



Briefing for the Public Petitions Committee

Petition Number: [PE1520](#)

Main Petitioner: Mary Laing

Subject: Calls on the Parliament to urge the Scottish Government to allow every owner-occupier of a plot of up to 1 acre in area the unrestricted freedom to build or extend accommodation for themselves or family members, without any requirement that they seek planning permission, a building warrant, or other authorisation.

Background

The Scottish planning system operates under the provisions of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”), as amended, and the Planning (Listed Building and Conservation Area) (Scotland) Act 1997, as amended, plus associated regulations, circulars and guidance.

The requirement to obtain planning permission for the development of land is a fundamental principle of the Scottish planning system. Development is defined in Section 26 of the 1997 Act as “the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land, or the operation of a marine fish farm in the circumstances specified in Section 26AA”.

The requirement to obtain planning permission for every development would quickly overwhelm the planning system. To prevent this from happening certain smaller developments, as set out in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, are automatically deemed to have planning permission. These are often referred to as “permitted developments”. If a proposed development does not meet the criteria for a permitted development then a developer must obtain planning permission from the relevant planning authority prior to starting work. More information on the permitted development rights available to householders can be found in Scottish Government Planning [Circular 1/2012: Guidance on Householder Permitted Development Rights](#).

Scottish Government Action

The Scottish Government has recently completed a major revision to the operation of the Scottish planning system through the implementation of the Planning etc. (Scotland) Act 2006, the creation and review of the Scottish

Planning Policy and development of the third National Planning Framework. The Scottish Government also undertook a [review of householder permitted development rights](#) in 2011, which resulted in new householder permitted development rights coming into operation on 6 February 2012.

Scottish Parliament Action

The Scottish Parliament has not considered the proposals suggested in the petition.

Alan Rehfisch
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May 2014

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Published by the Scottish Parliament Information Centre (SPICe), The Scottish Parliament, Edinburgh, EH99 1SP