need for other licences, are considered at an early stage in your development process.

We would draw your attention to your responsibility to ensure that protected species such as bats, barn owls and badgers are protected as part of your development proposals and any necessary licences are obtained in addition to the Prior Notification and Approval process. Further information can be found on NatureScot's website regarding protected species and licensing

[Appendix 1 – Validation Checklist for Class 18/22](#)

[Appendix 2 – Contaminated Land Form](#)

[Appendix 3 – EH Noise Form](#)