Planning Permission Guidance Notes

National and Major Developments and Committee Decision - Local Development

This Leaflet Contains Important Advice

Your Planning Permission is in two parts:

The Decision Notice and the (stamped) approved plans.

The Decision Notice may contain conditions. These conditions will tell you:

The time you have to begin the development before the permission expires, and in some cases the order in which certain aspects of the development should proceed.

Conditions can also override details shown on the approved plans. It is therefore essential that your contractor works from a copy of the approved plans, and has a copy of the Decision Notice showing any conditions.

If you have obtained a Building Warrant, you must check that the approved Building Warrant plans are the same as, or take account of your Planning Permission.

Conditions will only have been imposed on your Planning Permission because they are necessary and reasonable. The reasons will be stated. You should contact the appropriate area office if any condition causes you concern, or if you need clarification on what is required.

It is your responsibility to ensure that the development is completed in accordance with the approved details. Developments are monitored by the planning authority to ensure that this is the case.

Failure to complete the development in accordance with the approval could result in the planning authority taking enforcement action.

If permission to develop land is granted subject to conditions the owner may, in certain circumstances, serve on the planning authority a purchase notice if they are able to claim that by virtue of the decision the land has become incapable of 'reasonably beneficial use' in its existing state. The detailed procedures to be followed in respect of the planning purchase notices is set out in Part 5 of the Town and Country Planning (Scotland) Act 1997.

Change of Plans

You must not depart from the approved plans or the conditions of your Planning Permission, without first seeking the permission of the planning authority. If your conditions set out the order in which the development should proceed, you must follow that order unless the planning authority has agreed otherwise.

Some minor departures or variations from the approved plans can be treated as being 'non-material'. The planning authority may decide that more substantial departures or variations have a 'material' impact on the development.

An application to alter part(s) of an approved development must be made by the original applicant, or a person acting with that person's consent, on the enclosed 'Non-material Variation' form.

Once a decision has been reached by the planning authority, you will be sent a letter that will inform you whether your application has been accepted as a non-material variation. If the variation is material you will have to make a new application for Planning Permission before you can proceed further with this aspect of the development.

There is no statutory right of appeal in respect of the decision of the planning authority, which is the sole judge as to whether a change to a proposal is material.

Rights of Appeal

If you are unhappy with any of the conditions which have been imposed on your Planning Permission, there is a right of appeal to Scottish Ministers.

Your appeal must be made within **three months** of the date of the Decision Notice on a form obtained from:

The Scottish Government

Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
FALKIRK
FK1 1XR
Telephone: 01324 696400
Fax: 01324 696444
E-mail: dpea@scotland.gsi.gov.uk

As an alternative to making an appeal to Scottish Ministers, you may apply to the Council to have conditions varied or set aside. Planning staff at your area office will be pleased to discuss this with you if so desired.

Dumfries & Galloway COUNCIL

Post Decision Notices

You require to submit to the planning authority a Notification of Initiation of Development before works commences on site and Notification of Completion of Development when works are complete. In addition, a Notice of Development in Progress requires to be displayed on site for specific types of development ("national" and "major" developments and developments may have impacts over a wider area). To assist the planning authority have prepared pro-forma notices for your use and these are attached to the decision notice.

Other Permissions Required

You must satisfy yourself that you have all necessary permissions before starting work. Planning permission alone may not entitle you to start the development.

It is probable that you will also need a building warrant. If in doubt, contact your area office for advice before proceeding. Ask to speak to the Building Standards officer who deals with your area.

Other permissions which you may need include:

- A road opening permit, or road construction consent from the Council as Roads Authority.
- A discharge consent from the Scottish Environment Protection Agency.
- Consent to connect to public water mains or sewers from Scottish Water.
- A caravan site licence from the Council as Environmental Health Authority.

Advice on these may be included in the Appendix to your planning permission. You should read this Appendix carefully.

Consent from your feu superior may also be required, you should seek advice from your Solicitor on this point.

Further Advice

If there is anything which you do not fully understand or need clarification on, please do not hesitate to contact your area office. These are:

Annandale and Eskdale
Council Offices, Dryfe Road, Lockerbie. DG11 2AS
Tel: 01576 205046, Fax: 01576 204455.

Nithsdale
Kirkbank, English Street, Dumfries. DG1 2HS
Tel: 01387 260199, Fax: 01387 260188.

Stewartry
4 Market Street, Castle Douglas. DG7 1BE
Tel: 01556 505200, Fax: 01556 505220.

Wigtown
Ashwood House, Sun Street, Stranraer. DG9 7JJ
Tel: 01776 888417, Fax: 01776 705697.

General Enquiries
Tel: 0303 333 3000

APPLICATION FOR NON-MATERIAL VARIATION OF PLANNING PERMISSION

Section 64 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006

(Please read and follow the accompanying Notes for Guidance below when completing this application)

I/We Apply to the Planning Authority for the Non-Material Variation Described on this Form and on the Accompanying Plans.

Ref. No. of Planning Permission

Name & Address of Applicant

If applicant is not the grantee of the above planning permission, you need that person's consent to make an application for non-material variation.

Name .....

Address .....

..... Postcode.....

Tel ..... Email .....

Signature of original applicant *(If applicable)*

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Location or Address of Site

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Description of Variations

Describe accurately those parts of the proposal you wish to alter, and submit 2 sets of plans to the same scale as the (stamped) approved plans showing the proposed variations highlighted by the use of colour. If the variation is material a formal planning application will be required.
Note: An amendment to building warrant may also be required.

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Commencement of Works

If any of the works on the original approval have started please explain extent of works undertaken to date. If works have not commenced enter 'not applicable'

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Declaration

I confirm that the information given by me on this form is true and accurate and if this application is not made by the original applicant, then that applicant's consent to make application has been obtained.

Signature of applicant/agent: **Date:**

Dumfries & Galloway COUNCIL