



Jocelyn M Cunliffe  
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Our Reference: 202400427134

22 August 2024

Dear Jocelyn M Cunliffe,

Thank you for your e-mail of 15 August to Minister for Public Finance and the Chief Planner, supporting the Conservation Officers' Group's request that the implementation of permitted development rights (PDR), which formed Phase 3 of the review programme, be delayed. I have been asked to reply.

PDR remove the need to apply for planning permission and can provide certainty and save the time and expense for householders and businesses associated with the full application process. PDR also reduces burdens on planning authorities, allowing them to focus resources on more complex and/or strategic cases.

The public consultation for Phase 3, which ran between 31 May to 23 August 2023, focussed on new and extended PDR for domestic and non-domestic renewable energy equipment. This was to streamline planning processes for various low carbon technologies and for altering/replacing windows to support households and businesses seeking to adapt their properties, including those in conservation areas, in the cost and climate crises. The consultation advised that prior to any changes coming into effect a Scottish Statutory Instrument (SSI) containing legislative changes would be laid in the Scottish Parliament late 2023-2024.

Following consideration of the responses from a vast range of organisations (including planning authorities, heritage bodies and individuals) responding to the consultation, the SSI was laid in Parliament, on 28 March 2024, for scrutiny by the Local Government, Housing and Planning Committee. The committee was content with the terms of the SSI, resulting in the new legislative powers coming into force on 24 May 2024.

I note your concerns, however, I can assure you that the importance of conservation areas in respect of

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their special architectural or historic interest was fully recognised throughout the consultation and consideration process. It was acknowledged that if planning controls on the alteration/replacement of windows within conservation areas were lifted entirely, this could have an adverse impact on their overall character or appearance. It was, therefore, considered that any amendments to PDR for windows should not take a "blanket" approach, which applies outside conservation areas, and a more nuanced approach was taken. In this respect, PDR for the alteration/replacement of windows on buildings located in a conservation area, where windows are located on a building's front elevation or side elevation fronting a road, prior approval arrangements apply in certain circumstances. Prior approval is a lighter touch process than a planning application: only design and external appearance can be taken into account by the authority, and the usual publicity and consultation requirements for planning applications do not apply. Furthermore, the new PDR do not apply in World Heritage Sites and listed building consent will still be required for listed buildings. Additionally, planning authorities have the power to prepare an Article 4 direction to restrict PDR in certain locations should they consider that appropriate.

We updated guidance to assist planning authorities, stakeholders and members of the public in understanding the works which can be carried out without a conventional planning application and sets out the limitations and conditions. Those are available at [Planning circular 1/2024: householder permitted development rights - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/planning-circulars/2024/1/permissions-householder-pdr/permissions-householder-pdr-2024-1-1.pdf) and [Planning circular 2/2024: non-domestic permitted development rights - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/planning-circulars/2024/2/permissions-non-domestic-pdr/permissions-non-domestic-pdr-2024-2-1.pdf)

I trust this is helpful.

Yours sincerely

Lyndsey Murray  
**PARD : Performance, Development Management and Casework**

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