Application For Prior Notification Form

Guidance Notes

Application For Prior Notification For Demolition Of A Building. Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) schedule 1, Parts 6 & 7, and Part 23. Permitted Development Classes 18 & 21, and 70.

The Application for Prior Notification Form allows you to notify the planning authority of proposals to determine whether prior approval is required. This form is to be submitted as part of your proposal.

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

Use Of This Form

1. Unlike planning permission and other consents, Prior Notification is a procedure whereby a developer must notify the planning authority of proposals before he or she can exercise permitted development rights. This procedure will not result in an “approval”. The end result will be a determination that “prior approval” is or is not required. If the decision is that approval is required, further information may be requested by the planning authority in order for them to determine whether approval should be given.

2. The form attached to these notes is in two parts. The first part should be used only to notify the planning authority of proposed developments which do not require planning permission as described in the next paragraph.

3. The form cannot be used to apply for planning permission – advice and appropriate forms for planning applications can be provided by the planning authority. The form also cannot be used if the property lies within a “Natura 2000” site. You should contact the planning authority if you think this may apply to you. If you have already carried out the work you should also contact the planning authority.
Farm And Forestry - What Type Of Development Needs To Be “Notified”? 

4. Anyone intending to **build or significantly alter / 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. The above works may be permitted development and this notification applies to the exercise of permitted development rights only, i.e. to development for which planning permission is not required.

5. A **significant** alteration or extension is one which would result in:
   
   • the cubic content of the original building being increased by more than 10%; or
   
   • the height of the building exceeding the height of the original building.

What Needs Planning Permission?

6. For the avoidance of doubt, the types of development for which planning permission is required is as follows.

   a. development on farm holdings of less than 0.4 hectares. In certain parts of Scotland this holding must be a single entity. In other parts it is the overall holding. You should check with your planning authority;

   b. the construction, alteration or extension of a dwelling;

   c. any building or works not designed for agriculture;

   d. the construction, extension or alteration of any building or structure or plant over

      i. 465 square metres in area, or

      ii. 12 metres in height, or 3 metres in height where the building is within 3km of an aerodrome;

   e. development which is within 25 metres of a metalled trunk or classified road;
f. the construction or carrying out of any works to a building 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, where that building is within 400 metres of a “protected building”. A protected building is a building normally occupied by people, but does not include buildings forming part of a working farm or certain specialise industrial buildings.

If your proposals fall into this category you should make an application for Planning Permission, rather than proceed with this form. Please note that the threshold between development to be notified and development requiring planning permission is cumulative and takes account of all developments within the last two years.

7. If the work you propose does not fall within any of the descriptions in points (a) to (f) above, you must use this form to give notification to the planning authority before you start work on site.

Demolition - What Type Of Development Needs To Be “Notified”?

8. You generally need to notify the planning authority in advance if you wish to demolish a building. There are exemptions to this:

   a. Where the demolition of the building is required as a matter of urgency for health and safety reasons – if this is the case, you should merely write to the planning authority giving them a written justification; or

   b. Where demolition is related to other redevelopment proposals which have already obtained the necessary planning permissions; or

   c. Where demolition is required or permitted under an Act of Parliament or under a legal agreement (S75).

9. Unless demolition falls into one of these exemptions, you will have to notify neighbours and notify the planning authority and allow 28 days to lapse before commencing demolition work. The planning authority may within that 28 day period respond by requesting that you seek their prior approval. If they do not respond, you may proceed without further notification.
What Needs Planning Permission?

10. Where a building has been made unsafe or uninhabitable by the action or inaction of any person with an interest in the land and it is practicable to secure the safety of the building through repair or temporary support works, you will need full planning permission to demolish. If this is the case, you should use the planning permission form rather than the Prior Notification form.

Neighbour Notification – Demolitions Only

11. You must notify your neighbours if you are making a notification in respect of a proposed demolition. You are only exempt from this requirement:

- if your house is within a plot or garden with a distance of 90 metres or more to all boundaries or

- if your garden is surrounded by public roads more than 20m wide.

12. In every other instance you must serve notices on both domestic and non-domestic neighbours. This is a complex requirement, and this diagram has been prepared to try and illustrate who is defined as your “neighbour” and how you serve notice on them.
Which Neighbours Must I Notify?

13. You **must** notify:

(1) any land or buildings which share, or lie within 4m of, a boundary of the land for which your development is proposed (ignore any road of 20m or less when measuring the 4m);

(2) **where your proposed development is in a sub-divided building and neighbouring land does NOT consist of a sub-divided building** – all parts of the building adjoining or within 4m of your part, plus all parts of the building directly above and below your part and those parts. (1.) above also applies;

(3) **where your proposed development is NOT a sub-divided building but neighbouring land consists of a sub-divided building** – only parts the sub-divided building which are adjoining or within 4m of the boundary of the land for which your development is proposed, plus all parts of the building directly above and below these parts;

(4) **where the proposed development is in a sub-divided building (e.g. a tenement) AND neighbouring land also consists of a sub-divided building** – follow (2) and (3) above.

How Do I Notify The Neighbours?

14. To do this, you should send out or deliver:

(1) a completed copy of the "NEIGHBOUR NOTIFICATION" form;

(2) a copy of a location plan showing the site of the proposed development

(3) a copy of the guidance note "ADVICE TO NEIGHBOURS" (if applicable).

These are all included in the Certificate in the form. The location plan must meet the requirements described below.

The description of the proposed development on the form served on neighbours must be exactly the same as the description given on the application form.
15. If the neighbouring property is DOMESTIC (a house/flat), you must send one copy of the above 3 items to "The Owner" and another copy to "The Occupier". You must do this for every property which is a domestic neighbour.

If the neighbouring property is NON-DOMESTIC (any property other than a house/flat or its garden ground), you must send a copy of each of the above 3 items to every owner, occupier or lessee at that address. You should consult the Valuation Roll for names and addresses. If you cannot find this information, you must address the notice to “The Owner”, “The Lessee”, or “The Occupier” (whichever you cannot identify) and send to the neighbouring property.

If you cannot serve the notice because there are no buildings on the neighbouring land to which the notice and the plan can be sent, you must tell your planning authority. They should be able to arrange for a notice to be placed in the local paper, for which a fee is charged.

16. There are several ways of serving the notices and documents. It is recommended that you send them out through recorded delivery as you will then have a traceable record that this has been done. However, you may also send out or deliver the documents in person.

What Do You Need?

17. In addition to the details of the proposed development required in the attached form, and the neighbour notification requirements for proposed demolitions, the Notification must also be accompanied by:-

a. a Location Plan (to a scale of 1:2500 or 1:1250), with the site of the proposed building outlined in red;

b. a written description of the proposed building works; and

c. a fee.
What Happens Next?

18. The planning authority has **28 days** from **receipt** of the notification to respond. You should receive acknowledgement informing you of the date of receipt. Work cannot begin within the period of 28 days from the date on which the planning authority received your notification unless the planning authority indicate in writing that they are content. If they do not respond within this 28 day period, then the development can proceed exactly as notified.

19. If the planning authority indicates, within the 28 day period, that they require the formal submission of details for approval, work cannot begin until details have been approved by the planning authority.

20. Informal discussions may take place with the planning authority and you may agree to modify your proposal. The planning authority may refer to this in their formal response.

Prior Approval

21. If the planning authority responds by advising that their prior approval is required, please complete the final question in this form and submit to the planning authority.

22. The planning authority may request modifications or additional information. If so, please comply with their request before submitting the Prior Approval form.
Electronic Submission Of Application

23. Under the provisions of The Town and Country Planning (Electronic Communications) (Scotland) Order 2004, please note that by submitting your application 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.

24. Should you wish to withdraw or revoke your consent for electronic communication you will have to advise the planning authority in writing that you wish to do so, giving at least 7 days’ notice of the date when your withdrawal of consent will take effect.
APPLICATION FOR PRIOR NOTIFICATION AND PRIOR APPROVAL

Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)
Schedule 1, Parts 6 & 7, and Part 23

Please refer to the accompanying Guidance Notes when completing this application

<table>
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<th>1</th>
<th>Applicant's Details</th>
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<tbody>
<tr>
<td>Title</td>
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<tr>
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<td>Address:</td>
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<td>Postcode:</td>
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<td>Telephone (inc. STD Code)</td>
<td>Mobile</td>
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<td>Fax</td>
<td>Email</td>
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<tr>
<th>2</th>
<th>Agent's Details</th>
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<tbody>
<tr>
<td>Company Name</td>
<td>Agent Ref No.</td>
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<tr>
<td>Forename</td>
<td>Surname</td>
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<tr>
<td>Building Number</td>
<td>Building Name</td>
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<thead>
<tr>
<th>3</th>
<th>Address or Location of Proposed Development (please include postcode)</th>
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Postcode: ______

NB. If you do not have a full site address please describe/identify the location of the site or sites in your accompanying documentation.
Proposed Farm or Forestry Building Works

What farm or forestry related works are proposed?

☐ A new building    ☐ An extension to an existing building
☐ An alteration to an existing building  ☐ Other works

Please state the dimensions of the new building, or the extension (in metres):

Length: __________________ Height to Eaves: __________________

Breadth: __________________ Height to Ridge: __________________

Please state the volume of the original existing building:

Cubic metres: __________________

Please describe the materials to be used and colour of the walls and roof:

Wall materials/Colour: __________________

Roof materials/Colour: __________________

What is the purpose of the proposed development?

______________________________

Are the works:

☐ To form or alter a private way or road    ☐ Excavation works    ☐ Engineering works

Prior Notification - Demolition

Are you proposing to demolish a building?

☐ Yes    ☐ No

Please describe the building and explain why it is to be demolished:

______________________________


DECLARATION

I, the applicant/agent give prior notification to the planning authority that I am/the applicant is intending to carry out the works described in this form and the accompanying plans/drawings are additional information.

Please select one of the following options:

☐ Agricultural and/or Forestry

I certify that the proposed building works are required for the purposes of agriculture and/or forestry and will be designed accordingly. None of the work includes the construction, extension or alteration of a dwelling.

Signature: 
Name: 
Date: 

☐ Demolition

I confirm that the building has not been rendered unsafe by the action or inaction of any person with an interest in the land and it is not practicable to secure the safety of the building through repair or temporary support works.

Signature: 
Name: 
Date: 