

Contact: Richard Cartwright  
Tel: 01236 616537  
Fax: 01236 616206  
E-mail: CartwrightR@northlan.gov.uk  
Date: 13 March 2009  
Our Ref: IHBC/02/09/RC  
Your Ref:



Householder PD Rights Consultation  
Directorate for the Built Environment  
The Scottish Government  
2H, Victoria Quay  
Edinburgh EH6 6QQ

Richard Cartwright  
Consultations Secretary  
Environmental Services  
Fleming House,  
Cumbernauld G67 1JW  
[www.ihbc.org.uk](http://www.ihbc.org.uk)

Dear Sirs,

## **CONSULTATION ON HOUSEHOLDER PERMITTED DEVELOPMENT RIGHTS**

The Institute of Historic Building Conservation (IHBC) is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

The Scottish Branch of the Institute welcomes the opportunity to comment on this consultation paper, and I attach our responses which are confined to the Designated Areas questions in Part 2.

The Scottish Branch of the Institute of Historic Building Conservation is glad to have the opportunity to input to this consultation, and would be grateful if you could consider these points in the revisions to be made to householder permitted development rights.

Yours sincerely,

Richard Cartwright  
Scottish Consultations Secretary  
Institute of Historic Building Conservation

## Designated Areas

### *Conservation Areas and the Curtilage of Listed buildings*

2.19 Additional controls apply in the current GPDO for householder development within conservation areas and within the curtilage of listed buildings (as free-standing developments are not subject to requirements for listed building consent). Also, a significant number of conservation areas have directions (known as "Article 4 Directions") which restrict some or all of the classes of householder PDR available under the GPDO.

2.20 Our proposals in Annex B include additional restrictions and conditions on permitted development in these areas based on the current provisions in this regard in the GPDO, adjusted in line with the changes to PDR.

2.21 One argument has been that it would be simpler not to allow any permitted development in these areas. While that might reduce workload with Article 4 Directions restricting permitted development in conservation areas, such a blanket restriction might also prevent innocuous development from taking place without an application for planning permission.

**Q7. Do you agree with the additional conditions and restrictions on householder PDR in conservation areas contained in the draft householder permitted development order? YES**

**Q8. Do you agree with the additional conditions and restrictions on householder PDR within the curtilage of listed buildings as set out in the draft householder permitted development order? YES, both within the curtilage and where the setting of a listed building would be affected. The latter could perhaps most easily be addressed by including all sites adjacent to a listed building in the additional restrictions.**

**Q9. Should there simply be no permitted development in relation to conservation areas or the curtilage of listed buildings? Whilst simplifying controls in Conservation Areas would be welcome, a blanket removal of all PD in all Conservation Areas is not considered justified.**

### *World Heritage Sites*

2.22 There are increasing calls for further protection to be given to World Heritage Sites (WHS) (as designated by UNESCO). This could presumably extend to restrictions on PDR within WHS.

2.23 WHS fall into 2 broad categories, namely cultural sites and natural heritage sites. With regard to the latter, PDR in relation to existing dwellinghouses would seem unlikely to compromise these designations. With those WHS designated on cultural grounds, which could include built heritage, there would seem to be an argument for restrictions on a par with conservation areas. However, again there may be issues where PDR for existing housing within the designated area would have no effect on the basis for designating the area a WHS.

2.24 This raises the issue whether WHS require additional statutory controls or whether we should rely on existing restrictions on conservation areas and the use of Article 4 directions to protect such areas or areas within WHS which might be vulnerable to development carried out under householder PDR.

**Q10. Should additional statutory restrictions be placed on householder PDR within World Heritage Sites? If a WHS is designated for built heritage reasons, then YES, otherwise additional controls could be introduced where needed by an Article 4 Direction.**

**Q11. If so, what level of control should be applied (e.g. similar to that for conservation areas or a total restriction)? **Similar to that for Conservation Areas****

***Other Designated Sites***

2.25 We do not intend to apply these restrictions on householder PDR to other designated areas. On that basis, it would be for the planning authority for the area to promote an Article 4 direction and to make the case for restricting PDR within other designated areas.

**Q12. Do you have any comments on the extent of designated areas where restrictions will apply? **See comment on Q8 on restrictions where the setting of a Listed Building would be affected. In other cases, including where the setting of other designated areas might be affected, we agree with the approach that Planning Authorities should promote additional controls where needed, by an Article 4 Direction.****