



Gypsy/Travellers and the Scottish Planning System

A Guide for Gypsy/Travellers

#1 in a series of 5



Gypsy/Travellers and the Planning System - 2015

This guide forms part of a series of five on Gypsy/Travellers and the Scottish planning system, as listed below:

#1 Gypsy/Travellers and the Scottish Planning System - A Guide for Gypsy/Travellers

#2 Gypsy/Travellers and the Scottish Planning System - A Guide for Local Authorities

#3 Gypsy/Travellers and the Scottish Planning System - A Guide for Elected Members

#4 Gypsy/Travellers and the Scottish Planning System - A Guide for Community Councillors

#5 Gypsy/Travellers and the Scottish Planning System - A Briefing for the Media

Contents

| | |
|--|-----------|
| Introduction | 5 |
| 1. Getting started | 7 |
| 2. Talk to people | 9 |
| 3. Look at the Plan | 12 |
| 4. Apply for Planning Permission | 15 |
| 5. Support your application | 19 |
| 6. Engage with the planners and the public | 22 |
| 7. Decision time | 24 |
| 8. Appeal | 29 |
| 9. Enforcement | 32 |
| 10. Getting involved in planning for the future | 35 |
| 11. Planning dictionary | 36 |
| 12. Useful contacts | 41 |



Ministerial Foreword



The Gypsy/Traveller community is an important Scottish community, with a long and proud history. Gypsy/Travellers have made, and continue to make, a significant contribution to Scotland.

Unfortunately, Gypsy/Travellers also face many challenges and barriers to accessing services and participating in society, in ways that most people take for granted. This includes securing good quality accommodation that meets their cultural needs and has the amenities that people need for everyday living.

The Scottish Government is fully committed to meeting the needs of Scotland's Gypsy/Travellers. Our role is to set a robust framework and promote good practice, so that those needs can be properly assessed and met at a local level. To this end, we are working to develop an overarching strategy and action plan for Gypsy/Travellers in Scotland.

As part of our work, we want to promote good practice in relation to Gypsy/Traveller sites. Dialogue is the best way of increasing trust, understanding and respect between our diverse communities. We have, therefore, been pleased to fund and support PAS in its Gypsy/Travellers as Young Change Makers project. The purpose of this project was to increase awareness and knowledge of the planning system and engagement between Gypsy/Travellers, planning professionals, elected members and community councillors.

These guides have been produced by PAS, and represent its advice and views on Gypsy/Travellers and planning in Scotland. Those views are, quite rightly, independent of the Scottish Government. The guides are the end product of the Gypsy/Travellers as Young Change Makers project and the result of engagement and wide ranging discussions. I hope the guides will be well-used and that they will give all concerned the information and knowledge to meet the needs of Scotland's Gypsy/Travellers.

Alex Neil MSP, Cabinet Secretary for Social Justice, Communities and Pensioners' Rights

Acknowledgements

We would like to thank all those who contributed to this project and to the creation of this series of guides, in particular: PAS Associates and Volunteers (including Stewart Inglis, Dr Simon Ruston, Forbes Marr, Alan Seath, Irene Beautyman, Kathryn Hilditch and Brenda Clough), the Scottish Government (Directorate for Local Government & Communities, Directorate for Housing, Regeneration and Welfare), COSLA, SEPA, the four Local Authorities who engaged in this project (Perth & Kinross Council, Aberdeenshire Council, Fife Council and Inverclyde Council's Planning, Housing, Education and Environmental Health Departments), other Local Authorities who also contributed (Aberdeen City, East Lothian, South Lanarkshire), Article 12 in Scotland, MECOPP, the Equality and Human Rights Commission (EHRC), Damian Le Bas (Travellers' Times), representatives of the Gypsy/Traveller community, representatives from Community Councils in Fife and Aberdeenshire, Elected Members from Perth & Kinross and Aberdeenshire who participated in training sessions, Young Placemakers who took part in various training sessions (including young people from Mintlaw Academy, Peterhead Academy, Fraserburgh Academy and Kinross High School) and Young Placemaker volunteers (including Stephanie Simpson and Katy Rodger).

Funded by the Equality, Human Rights and Third Sector Division of the Scottish Government.

Introduction

What is planning?

Planning manages how land is used, covering everything from houses to shops, factories to schools. It also covers sites for Gypsy/Travellers.

The planning system aims to balance the needs and wishes of everyone, and tries to reach fair decisions. It also tries to balance protecting the environment with the need to change land or buildings to meet new demands.

Using this guide

Starting with ***Section 1 Getting started***, this guide takes you through the process of identifying suitable land, finding out what your proposals should include, and applying for planning permission to build, change or extend your site.

Some technical terms are written in **bold** and are explained in ***Section 11 Planning dictionary***.



Photo: Damian Le Bas

1 | Getting started

Do you already own some land that you want to build a site on?

No

Doing some research before you buy any land can help you avoid expensive mistakes. It's time to Talk to people ([Section 2](#)) and Look at the Plan ([Section 3](#)).

Yes

Have you already moved onto that land or made any changes to it? This includes changes to the access, excavating, landscaping, removing trees and any building work.

No

Before you move onto the land or do any work to it, you need to apply for **Planning Permission**. You also need to know what the planning situation is for your land. It's time to Talk to people ([Section 2](#)) and Look at the Plan ([Section 3](#)).

Yes

You need to apply for **Retrospective Planning Permission**.

This approves work that has already been done.

Be warned, just because you have already carried out work does not guarantee that you will be granted this permission. You should Talk to people ([Section 2](#)) and Look at the Plan ([Section 3](#)).



Photo: Graham Noble

2 | Talk to people

Talking to the right people early on can help you do the right things, make the right decisions and increase your chances of getting planning permission.

Your Council is the best place to start. The Council can:

- tell you what needs planning permission and how to apply;
- give you information about their plans and policies; and
- explain how they deal with individual planning applications

Find out which council area the land you already own or are interested in buying is located in. Get the contact details for the council planning department from the council website, the phonebook or the council offices. Give them a call or an email and ask to meet a **Planning Officer** to chat about your options.

Planning officers are the people who deal with applications and are often the ones who make the final decision. Talking to them is usually free and could save you a lot of money in the long run. The planning officer will be able to tell you what the Council is looking for from a Gypsy/Traveller site. They will know better than most people about any problems or opportunities, and can make suggestions.

- > You may have your eye on some land, or you may already own some land. Ask the planning officer what they think of these locations. If you have already had a look at the Local Development Plan, you might have questions about how an application to build there will match up with the policies.

2 | Talk to people

- > If you do already own land or have your eye on some, try and find out the planning history of that land. Ask if people have applied for permission to build there in the past but have been refused. Even if it wasn't for a Gypsy/Traveller site it is still relevant. Check if there are any legal restrictions on what can be built on the plot.
- > If you don't already have land and haven't found anywhere you would like yet, ask the planning officer where for advice on where to look.

Remember, it's the planning officer's job to help you. Keep a record of your meetings, who you saw, when they happened and what you discussed. You could ask them to put it all in writing afterwards.

Although planning officers are the best ones to talk to, at least to begin with, there are other people who know about the planning system who could help you, or give you a second opinion:

- **PAS.** This is an independent charity which gives the public advice about planning and applications. They run a free planning advice service and have volunteers with a range of skills and experience ([see Section 12 Useful contacts](#)).
- **Planning Consultants.** These are professional experts in planning. They can just give you advice or can take on the whole task of preparing and submitting the application for you. They will charge for their services, so make sure to talk to them about what you want, what they can do to help and how much it will cost you.

Some will know more about Gypsy/Traveller planning cases than others, so choose carefully. They may or

may not have a good track record with applications for Gypsy/Traveller sites. A relative or friend might be able to recommend someone so ask around. The Royal Town Planning Institute (RTPI) keeps a list of planning consultants. This doesn't include all of them though, so check the phone book or search online too ([see **Section 12 Useful contacts**](#)).

- **SEPA** (Scottish Environmental Protection Agency). SEPA will be most interested in waste disposal, and will want your plans to include details about how you will deal with your waste. They are also interested in whether your land might be at risk of flooding, and may object if it is ([see **Section 3 Look at the Plan**](#)). They recommend that you contact them directly at an early stage to discuss your plans.

3 | Look at the plan

Every council must produce a **Local Development Plan**. These set out how places should change and the policies used to make decisions about planning applications. They have text with all the policies and maps showing what land can and cannot be used for different things, e.g. housing, schools, offices. Local Development Plans are available online on the council websites and in paper form in local libraries and council offices.

A few Local Development Plans, for example those for the City of Aberdeen and Perth & Kinross, have policies identifying suitable sites or protecting current sites to ensure they remain available for Gypsy/Travellers. Not all identify land for sites like this, but most will have policies for dealing with applications for Gypsy/Traveller sites. These will usually be in the Housing section of the Plan.

Some Local Development Plans don't identify land for Gypsy/Traveller sites or have policies to deal with that kind of application. In these cases, more general policies would be used to judge your application.

The policies for Gypsy/Travellers explain what the council is looking for in an application for a site. They vary from place to place and plan to plan, but they usually cover some or all of the following issues:

- **Number of pitches.** Small private sites are usually expected to have 1-5 pitches and house one or two families.
- **Location.** A lot of policies are about location, and often about how close sites can be to towns and villages. Some places are at risk of flooding and unsuitable for building on.
- **Type of land.** Certain types of land, like **Green Belt**, some farming land or nature reserves, are protected from being built on in most cases, unless in exceptional circumstances.
- **Water, electricity and sewage.** Sites need to be able to be supplied with all the essential services.

3 | Look at the plan

- **Roads and access.** Safe and easy access is very important. Sites are expected to be easy to reach from main roads, but usually not right beside them. They should avoid causing too much extra traffic.
- **Appearance.** Sites should look good and fit in with their surroundings. Landscaping is often required.
- **Residential amenity.** This is about protecting you and your neighbours' quality of life. For example, making sure the site isn't too close to the adjacent properties to ensure that neither can disturb the other.
- **Access to public services.** How easy would it be to reach places like schools and hospitals? Is there any public transport, e.g. bus routes, train stations, which you could use?
- **Access to amenities.** How easy would it be to reach places like shops and parks?
- **Security.** Sites should be able to be kept secure through gates or other features.

The big question to ask yourself and the planners is; could your land match some or all of these requirements? If it can, then your chances of getting permission for your site are improved. If not, then it could be harder to gain permission for your plans.

Some councils have special documents called **Supplementary Guidance** as well as the Local Development Plan. These give extra information and advice about particular topics, which in some places includes Gypsy/Traveller sites. Aberdeen City Council is an example of a council with Gypsy/Traveller supplementary guidance attached to the Local Development Plan.

It is also worth checking the SEPA flood maps to check that your land isn't at risk of flooding. SEPA will probably object if it thinks your site will be at risk of flooding or could make the situation worse if there was a flood. The flood maps are available online at: http://www.sepa.org.uk/flooding/flood_maps.aspx

3 | Look at the plan

Once you have done your research, you may have further questions for the planners. Don't hesitate to get in touch with them if you do ([see **Section 2 Talk to people**](#)). They might advise you to make some changes to your plans. It makes sense to get things right before you apply.

If you have a good relationship with your neighbours, it is worth letting them know before you put in your planning application so as it doesn't come as a surprise. You might also be able to get their support once you have submitted your application. Councils do listen to local people when making their decisions, provided that their opinions are based on proper planning issues ([see **Section 6 Engage with the planners and the public**](#)).

4 | Apply for Planning Permission

What to submit

There are a number of different forms and documents you need to submit in a planning application:

- ***A completed planning application form:*** This asks for details about you, your plans and the land you wish to change or build on, including:
 - Your name and address
 - The address or location of your proposed site
 - A short description of your proposal, e.g. 'a site for one residential caravan with hardstanding, gates and landscaping'. A planning officer might suggest suitable wording if you are unsure.
 - The area of your site, in square metres or hectares.
 - Whether you will be creating new parking spaces, or drainage.
 - Various other details.
- ***A location plan:*** This is an Ordnance Survey (or similar) map which should show the site in full and some of the surrounding area. The site boundary should be marked in red. Various mapping services are available online and paper maps can be bought and marked up. Check what scale the planners need the plans to be. The online **ePlanning Scotland** system also has a feature which allows you to buy and create a location plan online.

4 | Apply for Planning Permission

- **A site plan:** Similar to the location plan, but with a larger scale and showing more detail of your proposed development. It should show the layout of any caravans and trailers, areas of hardstanding, outbuildings, septic tanks and drainage and landscaping.
- **Building plans:** If your development includes any buildings, e.g. toilet blocks, laundry, chalets, storage sheds, then you should include floorplans and elevations. Depending on your own skills and the complexity of your proposals, you may require an architect, architectural technician, surveyor or builder to create some or all of your plans. If you are employing a planning consultant then they should usually be able to provide maps and location and site plans as part of their services, although usually not floorplans and elevations. They may be able to recommend an architect or similar who could.
- **A completed Certificate of Ownership:** On this document you say whether you own the land or not. It is possible to apply for planning permission for land you do not actually own yet but you must inform the current owners before you do so. For example, another member of your family might own the land that you are applying for permission on. There is a special form for this, which is submitted on the same day as the application.
- **A Supporting Statement:** (see [Section 5 Support your application](#))
- **Other documents:** Depending on where the land is and if there are any particular issues or problems, for example drainage, traffic or noise, you may need to supply other reports or statements. These might be written by specialists you employ. The planning officer should be able to tell you if you will need these extra documents when you have your discussions.

4 | Apply for Planning Permission

- **Fees:** Fees are charged up-front to cover the costs of processing the application. They vary depending on the type of application and the area of the site. The Council website usually has a table of the different fees payable, and the planning officers should be able to tell you how much you need to pay. Credit or debit cards are the usual ways to pay, although some councils also accept cheques.

How to submit

Even planners sometimes have difficulty filling in the application forms, so you might feel that you need some help to do this. You could ask a planning officer, or a planning consultant if you are employing one. A friendly Gypsy/Traveller Liaison Officer or a PAS volunteer might also be able to help you.

Planning applications can be submitted online through the **ePlanning Scotland website**: www.eplanning.scotland.gov.uk

You can also use the ePlanning Scotland website to:

- buy an online location plan;
- use the checklist to make sure you provide all the necessary information;
- attach plans, drawings and other documents;
- use a fee calculator to work out the correct fee;
- create an account so you can make more applications;
- share the information with neighbours; and
- submit an appeal.

4 | Apply for Planning Permission

Alternatively, you can get paper forms from the council and send copies of all your documents to the planning department by post, or deliver them by hand to the planning office. Paper submission usually requires several copies to be sent in. You can also use a combination of online and paper submissions if there are problems with online submissions, e.g. difficulties uploading large files.

If you have any questions about what you need to submit and how you can do this, contact the planners and ask. They are there to help.

Provided that you have submitted all documents, there are no problems with them and you have paid the fees, your application should be registered (accepted) and you will be sent a letter from the council confirming that they have received it, giving you details about how it will be handled and a reference number for your application.

5 | Support your application

It's a good idea to write a supporting statement, which is a letter that supports your application. You don't have to include one, but they do help. It's a great opportunity to put your case across. If you are concerned about writing it yourself, then see if someone can help you, like a relative, friend or neighbour. If you are using a planning consultant then they could write it all for you, or help you write it. A PAS volunteer might also be able to check it over for you.

What should I include?

Make it clear from the start that you are a Gypsy/Traveller, as this means that the council will be able to use any Gypsy/Traveller policies in the Local Development Plan to consider your application. Gypsy/Travellers have recognised rights to maintain their traditional lifestyle and these policies are meant to help you do that.

Include some details about who will be living with you and how they are related to you. The council will want to know how many people are planning to move onto the site, and whether there are any children or older people.

Set out the reasons why you want to build a site on that land. For example:

- Where do you live now and why do you want (or need) to move from there?
- Do you have nowhere else to go?
- Have you been evicted from your previous site(s)?
- Is the public site too crowded, or are there none locally?
- Have you been on a waiting list for a pitch for a long time?

5 | Support your application

- Do you want a place of your own so that you don't need to use any other sites?
- Are you concerned about the safety of yourself or your family?
- Do you want to be close to relatives who live locally?
- Are your children going to local schools that you want them to be closer to?
 - > You could include school records, especially if these show that your children have had to go to lots of different schools because you needed to keep moving. A teacher may also be willing to write a letter of support (see [Section 6 Engage with the planners and the public](#)).
- Do you have health issues that mean you can't move around much anymore, or need to live close to a local doctor or hospital?
 - > You could ask your doctor to write a letter of support confirming that you need to be able to rely on nearby medical help if necessary (see [Section 6 Engage with the planners and the public](#)). Remember that you do not have to make public anything that you would rather remain private. Make it clear if something is confidential, but try and be as open as you can.
- Have you got a job that means you need to be based in the area?
- Do you run a business and need a secure base to operate from?
- Any other reasons? Include anything if it is important.

5 | Support your application

Explain the ways that your land and plans have met the demands of the Gypsy/Traveller site policies in the Local Development Plan (see [Section 3 Look at the Plan](#)). This is very important, as your application will be judged against these policies:

- Point out the benefits of the location, e.g. close to shops, school etc.
- Explain how the access will work.
- Point out the ways that features like drainage, landscaping etc. have been well designed to make the site work well and blend in with the area.
- If your land is derelict or run-down, then point out that your plans will improve the area.

If you are willing to alter your plans based on planners' suggestions for improvements, then say so. This could mean a conditional approval rather than a refusal.

6 | Engage with the planners and the public

You may be asked to meet with planning officers to discuss your application. Always go to these meetings if you can and make sure you answer any questions openly and honestly. Planning officers work with facts and they need to have them to come to decisions. Try and build up a good working relationship with them. Keep in touch with them and try and answer any questions they may have as soon as you can.

Commenting on applications

The public have a right to comment on planning applications. Those who live directly beside the land you are applying to build on will be sent letters by the council (called **Neighbour Notifications**) telling them about your application and how they can give their views, but anyone can comment on an application. Sometimes applications are advertised in newspapers to let local people know about them.

Councils prepare a list of applications every week and send them to **Community Councils** so that they can see the applications and give their views. Councils also put these lists of applications on their website. Each entry on the list has a reference number, a short description of the application and the site address, so that people can find the right one.

If you have neighbours, other local people, **Councillors** and **Community Councillors**, teachers, doctors, or anyone else who support your plans, ask them to comment in support of your application. They can write a letter of support to the council planning department, or they could comment online by searching for your application in the council website list.

6 | Engage with the planners and the public

Some neighbours or other local people might have concerns. They might not know much about Gypsy/Travellers and may have stereotypical ideas about them. They may send in objection letters, or contact their councillors and ask them to oppose your application. Councils cannot refuse permission just because people are against the proposal, even if there are a lot of people opposed. However, if comments are relevant to planning issues, they do have to consider each point.

Being approachable and willing to discuss what your application is for and what it means to you can encourage support. Meet any fears with the facts. If you get the community on your side, people might contact their community councillors and councillors to ask them to support your application.

How do they decide?

The planning officer who is dealing with your application will look at all the documents you have submitted and then consider how they fit with:

- the plans and policies, i.e. the content of the Local Development Plan and other documents, which are the most important things to consider;
- statutory consultees. These are organisations like Scottish Water or Scottish Natural Heritage who have a legal right to be asked about what they think of plans that could impact on their specialist area, e.g. drainage or protected wildlife. Planners take their views, especially any objections, very seriously; and
- comments and submissions to the council, including any responses to the Neighbour Notifications.

It is only things that are considered relevant, or 'material', that will influence their decision. Other issues are 'non-material', and will be ignored. These include:

- Loss of views.
- Impact on property prices.
- Moral or religious objections.
- Political opposition.
- How much money you have and how much the development will cost.
- Noise, dust or smells during construction.

Your application will always be processed by a planning officer. However, the final decision might not be made by them but by the **Planning Committee**, a group of councillors who vote to approve or refuse applications. This is usually the case with applications that are large and complicated, or that have received a lot of objections. If it is a committee that is deciding, then the planning officer handling your case will make a recommendation to them about whether they should approve or refuse. They do not have to agree with that recommendation, although they usually do.

If a planning officer is making the decision, try and keep in regular contact with them. Get in touch with them before their decision is due, and ask them if they are thinking of approving or refusing permission. If they are thinking of refusing, see if there is anything you can change to satisfy them, or answer any concerns they may have about some aspect of your proposal. If refusal is looking likely, you may wish to **Withdraw** your application. This means you avoid having your proposals linked to a formal refusal of permission, which can make it difficult to get permission later on. You can then resubmit a changed or improved proposal at a later date.

If your application is to be decided by the committee, then you may have the opportunity to speak at their meeting before they vote. Take this opportunity if at all possible, as it gives you another chance to put your case across in your own words. If you have employed a planning consultant then they could speak on your behalf. Not all councils allow people to speak at planning committee meetings, so you should check with the planning officer if you can or not. You can also email or write to the individual councillors on the committee and ask them to approve the application. Even if you cannot speak at the meeting, it is good to attend anyway, so that you can hear the discussion and councillors can see the people who their decision will affect.

Planning applications are usually decided within 2 months. If it takes longer than 2 months you can Appeal (See Section 8 Appeal). You must wait until you get the decision before doing anything to the site.

What could they decide?

> Approval

This means that the council (either the planning officer or the planning committee) has agreed that your proposal is suitable for that site, so you have been granted permission to build.

The permission granted will usually be permanent, but sometimes the council may decide to grant temporary planning permission if they are unsure about the site working in the long-term, or if there is an urgent need for a site and there are no other suitable places. You can apply to have temporary permission extended or turned into permanent permission, although this might be difficult and you need to apply before the temporary permission runs out.

Planning permission often comes with **Conditions** attached. For example, these might include restrictions on how many caravans or trailers can be based at the site, or how many people can live there, or that landscaping work must be done before you start living there. Any conditions will be listed on the letter telling you that you have been granted planning permission.

Other documents

After you have got planning permission, you need to submit a **Notice of Initiation of Development** to let the council know that you are about to start work. You have 3 years after permission has been granted to start on building work, otherwise your permission will be treated as having run out and you would need to apply again. Once you have completed the building work, you need to send the council a **Notice of Completion of Development**.

You will need to get a Building Warrant, which is the approval of the council Building Regulations department, whose job is to make sure that building work meets quality and safety standards.

Don't forget that you will also need to apply for a Caravan Site Licence from the council too. This will be dealt with by their licensing staff, not the planning department.

Later changes or development

If your circumstances change, for example you want to sell the site to someone else, then some of the planning conditions attached to the permission may prevent that. You may need to apply for those conditions to be changed or removed. If your proposed changes are bigger, such as extending the site or adding more caravans for example, then you will probably need to submit a whole new planning application. Before you do any work, check with the planners whether your new plans will require a new planning application or not.

> Refusal

This means that the council (either the planning officer or the planning committee) does not agree that your proposal is suitable for that site, so you do not have permission to build. The decision letter will include the reasons why permission has been refused.

If you have applied for Retrospective Planning Permission but have been refused, you may be given an **Enforcement Notice**, ordering you to remove all your changes to the land and return it to its former condition. If you do not do this, the council can take you to court, and you may be fined. The council also has the power to do the work itself and send you the bill for it afterwards ([See *Section 9 Enforcement, for more about this part of planning*](#)).

Being refused permission will be disappointing but you do still have options:

Resubmission: Speak to the planning officer or read their report on your application and find out what changes you could make to your proposals. They should be able to tell you what you would need to change to get approval. You then need to submit a new planning application. It's a repeat of all the previous stages, but with clear changes to whatever part or parts of your original proposal they didn't like.

Appeal: You have the right to appeal the council's decision or an enforcement notice ([see *Section 8 Appeal*](#)).

8 | Appeal

If the planning officer cannot suggest any way in which you can change your application to make it acceptable to the council, or if you feel that the decision to refuse permission was unreasonable, then you do have the right to **Appeal** that decision. You can also appeal if you do not agree with any conditions that have been attached to your planning permission, and if the council has taken more than 2 months to make a decision. Check with the planning officer first though, as they should be able to tell you if will get a decision soon ([see Section 7 Decision time](#)).

If you want to appeal, you should be aware that you are responsible for your own costs, and that an appeal can be expensive, depending on how big and complicated it turns out to be, and what type of appeal it is. Consider getting professional help if you haven't already had any, but be aware that employing professionals to represent you can be expensive. It would probably be cheaper to represent yourself, but it may not be as effective as getting specialists to make the argument for you.

- > If your application was decided by the planning officer, your appeal will be considered by the **Local Review Body**. This is a group of councillors, similar to a planning committee.

You have 3 months from the date on the refusal letter to ask for a Local Review. The Local Review Body can either agree with the original decision of the planning officer to refuse planning permission, or overrule the officer and approve planning permission.

- > If your application was decided by the planning committee, then your appeal will be decided by an independent specialist, called a **Reporter**. They deal with appeals from all around the country. To make sure they are independent they will have no connection with either the applicants or the council that refused permission.

You have 3 months from the date on the refusal letter to ask for an Appeal. You can get a form from either the council or the **Directorate for Planning and Environmental Appeals (DPEA)**, the Scottish Government organisation that employs the Reporters: <http://www.dpea.scotland.gov.uk/>

If you are appealing because the council has not made a decision within the 2 month deadline, the 3 months that you have to appeal in begins from the deadline date.

There are different ways in which your appeal will be decided by the Reporter. You can ask for a particular type but it is the Reporter who will decide which to use:

- **Written Submissions:** This is the cheapest and simplest type. Each side submits written statements setting out their position and the Reporter will read these. They can come to their decision based just on the paperwork, or they may decide that they need to visit the site themselves.
- **Hearing:** A hearing is a meeting where the Reporter listens to the arguments in person. If you don't feel confident in your writing skills then you may want to request this, although the Reporter does not have to agree to one. Hearings take longer to arrange and cost more than written appeals. Decisions also take longer to come through. You may represent yourself, but you should consider having a professional represent you at the hearing.

- **Public Local Inquiry:** This is similar to a Hearing but on a bigger scale, lasting longer and costing a lot more money. They involve cross-examining, like a court trial. These are usually only held for large or complex applications. You may need a planning lawyer and other specialists to give evidence, depending on what the issues are. This will result in often high costs. However, these are rare and very unlikely to be used for a Gypsy/Traveller site application.

Appeal decisions

Having looked at the case again and read or heard the evidence from both sides, the Reporter can decide to:

- > **Allow the appeal:** This means that the Reporter agrees with you, overturns the council's decision and grants planning permission. This permission could be permanent or it could be temporary (see [Section 7 Decision time](#)).
- > **Dismiss the appeal:** This means that the Reporter agrees with the council's original decision and does not grant planning permission.

If you have lost your appeal, you do have the option of taking the matter to court. This is very expensive and does not happen often, so the decision should not be taken lightly. You only have a case if there are procedures that haven't been followed correctly, or if there are other technical points to consider. Speak to a planning consultant and ideally a planning lawyer if you are considering this path.

9 | Enforcement

Enforcement is the part of planning which makes sure that development is done correctly and deals with any changes made without planning permission. If you have been granted planning permission, the changes you then make to the land or any new buildings have to match what you put in your application, and meet any conditions that have been attached to that permission.

If you have changed or built something without planning permission, or haven't followed your planning permission properly, such as by not meeting the conditions, councils have the power to take a variety of enforcement actions to make sure that these things are sorted out. What action they take is their decision.

If you have made changes to your land or built something without planning permission, then they might ask you to apply for **Retrospective Planning Permission**. This allows work that has already been done to gain official approval, although that permission may come with conditions attached. Just because you have already carried out work does not guarantee that you will be granted this retrospective permission.

If you have made changes to your land without planning permission, or built something doesn't match your planning permission or its conditions, and the council does not think that you would ever gain permission for that work, then they have a number of different options for taking action.

You could be given an **Enforcement Notice**, ordering you to return the land to the state it was in before you made your changes, including demolishing buildings and digging up hardstanding and landscaping. If you refuse to remove what you have created, the council can carry out the removal work themselves, and then send you the bill for it afterwards.

Just like decisions to refuse Planning Permission, Enforcement Notices can be appealed. You need to submit an appeal to the Directorate for Planning and Environmental Appeals (DPEA) before the date mentioned in the Enforcement Notice.

Local Authorities can issue you with a notice to provide more information about the changes you are making, or issue you with a **Stop Notice**, which means you must stop any building or groundwork that you are doing.

If you have received notices but have ignored them and continued work on the site, then you may be fined or prosecuted for the illegal work.

Councils take enforcement very seriously. A lot of cases are small, but there have been examples where very large and expensive developments have been demolished or removed because they broke the rules. Whether you are rich or poor, nobody is immune from enforcement action.

If you are subject to enforcement action, get in touch with the council to discuss your options. You should definitely consider seeking advice from a planning consultant and/or a lawyer.



The Local Development Plan process

Local Development Plans must be replaced at least every 5 years. Councils have to talk to local people when they are preparing new Local Development Plans, asking for their feedback and comments. They need to show that they have taken everybody's views on board, or the government might not accept the new Local Development Plan.

If you know of any good locations for Gypsy/Traveller sites, why not get involved and try and get that land set aside for Gypsy/Traveller sites in the new Local Development Plan? Or if some sites have been suggested by the council, you can comment on whether you think those are good sites or not.

The best time to try and shape the content is when it is still being written. Council websites will have information about what stage of the process of creating a new Local Development Plan they are at, and what opportunities there are to comment on it and its policies. You have a limited window of opportunity though, so make sure you have your say in time.

If you want to get involved in the Local Development Plan process, PAS could help you, so get in touch with them ([see *Section 12 Useful contacts*](#)).

Appeals: When Planning Permission has been refused you can challenge that decision, asking for it to be reconsidered. This will be done either by a Local Review Body or a Reporter. You can also appeal Conditions attached to permission and the lack of a decision.

Application: see Planning Application.

Community Council: A local body made up of Community Councillors elected by the local community. These cover smaller areas than a full Council, e.g. a village or town, rather than a city or a county. They have a right to be consulted on local matters and a duty to tell the council about the views of the local community on various issues, including planning.

Community Councillors: People elected to represent local residents on the Community Council.

Conditions: These are often attached to Planning Permission, and are extra steps or actions you need to follow when you are developing your site.

Consultant: see **Planning Consultant**.

Council: The various county and city councils and the areas they control. These are usually responsible for planning within their borders. A council is also known formally as a Local Authority, or for purely planning matters, the Planning Authority. If the site is in a National Park then the park authority is responsible for planning.

Councillors: People elected to represent county or city residents on the Council. A group of them will make up the Planning Committee.

Directorate for Planning and Environmental Appeals (DPEA): The organisation that deals with Appeals which aren't decided by a Local Review Body. A Reporter from the DPEA will make the decision on these appeals.

Enforcement: This is the part of the planning system that makes sure that development is done correctly and does not break the law.

Enforcement Notice: A letter that informs you about any action you must take to remove buildings or reverse other changes that do not have or do not match Planning Permission. If you do not do this by the deadline you could be fined or taken to court.

ePlanning Scotland: This is the online system for submitting a Planning Application in Scotland, accessed at www.eplanning.scotland.gov.uk

Green Belt: This is land around towns and cities that is protected from being built on, unless in exceptional cases. Any land that is Green Belt will be marked on the Local Development Plan maps.

Local Development Plans: These documents contain maps and text setting out how the council thinks that the local area should be developed. They should be replaced at least every 5 years.

Local Review Body: This is a group of Councillors who will make the decisions in some Appeals.

Neighbour Notification: This is a formal letter to those who live beside the land you want to build on, telling them about your Application and how they can comment on it.

Notice of Completion of Development: This is a form you need to send to the council telling them that you have finished building work on your land.

Notice of Initiation of Development: This is a form you need to send to the council telling them that you are about to start building work on your land.

PAS: An independent charity which gives the public advice about planning and applications. They run a free planning advice service and have volunteers with a range of skills and experience.

Planning Application: A formal request for Planning Permission. An application consists of completed forms and other documents and is sent to the council planning department either online or by post.

Planning Committee: A group of Councillors who decide whether some Planning Applications should be granted or refused Planning Permission.

Planning Consultant: An expert in planning who can be privately hired to help with Planning Applications and getting Planning Permission.

Planning Officer: An employee of the council who works in the planning department and who deals with Planning Applications and helps the public with their questions.

Planning Permission: When planning permission is granted the council is approving your application and allowing you to build on your land. It might come with Conditions attached.

Reporter: An independent planning expert appointed by the Scottish Government to deal with Appeals.

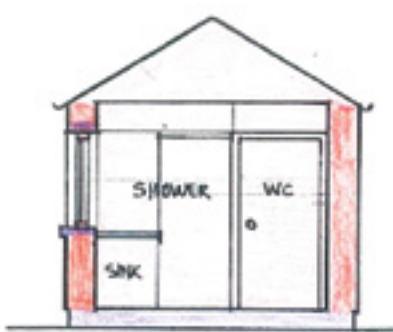
Retrospective Planning Permission: This is a form of Planning Permission that you apply for when you have already been using your land as a site or you have already done some building work on your land and you need the council's approval for those changes.

SEPA (Scottish Environmental Protection Agency): An organisation whose job is to protect and improve the natural environment in Scotland, dealing with areas such as flooding and pollution.

Stop Notice: This is a document issued by the Council's Enforcement team. It means that you must stop building or groundwork on your land because it does not have Planning Permission. You may be prosecuted if you ignore it.

Supplementary Guidance: This is extra information and advice on particular topics. It goes into more detail than the Local Development Plan, though it is often part of it.

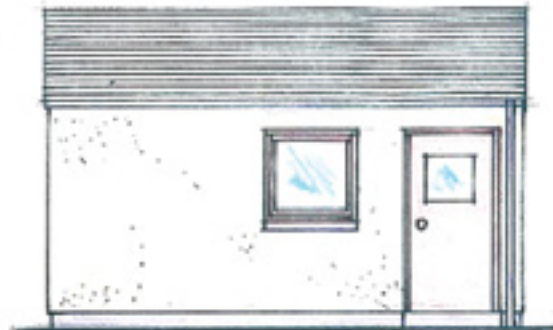
Withdraw: Before a decision is made, you can take your application out of the system. This can be the best action to take if a refusal is likely. It means that you avoid having a refusal linked to the application, and you will be able to resubmit a changed or improved application at a later point.



SECTION B-B



GABLE



YARD ELEVATION

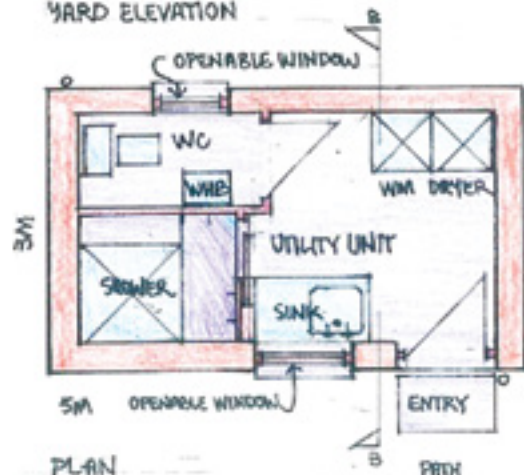
SCALE 1:50



REAR ELEVATION

UTILITY UNIT DESIGN

SCALE 1:50



PLAN

PATH

PLAN 03 : UTILITY UNIT & SCREEN FENCING DETAILS

12 | Useful contacts

PAS

3rd floor, 125 Princes Street, Edinburgh EH2 4AD

Planning advice: 0845 603 760

Email: office@pas.org.uk

Website: www.pas.org.uk

RTPI Scotland

18 Atholl Crescent, Edinburgh EH3 8HQ

Phone: 0131 229 9628

Email: scotland@rtpi.org.uk

Website:

www.rtpi.org.uk/the-rtpi-near-you/rtpi-scotland/

Directory of planning consultants:

www.rtpiconsultants.co.uk/listing/region/20

Directorate for Planning and Environmental Appeals

4 The Courtyard, Callendar Business Park,
Callendar Road, Falkirk FK1 1XR

Phone: 01324 696 400

Email: DPEA@scotland.gsi.gov.uk

Website: www.dpea.scotland.gov.uk

SNH (Scottish Natural Heritage)

Great Glen House, Leachkin Road, Inverness IV3 8NW

Phone: 01463 725000

Email: enquiries@snh.gov.uk

Website: www.snh.gov.uk

Historic Scotland

Longmore House, Salisbury Place, Edinburgh
EH9 1SH

Phone: 0131 668 8600

Website: www.historic-scotland.gov.uk

SEPA (Scottish Environmental Protection Agency)

Strathallan House, Castle Business Park, Stirling
FK9 4TZ

Phone: 01786 457700 (office) or
03000 99 66 99 (customer services)

Website: www.sepa.org.uk/default.aspx

Other organisations who work with Gypsy/Travellers

Article 12 in Scotland

PO Box 7182, Montrose, DD10 9WW

Phone: 01674 674086

Email: respond@article12.org

Website: www.article12.org

MECOPP

172 Leith Walk, Edinburgh EH6 5EA

Phone: 0131 467 2994

Email: info@mecopp.org.uk

Website: www.mecopp.org.uk

Scottish Local Authorities

Aberdeen City Council

Planning and Sustainable Development,
Business Hub 4, Marischal College, Broad Street,
Aberdeen AB10 1AB

Planning webpage: http://www.aberdeencity.gov.uk/planning_environment/planning/planning_sustainable_development/pla_planning_home_page.asp

Planning and Building Standards Help Desk
Phone: 01224 523470

Email: pi@aberdeencity.gov.uk

Aberdeenshire Council

Woodhill House, Westburn Road, Aberdeen
AB16 5GBA

Planning webpage:

<http://www.aberdeenshire.gov.uk/planning/index.asp>

Banff & Buchan and Garioch Planning Offices

Winston House, 39 Castle Street, Banff AB45 1DQ

Phone: 01261 813210

Email: bb.planapps@aberdeenshire.gov.uk

Gordon House, Blackhall Road, Inverurie AB51 3WA

Phone: 01467 628576

Email: ga.planapps@aberdeenshire.gov.uk

Buchan and Formartine Team Planning Offices

Arbuthnot House, 62 Broad Street, Peterhead AB42 1DA

Phone: 01779 483724

Email: bu.planapps@aberdeenshire.gov.uk

45 Bridge Street, Ellon AB41 9AA

Phone: 01358 726429

Email: fo.planapps@aberdeenshire.gov.uk

12 | Useful contacts

Kincardine & Mearns and Marr Planning Office

Viewmount, Arduthie Road, Stonehaven AB39 2DQ

Phone: 01569 768300

Email: km.planapps@aberdeenshire.gov.uk or
ma.planapps@aberdeenshire.gov.uk

Angus Council

Planning & Transport Division, Infrastructure Services,
County Buildings, Market Street, Forfar DD8 3LG

Phone: 01307 473175

Planning webpage: [http://www.angus.gov.uk/
info/20281/planning_and_building](http://www.angus.gov.uk/info/20281/planning_and_building)

Argyll and Bute Council

Kilmory, Lochgilphead, Argyll PA31 8RT

Planning phone: 01546 605518

Planning webpage: [http://www.argyll-bute.gov.uk/
planning-and-environment](http://www.argyll-bute.gov.uk/planning-and-environment)

Planning and Building Standards Offices

Mid Argyll, Kintyre and Islay:
planning.maki@argyll-bute.gov.uk

Oban, Lorn and the Isles:
planning.olandi@argyll-bute.gov.uk

Bute and Cowal:
planning.bandc@argyll-bute.gov.uk

Helensburgh and Lomond:
planning.handl@argyll-bute.gov.uk

Clackmannanshire Council

Kilncraigs, Greenside Street, Alloa, FK10 1EB

Planning webpage:
<http://www.clacksweb.org.uk/property/>

Phone: 01259 450000

Dumfries and Galloway Council

Council Offices, English Street, Dumfries DG1 2DD

Planning webpage:

<http://www.dumgal.gov.uk/index.aspx?articleid=1855>

Dumfries Planning Office

Kirkbank, English Street, Dumfries, DG1 2HS

Phone: 01387 260199

Email: pe.nithsdale.planning@dumgal.gov.uk

Stranraer Planning Office

Ashwood House, Sun Street, Stranraer, DG9 7JJ

Phone: 01776 888468

Email: pe.wigtown.stranraer.planning@dumgal.gov.uk

Dundee City Council

Planning and Building Control, Floor 6, Dundee House
50 North Lindsay Street, Dundee DD1 1LS

Planning webpage: <http://www.dundeecity.gov.uk/citydevelopment/developmentmanagement>

Planning phone: 01382 433105

Email: development.management@dundeecity.gov.uk

East Ayrshire Council

Council Headquarters, London Road, Kilmarnock,
East Ayrshire KA3 7BU

Planning webpage: <http://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/PlanningAndTheEnvironment.aspx>

Planning & Building Standards

Phone: 01563 576790

Email: submittoPlanning@east-ayrshire.gov.uk

East Dunbartonshire Council

Planning, Broomhill Industrial Estate, Kilsyth Road,
Kirkintilloch G66 1QF

Planning webpage: http://www.eastdunbarton.gov.uk/services/planning_and_the_environment/planning_building_standards/planning.aspx

Planning phone: 0141 578 8600

Email: planning@eastdunbarton.gov.uk

East Lothian Council

Environment Reception, John Muir House,
Haddington EH41 3HA

Planning webpage: http://www.eastlothian.gov.uk/info/200192/planning_online

Planning phone: 01620 827216

Email: environment@eastlothian.gov.uk

East Renfrewshire Council

Development Management, 2 Spiersbridge Way,
Spiersbridge Business Park, Thornliebank,
East Renfrewshire G46 8NG

Planning webpage: <http://www.eastrenfrewshire.gov.uk/planning-and-building-standards>

Planning phone: 0141 577 3001

Email: planning@eastrenfrewshire.gov.uk

Edinburgh City Council

Planning Helpdesk, Waverley Court, 4 East Market
Street, Edinburgh EH8 8BG

Planning webpage: http://www.edinburgh.gov.uk/info/20013/planning_and_building

Phone: 0131 529 3550

Email: planning@edinburgh.gov.uk

Comhairle nan Eilean Siar (Western Isles Council)

Lewis and Harris Planning Office

Development Department, Council Offices, Sandwick Road, Stornoway, Isle of Lewis HS1 2BW

Phone: 01851 822690

Email: planning@cne-siar.gov.uk

Uist and Barra Planning Office

Development Department, Council Offices, Balivanich, Benbecula HS7 5LA

Planning webpage: <http://www.cne-siar.gov.uk/planningservice/index.asp?tabindex=19>

Phone: 01870 604990

Email: planning@cne-siar.gov.uk

Falkirk Council

Municipal Buildings, West Bridge Street, Falkirk FK1 5RS

Planning webpage:

<http://www.falkirk.gov.uk/services/planning-building/>

Development Management Phone: 01324 504748

Email: dc@falkirk.gov.uk

Fife Council

Kingdom House, Kingdom Avenue, Glenrothes, Fife KY7 5LY

Planning webpage: <http://www.fife.gov.uk/topics/index.cfm?fuseaction=subject.display&subjectid=62C57486-65BF-00F7-D6E1AAAC5BF44C33&themeid=2B482E89-1CC4-E06A-52FBA69F838F4D24>

Economy, Planning and Employability Services phone: 03451 55 11 22

Glasgow City Council

Development and Regeneration Services,
Development Management, 231 George Street,
Glasgow G1 1RX

Planning webpage: <http://www.glasgow.gov.uk/index.aspx?articleid=11866>

Phone: 0141 287 2000 (Council switchboard)

Email: onlineplanning@glasgow.gov.uk

Highland Council

Planning and Development Services Headquarters,
Glenurquhart Road, Inverness IV3 5NX

Planning webpage: http://www.highland.gov.uk/info/161/planning_and_building_standards

Planning phone: 01349 886608

Area planning offices:

Inverness

2nd Floor, Kintail House, Beechwood Business Park,
Inverness IV2 3BW

Badenoch and Strathspey

100 High Street, Kingussie PH21 1HY

Caithness

Government Buildings, Girnigoe Street, Wick KW1 4HW

Sutherland and Easter Ross

Drummuie, Golspie KW10 6TA

Ross

Council Offices, 84 High Street, Dingwall IV15 9QN

Skye

Tigh Na Sgìre, Park Lane, Portree IV51 8GP

Lochaber

Fulton House, Fort William PH33 6XY

Inverclyde Council

Municipal Buildings, Greenock PA15 1LY

Planning webpage: <http://www.inverclyde.gov.uk/planning-and-the-environment/planning/>

Phone: 01475 717171

Midlothian Council

Development Management, Fairfield House,
8 Lothian Road, Dalkeith, Midlothian EH22 3ZN

Planning webpage: http://www.midlothian.gov.uk/info/161/planning_and_building_standards

Planning phone: 0131 2713302

Email: development.management@midlothian.gov.uk

Moray Council

Development Management, Environmental Services,
High Street, Elgin IV30 9BX

Planning webpage: http://www.moray.gov.uk/moray_standard/page_41669.html

Planning phone: 0300 1234561

Email: development.control@moray.gov.uk

North Ayrshire Council

Cunninghame House, Irvine, KA12 8EE

Planning webpage: <http://www.north-ayrshire.gov.uk/resident/planning-and-building-standards/planning-and-building-standards.aspx>

Planning phone: 01294 324319

Email: eplanning@north-ayrshire.gov.uk

North Lanarkshire Council

Fleming House, 2 Tryst Road, Cumbernauld G67 1JW
Planning webpage: <http://www.northlanarkshire.gov.uk/index.aspx?articleid=27660>
Planning phone: 01236 632500

Orkney Islands Council

School Place, Kirkwall, Orkney, KW15 1NY
Planning webpage: <http://www.orkney.gov.uk/Service-Directory/D/Development-Management.htm>
Planning phone: 01856 873535
Email: planning@orkney.gov.uk

Perth and Kinross Council

Development Management, Pullar House,
35 Kinnoull Street, Perth PH1 5GD
Planning webpage: <http://www.pkc.gov.uk/planning>
Planning phone: 01738 475300
Email: developmentmanagement@pkc.gov.uk

Renfrewshire Council

Development and Housing Services, Renfrewshire
House, Cotton Street, Paisley PA1 1LL
Planning webpage: <http://www.renfrewshire.gov.uk/webcontent/home/Services/Planning+and+building+standards/>
Planning phone: 0300 300 0144
Email: pt@renfrewshire.gov.uk

Scottish Borders Council

Council Headquarters, Newtown St. Boswells,
Melrose TD6 0SA

Planning webpage: http://www.scotborders.gov.uk/info/180/planning_applications

Council phone: 01835 824000

Email: enquiries@scotborders.gov.uk

Shetland Islands Council

Development Management, Development Services,
8 North Ness Business Park, Lerwick, Shetland
ZE1 0LZ

Planning webpage: <http://www.shetland.gov.uk/planning/>

Planning phone: 01595 744293

Email: planning.control@shetland.gov.uk

South Ayrshire Council

Planning Service, Burns House, Burns Statue Square,
Ayr KA7 1UT

Planning webpage: <http://www.south-ayrshire.gov.uk/planning-and-building/>

Phone: 01292 616107

Email: planning.development@south-ayrshire.gov.uk

South Lanarkshire Council

Almada Street, Hamilton ML3 0AA

Planning webpage: http://www.southlanarkshire.gov.uk/info/200145/planning_and_building_standards

Planning phone: 0303 123 1015

Email: planning@southlanarkshire.gov.uk

South Lanarkshire Council

Area planning offices:

Hamilton (also Planning & Building Standards HQ)

Montrose House, 154 Montrose Crescent, Hamilton
ML3 6LB

Clydesdale

Council Offices, South Vennel, Lanark ML11 7JT

East Kilbride and Cambuslang/Rutherglen

Civic Centre, Andrew Street, East Kilbride G74 1AB

Stirling Council

Viewforth, 14-20 Pitt Terrace, Stirling FK8 2ET

Planning webpage: <http://my.stirling.gov.uk/services/planning-and-the-environment>

West Dunbartonshire Council

Council Offices, Rosebery Place, Clydebank, G81 1TG

Planning webpage: <http://www.west-dunbarton.gov.uk/planning-building-standards/planning-applications/>

Phone: 01389 738575

West Lothian Council

Development Management, Civic Centre, Howden South Road, Livingston EH54 6FF

Planning webpage: <http://www.westlothian.gov.uk/planning-and-building-standards>

Planning phone: 01506 280000

Email: planning@westlothian.gov.uk

National Parks

Cairngorms National Park Authority Planning Office

Albert Memorial Hall, Station Square, Ballater
AB35 5QB

Planning webpage: <http://cairngorms.co.uk/park-authority/planning/>

Phone: 013397 53601

Email: planning@cairngorms.co.uk

Loch Lomond and The Trossachs National Park

National Park Headquarters, Carrochan Road, Balloch
G83 8EG

Planning webpage: <http://www.lochlomond-trossachs.org/planning/>

Tel.: 01389 722024

Email: planning@lochlomond-trossachs.org

PAS

3rd floor, 125 Princes Street
Edinburgh
EH2 4AD

Planning advice: 0845 603 7602

Email: office@pas.org.uk

Website: www.pas.org.uk