Briefing Paper for Councillor Cox

Permitted Development Rights in Conservation Areas

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Purpose

To provide an overview of the domestic permitted development rights (PDRs) within conservation areas, with specific reference to the changes introduced through Phase 3 of the PDR review and their alignment with the Fourth National Planning Framework (NPF4).

Background

Permitted Development Rights (PDRs):

PDRs allow certain developments to proceed without formal planning permission. Within conservation areas, these rights are more restricted to protect the historic and architectural value of these areas.

Conservation Areas:

Designated for their architectural or historic significance, conservation areas impose stricter planning controls. Developments must comply with local and national frameworks to ensure they respect and preserve the character of these areas.

NPF4:

Adopted in February 2023, NPF4 emphasises sustainable, high-quality place-making while protecting Scotland's heritage. Policies such as **Policy 7 (Historic Assets and Places)** require developments to respect the historic environment while integrating climate-conscious adaptations.

Key Changes: Phase 3 PDR Review

Overview of Phase 3 Review:

Phase 3 of the Scottish Government's PDR review came into effect in **March 2024**, introducing changes aimed at balancing sustainability goals with heritage preservation.

1. **Window Replacement in Conservation Areas:**

- **New PDRs allow certain window replacements** without the need for formal planning permission, providing greater flexibility for homeowners and businesses to improve the thermal efficiency of their properties by extending PDR for replacement windows to a wider range of locations and a wider range of building types. In doing so it seeks to strike

a balance between cost/climate considerations on the one hand, and heritage considerations on the other. Prior to coming into force, replacement windows were permitted by various GPDO classes but required full planning permission in conservation areas.

In summary:

- The new rules permit the alteration or replacement of an existing window – unless it is within a World Heritage Site.
- Within conservation areas, the new rules permit the alteration or replacement of a window that is part of the building's rear or side elevation, unless the side elevation fronts a road.
- permits the alteration or replacement of a window that is part of the building's principal elevation (or side elevation that fronts a road) if the window as altered/replaced would be the same or substantially the same as the existing window, as regards the:
  (a) manner in which the window is opened and closed
  (b) number, orientation and colour of panes comprised in the window, and
  (c) dimensions and colour of the frame of the window or any astragal bars comprised in the window.
- The material of the proposed and existing windows do not need to match. For example, if the proposed window would be the same or substantially the same as the existing one in respect of the criteria above but the proposed window is made of a different material to the existing window, the process below does not apply.
- The new rules provide prior notification/prior approval requirements, in respect of the windows design and external appearance, if:
  (d) the window is part of the building's principal elevation (or side elevation that fronts a road), and
  (e) the window as altered/replaced would not be the same or substantially the same as the existing window in respect of points a) to c) listed above
- Scottish Borders Supplementary Planning Guidelines on Replacement Windows and Doors has been updated to take consideration on the new PDR's.

2. Micro-renewables:

Expanded PDRs for **solar panels**, **heat pumps**, and other renewable technologies, with specific conditions for conservation areas. For example, solar panels on listed buildings or principal elevations in conservation areas will still require planning permission.

The changes introduced provide additional flexibility for homeowners to install a range of domestic microgeneration equipment without a planning application being required. For ground and water source heat pumps, the changes cover associated pipework and other apparatus – in addition to the pump itself.

Solar panels on a dwelling provides PDR specifically for the installation, alteration or replacement of solar panels mounted on a dwelling. Previously such works didn't apply in conservation areas. New changes apply to dwellings including those within conservation areas – allowing solar panels to be attached to houses, flats and buildings containing flats in conservation areas. Solar panels permitted by these changes must not protrude more than 1 metre from outer surfaces, roofs or chimneys. The changes do not permit solar panels on principal or side elevation fronting a road within conservation areas, and does not permit solar panels on listed buildings, their curtilages or within World Heritage Sites. Solar

panels on a building within the curtilage of a dwelling allows for solar panels on an outbuilding, provided they do not protrude more than 500mm from outer surface of external wall, roof plane, roof ridge or chimney. The PDR does not apply within the front (principal elevation) curtilage nor on or within curtilage of listed building or World Heritage Site.

Conclusion and Recommendations

The expansion of permitted development rights (PDRs) in conservation areas, introduced as part of Phase 3 of the Scottish Government's review, reflects a policy shift towards simplifying minor works and encouraging sustainable development. However, in conservation areas within the Scottish Borders, the removal of safeguards previously provided by the formal planning application process raises concerns. These changes could lead to developments, such as uPVC windows, air source heat pumps, and solar panels, that may undermine the architectural and historic integrity of conservation areas.

While the objectives of the revised PDR framework align with Scotland's climate action goals, there is an inherent risk that the absence of oversight in conservation areas could lead to inappropriate or intrusive alterations. It is imperative to consider how local planning authorities can respond to these challenges effectively.

Potential Options: Article 4 Directions

To address the potential adverse impacts of expanded PDRs, **Article 4 Directions** offer a mechanism for local authorities to withdraw specific permitted development rights within designated areas. Article 4 Directions allow planning authorities to retain greater control over sensitive developments in conservation areas and ensure compatibility with local character and heritage protection.

The following considerations could guide the use of Article 4 Directions in the Scottish Borders:

1. **Targeted Application:**

- Article 4 Directions could be applied selectively to conservation areas where the risks of inappropriate development are highest, such as those with significant historic or architectural value.
- Areas facing particular pressures from developments like solar panel installations, poorly sited air source heat pumps, or uPVC window replacements could be prioritised.

2. **Scope of Restrictions:**

- The directions could focus on specific types of development that pose the greatest risk to the character of conservation areas, such as alterations to windows, the installation of renewable energy technologies on principal elevations, and other visually impactful changes.
- Flexibility could remain for less intrusive developments to proceed under permitted development rights where appropriate.

3. **Balancing Sustainability and Heritage:**

   Article 4 Directions can ensure that energy efficiency improvements and renewable energy technologies are implemented in a way that respects the unique character of

conservation areas. For example, requiring planning permission for air source heat pumps and solar panels in visible locations allows for case-by-case assessment of their appropriateness.

4. **Comprehensive Coverage:**

   Alternatively, the Scottish Borders Council could consider implementing Article 4 Directions across **all conservation areas**, ensuring a consistent approach to heritage protection and providing clarity for developers and property owners.

5. **Monitoring and Evidence Gathering:**

   Introducing Article 4 Directions should be informed by robust evidence of the impacts of expanded PDRs. Monitoring recent changes in conservation areas will help identify trends and justify the need for intervention.

Final Note

The introduction of Article 4 Directions offers a practical solution to address the unintended consequences of expanded PDRs in conservation areas. By tailoring restrictions to local needs, these directions can help preserve the unique character of the Scottish Borders' conservation areas while enabling appropriate development and sustainable improvements. Councillors are encouraged to explore this mechanism as part of a balanced approach to managing change within these historic environments.