

Heads of Planning Scotland

Permitted development rights to support provision of new homes

27th Oct 2025

Heads of Planning Scotland (HOPS) is the representative organisation for senior planning officers from Scotland's local authorities and national park authorities.

This consultation response summarises key points made by Scottish Planning Authorities, but we note that there will be differences of opinion between authorities and would defer to their own responses on specific local issues.

Permitted development rights for rural homes

1. Do you consider that the maximum limit in Classes 18B and 22A of five residential units per agricultural unit or forestry building should be changed?

No

This is not supported by HOPS. The Regulations as previously drafted were done so for good reason. The current regulations are generous. Making an allowance for development of this scale would give rise to concerns. The siting of agricultural and forestry buildings are usually based on practical and operational requirements often linked to land ownership. They do not therefore lend themselves for conversions of this scale without full and proper consideration through the planning process which these measures would not afford.

The aspiration of NPF 4 is to promote sustainable development and the desire to address the housing emergency at a micro level through these measures could cause conflict with other policy aspirations which would be undermined. This may result in additional car journeys on rural roads in areas where roads may be single track or substandard with associated road safety issues. Public transport can be challenging and is not always accessible or available. It is anticipated this would also result in a financial impact on local authorities through the loss of developer contributions to deliver infrastructure through education provision and the possible loss of affordable housing as well. There may also be other related infrastructure concerns linked to impact on the availability of appropriate private water supplies and private foul drainage. In addition, such proposals may also increase pressure on local authority service provision such as waste collection and school transport to serve isolated unplanned residential development.

In addition, removing the opportunity for adjoining residents or neighbours to make comment on such proposals gives rise to wider concerns regarding the erosion of democracy in the planning process. It is felt that the most appropriate vehicle for full and proper consideration of such matters is through the planning process which these measures would not afford.

2. Do you believe the current floor space maximum of 150 square metres in Classes 18B and 22A should be removed or increased?

No

This is not supported by HOPS. The premise for the conversion of existing buildings was that they were that, making use of redundant buildings; increasing the provisions in the manner suggested could be abused to provide very large houses. The current restrictions are generous: the larger a residential property becomes the more significant the associated environmental and climate implications become.

3. Do you believe that small extensions and/or separate buildings should be allowed as part of the conversion of an agricultural or forestry building to residential use under PDR?

No

The siting, scale and orientation of agricultural and forestry buildings has arisen as a consequence of a mixture of practical and operational requirements, as well as land ownership. Extensions to such buildings and their relationship to each other without properly defined curtilages may be challenging to establish and could give rise to other adverse impacts and concerns on the amenity of adjoining residents etc.

4. Do you consider that any of the current location-based restrictions in relation to Classes 18B and 22A should be removed and if so, which?

No

The current provisions are considered appropriate.

5. Do you consider the prior notification and approval mechanism (including the relevant matters and fee) associated with Classes 18B and 22A should be changed?

No

The Prior Notification (PNO) process is not well understood by the general public, and it does not allow them the opportunity to make comment on proposals which may have a significant impact on them and their communities. The PNO process is wasteful, inefficient and laborious. The inability of applicants to be able to submit forms electronically in a large number of cases is at odds with the aims of an efficient and effective e-planning system in a digital age. The exceptionally low bar for the submission of PNO's results in poor quality submissions with no requirements for properly scaled plans or elevations.

These proposed measures to relax the PDR do not address the challenges associated with the large-scale delivery of housing which is complex and challenging and influenced by a large number of variables.

6. Do you consider that PDR should allow the change of use of any other buildings on agricultural/forestry land to residential? If so, to which type(s) of building should the PDR be extended, and why?

No

There is no evidence of the need to provide for such changes.

7. Do you consider that the PDR under Classes 18B or 22A should be expanded or revised in any other way?

No

The current provisions provide sufficient opportunities for development as they stand.

8. Do you believe that there should be new PDR for the replacement of agricultural and forestry buildings with new-build homes in particular circumstances? If so, in what circumstances?

No

This is not supported by HOPS. The continued focus on PNO's as a form of a lighter touch as it doesn't require a planning application is counterproductive and misguided. Recent examples of PNO's being applied to telecommunications, windows and conversion of agricultural/forestry buildings have had little regard to the professional planning concerns raised at the time either by HOPS or Planning Authorities. Regrettably the evidence to date highlights that these processes are laborious and time consuming. In addition, it removes the opportunity for adjoining residents or neighbours to make comment on such proposals giving rise to wider concerns regarding the erosion of democracy in the planning process. At a time when resources are stretched to a greater extent than ever before, the use of limited time and resources on a halfway house that delivers little meaningful benefit for applicants, or the public has little to commend it. The continued focus on this consultation rather than improving and refining the current processes themselves reduces the time and resources of staff to focus on helping to address and tackle the housing emergency as Planning Authorities would wish to.

There remains a place for PNO's in some circumstances, such as for new agricultural or forestry building etc. However, there needs to be a review of the existing arrangements to improve the application form in terms of the information sought and the quality of plans submitted. As a minimum the forms should require the inclusion of the registered agricultural unit number to be recorded, metric location plans, site plans, floor plans and elevations, to clearly specify what is proposed. The manufacturers of such buildings can provide these as part of their service. All of these collective measures would greatly speed up the submission, processing and determination of PNO's and reduce and remove inefficiencies in their registration due to unnecessary time spent seeking further information to register proposals or request applications for their provision. This would free up staff time and efforts to actually help deliver and unlock sites through the planning process. The inability of applicants to be able to submit forms electronically in a large number of cases is at odds with the aims of an efficient and effective e-planning system in a digital age.

The continued focus on PNO's is a misguided attempt to allow for a less regulatory approach. The public seek clarity on whether something is permitted development, or not. PNO's are a complex time-consuming process that frustrates and confuses the public and authorities alike. It is an inefficient, ineffective drain on limited public resources which could be better utilised in helping deliver meaningful planning solutions.

An area where refinement of the PNO process would be welcomed to reduce and remove an unnecessary bureaucracy is in relation to Peatland Restoration. A simplification of the process to

remove those projects which are funded either through Peatland Action or the Peatland Code from requiring a duplication of effort, time and resources through the PNO process, would be an area that would be welcomed by Planning Authorities to free up staff time and resources.

9. Do you believe that there should be new PDR for new-build homes in any particular types of rural areas in particular circumstances? If so, in what types of rural areas and in what circumstances?

No

Reasons set out in question 8. It is considered that these proposed changes would undermine Policy 4 of NPF4 which encourages sustainable development in rural areas.

Permitted development rights for town centre living

10. Do you consider that proposals to convert the ground floor or entirety of buildings in town and city centres to residential use should benefit from PDR?

No

Measure to enhance and improve the vitality of town and city centres are supported and promoted in planning policy as evidenced under Policy 27 - Town Centre First approach under NPF4. The suggested approach for allowing conversion of ground floor premises would serve to undermine the aspiration of promoting town centres under Policy 27. In addition, it removes the opportunity for adjoining residents to make comment on such proposals giving rise to wider concerns regarding the erosion of democracy in the planning process and for consultees such as community councils etc. to raise concerns. The introduction of residential uses close-to commercial premises where there may be established late night noise or other amenity considerations, such as entertainment venues or food outlets could impact on their operations. Allowing the loss of ground floor frontages to other uses would erode and hollow out the distinctive component which draws people to town centres and would reduce their attractiveness and adversely impact on its vitality and viability.

11. Do you consider that there should be PDR for the change of use of properties above Use Class 1A premises to residential use?

No

Residential use above retail premises is overwhelmingly supported under policy as well as NPF4. Each case should be considered properly through the planning process. As mentioned under question 10, locations close to businesses where music is played, or hot food provided etc. may result in these operations potentially being prejudiced by this. Whilst well intended it would in fact further damage the vitality and viability of the town centre as it would create conflicts between competing uses through the agents of change principle. Doing so would erode the Town Centre First Principle resulting in the loss of complementary retail and service provision which contributes to the hub and attractiveness of town centres. The promotion of residential development within our town centres should be complementary to and not in place of retail and service provision. Without adequate consideration through the planning process the suggested changes to the PDR would allow individual

short-term circumstances to outweigh the greater long-term commercial and community benefits associated with a vibrant town centre.

12. Do you have any comments about the prospect that the PDR would allow a change of use to residential from any existing use?

Yes

For the reasons stated above measures to enhance and improve the vitality of town and city centres are supported and promoted in planning policy as evidenced in NPF 4. The suggested changes to the PDR would damage the vitality and viability of the town centre as it would create conflicts between competing uses through the agents of change principle. Doing so would erode the Town Centre First Principle, result in the loss of complementary retail and service provision which contributes to the hub and attraction of town centre. These measures would also create other potential conflicts related to refuse collection and parking. It would also potentially result in a financial impact through the loss of developer contributions to the delivery of infrastructure through education and affordable housing. Incompatible land uses could occur with residential use permitted close to “bad neighbour” uses perhaps resulting in statutory nuisance thus further eroding the attractiveness of such locations. Some town centres may be in flood risk areas or within safeguarding zones for incompatible land uses e.g. refineries etc. which may not be suitable for residential use. This could also accelerate the introduction of Short Term Lets into an area negating the benefit of conversion as it would not increase local housing stock. Indications from the approach in England has suggested the quality of housing is substandard with little amenity value.

13. Do you think PDR for the change of use of properties above Use Class 1A premises to residential use should include any limits on the minimum or maximum floorspace, size and/or number of residential units that can be formed?

No

The question is predicated on the assumption the change is supported which it is not for the reasons stated above. Allowing this to become permitted development would cause significant and unintended damage to the vitality and viability of town centres. There should therefore be no further widening or expansion of the current PDR as doing so would run counter to a key component of NPF4, Policy 27 - Town Centre First and its importance in stimulating the heart of our towns and acting as a catalyst for investment and employment within them.

14. What other potential limits, restrictions and exclusions to such PDR should be considered?

As outlined previously it is not considered any further amendments to the PDR should be promoted in this regard. The focus on this to try and address the housing crisis is misjudged and should not be pursued.

Environmental Health colleagues have referenced that the proliferation of wood burning stoves in urban areas, usually for purely aesthetic reasons has become an issue. These tend to be sited at low level resulting in poor smoke dispersal and leading to complaints from neighbours. Measure to address

this would be welcomed but it is acknowledged that this should be reviewed for all circumstances, not just those arising from this consultation document.

15. Do you consider that a prior notification and approval mechanism should be required in respect of a PDR for 'town centre living' as discussed in this consultation? If yes, what matters do you consider should potentially be subject to prior approval?

No

For the reasons stated above measures to enhance and improve the vitality of town and city centres are clearly supported in planning policy as evidenced in NPF4. The promotion of PDR in this manner would erode a Plan Led approach and is considered to be a short-sighted measure that would undermine the vitality and viability of town centres. The loss of frontages from being available for retail, or other commercial opportunities would reduce footfall, resulting in a lowering of rentals and a reduction in investment.

The PNO process is cumbersome, complicated and inefficient. It presents no clear benefits in practice over the current planning system which can consider and assess key issues and material planning considerations in a proportionate, transparent and democratic way. The measures as proposed are not supported.

16. Should any such PDR (permitting the change of use of floors above Use Class 1A premises) also permit certain external alterations of a building to facilitate the conversion to residential use, if so what alterations?

No

It is not apparent what could be achieved and how this could be addressed under legislation. The suggested drafting of legislation for this is considered unnecessary and there are better and more effective ways to assist the planning system for the benefit of all.

17. Please provide any other comments regarding the potential options to introduce PDR for 'town centre living' proposals as discussed in this consultation.

It is always considered prudent to assess whether the existing measure or regulations are appropriate and in this regard the review is welcomed. However, while the suggested modifications are well intended, they would appear misjudged and would not in fact deliver the hoped for residential gains and doing so would in the longer term put at risk the vitality and viability of our town centres. The suggested approach offers no discernible benefits over the current arrangements and would if anything prove an unwanted and unnecessary bind on delivering the wider planning gains that we are seeking to achieve.

Other considerations and options

18. Do you consider that any expanded PDR for rural homes (described in this consultation) should be subject to a condition prohibiting the use of the new units for short-term letting?

No

For the reasons outlined above the suggested revisions for the PDR regarding this are not supported. The consideration of restriction on the resultant use of such a change in the PDR would appear to conflate two separate issues.

It has long been recognised that the granting of permission for a house does not in itself result in a property becoming a home. The mechanism for allowing Planning Authorities to establish short term let control areas to secure the need for planning has been progressed by both Edinburgh and Highland Councils and has addressed one source of loss of homes. Furthermore, it is considered that the legislation for planning and licensing in relation to this is cumbersome and its application has only been progressed by two authorities to date.

Although not proposed under the current consultation, the opportunity for creating a separate Use Class for Short Term Lets would however simplify the process and provide clarity for all. Doing so would lead to a greater and more effective delivery mechanism for the provision and prevention of loss of housing as homes across Scotland.

19. Do you consider that any ‘town centre living’ PDR (described in this consultation) should be subject to a condition prohibiting the use of the properties for short-term letting?

No

For the reasons outlined above the suggested revisions for the PDR regarding this are not supported. The consideration of restriction on the resultant use of such a change in the PDR would appear to conflate two separate issues.

20. Do you consider that it would be appropriate to amend PDR for existing dwellinghouses, to allow homeowners to make better use of their existing properties?

Unsure

In principle, yes. Significant revisions have however been made to the PDR regulations in recent times which have been generous in this regard. Whilst the continued focus on homeowners is understood there is a concern that neighbours are not be afforded the same degree of consideration through the continued revisions to the PDR. It would be appropriate to consider an overall size criteria. The PDR regarding this should not apply within Conservation Areas.

21. Do you consider that the reference in the PDR for domestic air source heat pumps (ASHP) should be revised to make it clear that the installation must comply with Microgeneration Certification Scheme (MCS) 020 a)?

Unsure

The current PDR requires any ASHP to “comply with the MCS Planning Standards or equivalent”. The proposal is to remove the term “or equivalent”. This amendment would remove this ambiguity. That said, it would not necessarily address and safeguard adjoining residential amenity. It is understood

from Environmental Health colleagues that the noise criteria within MCS 020 applies to cumulative noise where there is more than one ASHP or similar noise source, regardless of whether the other is part of the same development or not. The enforcement of such matters may be a challenge as it is reliant on the installation process as regulated which is outwith the planning process.

22. Do you consider that air source heat pumps (ASHPs) installed on domestic properties under PDR should be permitted to be used for heating and cooling but not solely cooling?

Unsure

No views on the matter. The primary consideration under permitted development is related to the physical appearance parameter rather than the use.

Other considerations and options (continued)

23. Do you consider that the PDR for domestic air source heat pumps (ASHPs) in Scotland should be amended to allow for the installation of up to two ASHPs on a detached dwellinghouse?

Unsure

If this can be adequately addressed through appropriate separation distances and compliance with agreed noise ratings, then this could be supported. Consideration requires to be given to the size parameters. This should not be applied within Conservation Areas.

Provided suitable provisions are in place such as distance to boundaries or equipment complying with specified noise rating curves to protect neighbouring residents from noise there would be scope to extend these permitted development rights to more than one unit. It may also be appropriate to consider an overall size criterion. This should not be extended to Conservation Areas.

24. Do you consider that proposals that would result in more than one air source heat pump (ASHP) being installed on flatted buildings or on terraced or semi-detached properties should continue to be assessed on a case-by-case basis by planning authorities?

Yes

25. Do you consider that any other changes should be made to the existing PDR for the installation of air source heat pumps (ASHPs) in Scotland?

No

Not at this juncture

26. Do you consider that it would be appropriate to have PDR for the installation (and subsequent repair and maintenance) of connections from individual buildings to heat networks?

Yes

It would be prudent to give consideration to this. A comparable approach could be taken as that to the repair and maintenance of utilities such as gas or water etc. Connection to the building, such as from an external wall in flats, or where within a Conservation Area should be excluded.

Assessments - Strategic Environmental Assessment (SEA)

27. What are your views on the accuracy and scope of the environmental baseline set out in the environmental report?

No comment

28. What are your views on the predicted environmental effects of the proposals as set out in the environmental report? Please give details of any additional relevant sources.

There is a concern that it potentially underplays the impacts of developments in rural or isolated locations which are dependent on private car travel with little or no availability of public transport. There appears to be little regard to council services such as school transport, refuse collection etc. in such locations.

29. What are your views on the assessment of alternatives as set out in the environmental report?

No comment

30. What are your views on the proposals for mitigation, enhancement and monitoring of the environmental effects set out in the environmental report?

No comment

31. Please provide any comments on the partial Business and Regulatory Impact Assessment (BRIA) and information on the potential business or regulatory impacts of any of the options identified in this consultation.

As set out above there may be potentially significant implications on business and premises within town centre locations in response to adaptations which may arise as a consequence of residential developments adjacent to their operations. The increase in housing units, depending on their location may be to the detriment of existing business and commercial enterprises within town centres which may make them less attractive thus reducing footfall and their economic viability.

32. Are you aware of any examples of how any of the options identified in this consultation may affect, either positively or negatively, those with protected characteristics? If yes, please provide further detail

No

33. Please provide any comments or information on the potential impacts on children's rights and wellbeing of any of the options identified in this consultation

No comment

34. Do you have any information or comments on the potential impacts on island communities of any of the options identified in this consultation?

No comment

35. Are you aware of any examples of potential impacts, either positive or negative, that the options identified in this consultation may have on groups or areas at socio-economic disadvantage (such as income, low wealth or area deprivation)? If yes, please provide further detail.

No comment

36. Do you agree that a Fairer Scotland Duty assessment is not required in relation to the options set out in this consultation?

Yes

About you

Further information about your organisation's response

HOPS organised an optional meeting for planning authorities to share views on the consultation.

This consultation response summarises key points made by Scottish Planning Authorities, but we note that there will be differences of opinion between authorities and would defer to their own responses on specific local issues.