

# A Guide to Conservation Areas in Scotland



Conservation areas “are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”.

*S.61 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997*



SCOTTISH EXECUTIVE  
Development Department



Conservation areas are crucial to the conservation of our environment. There are over 600 conservation areas in Scotland. Many were designated in the early 1970s, but some have since been redesignated, merged, renamed, given smaller or larger boundaries and new ones have been added. They can cover historic land, battlefields, public parks, designed landscapes or railways but most contain groups of buildings extending over areas of a village, town or city. To safeguard them for the enjoyment and benefit of future generations any new development should preserve or enhance their varied character.

### **How are they designated?**

The planning authority is required to determine which parts of its area are of special architectural or historic interest. It may designate these as conservation areas. The public will normally be consulted on any proposal to designate conservation areas or to change their boundaries.

### **Can I influence designation?**

**Yes.** Proposals for conservation areas are usually brought to your attention when the local plan for your area is reviewed. You can make objections to the local plan and, if these are not resolved by your planning authority, then a local plan inquiry will normally be held. This will enable you to present your views to an independent Reporter from the Scottish Executive Inquiry Reporters Unit.



## How are conservation areas safeguarded and enhanced?

This is achieved through:

- defining the character that merits protection, including the space between buildings;
- use of appropriate controls over development, demolition and advertising;
- financial assistance, where appropriate, for works of repair or restoration;
- protection of trees;
- interpretation schemes, through leaflets or signage;
- the implementation of enhancement schemes based upon Conservation Area Appraisals.

Designation as a conservation area does not place a ban upon all new development within its boundaries. However, new development will normally only be granted planning permission if it can be demonstrated that it will not harm the character or appearance of the area. Some planning authorities choose to require positive enhancement through good quality design rather than creating a neutral effect.

## What is a Conservation Area Appraisal?

A **Conservation Area Appraisal** is a management tool which helps to identify the special interest and changing needs of an area. An Appraisal provides the basis for the development of a programme of action that is compatible with the sensitivities of the historic area and enables a

planning authority to fulfil its statutory duty to preserve and enhance conservation areas. Appraisals also inform policy and assist development control. They provide an opportunity to involve communities in identifying the character of the area and help developers formulate development proposals. Planning authorities are encouraged to prepare Appraisals for all their conservation areas in consultation with the local community.

### **Are trees protected in a conservation area?**

Trees often contribute significantly to the character of conservation areas. It is an offence for any person to cut, lop, top, uproot, wilfully damage or destroy any tree in a conservation area unless six weeks' notice has been given to the planning authority. This gives the planning authority time to consider making a Tree Preservation Order. These orders exist for individual or groups of trees which are seen as giving amenity value to the community. The felling or lopping of trees which are subject to a Tree Preservation Order requires the consent of the planning authority.





## What needs planning permission?

Most works to the outside of a building or structure in a conservation area will require **planning permission**. If you propose, for example, to build a small extension, carry out alterations to a roof, install a satellite dish, form a parking space, stone clean or paint the exterior of any building within a conservation area you will probably need planning permission. If the building is non-residential, if you live in a flat or if an Article 4 Direction is in force to extend the level of planning

control in your area, then planning permission for replacement windows and doors may also be required. In order to ensure that the character and appearance of the building and area are not harmed, replacement windows will need to be similar in appearance to the original ones.

Planning permission will not be needed if you are carrying out works to the interior of a building which do not affect the external appearance. Nor will straightforward repairwork normally require planning permission.

Whether or not you live in a conservation area, most building works will require a **building warrant**. The main purpose of this is to ensure that your proposals will be structurally safe. The building control department at your local council will be able to advise you what you need to do. Possession of a building warrant does not remove the necessity for planning permission.

**If in any doubt as to whether or not planning permission is required for any proposed works to a building or structure, check with the planning authority before starting work.**



## What is an Article 4 Direction?

Additional controls may be applied to changes within conservation areas. These are secured through **Article 4 Directions** and are promoted by the planning authority. Most require to be confirmed by Scottish Ministers before coming into effect. Local residents and others likely to be affected by any proposed Direction will normally be consulted by the planning authority.

The effect of a Direction is that planning permission will be required for specific types of development which would otherwise be regarded as 'permitted development', i.e. development that does not require a planning application. Directions can cover a variety of minor works and might include: the replacement of doors and windows, the erection of gates, fences, garages, sheds, porches, storage tanks or the installation of satellite antennae.







## What requires listed building consent?

A number of buildings within designated conservation areas may be 'listed' for their special architectural and/or historic interest. If you own a listed building you will need **listed building consent** for any works that are considered by the planning authority to alter the character of the building or structure. There are occasions when listed building consent will be required but not planning permission.

Listed building protection covers the inside as well as the outside of the building and extends to the curtilage (the area surrounding a building, including the boundary wall). This can include works such as replacement windows and doors or installing a satellite antenna. Straightforward repairs, providing you are replacing like with like, and minor works, such as redecorating, will not normally need listed building consent. The repainting of windows and doors, on a listed or unlisted building, in the same colour as exists at present, does not need any form of consent, but it may be wise to check with the planning authority if the colour is suitable, particularly if part of a uniform building or terrace.

It is an offence to alter the character of a listed building without consent. Listed building consents incur no fee. **If in doubt as to whether consent is needed prior to carrying out works to a listed building it is always advisable to check with the planning authority before starting work.**

## What if I want to demolish a building within a conservation area?



If you intend to demolish an unlisted building within a conservation area, **conservation area consent** will normally be required. An application for consent will need to include reasons for the demolition and detailed plans of existing and

replacement buildings if any are being proposed. In the case of listed buildings, listed building consent is required for all demolition works. Anyone wishing to demolish a listed building, or a building that makes a positive contribution to the character of a conservation area, will be asked by the planning authority about its structural condition and whether it has been offered for sale at a price which fairly reflects its state of repair.

## What if I propose to carry out works in an area of archaeological significance?

Important archaeological remains are often found within conservation areas (particularly in town centre locations) and beneath and within the fabric of listed buildings. Within an archaeologically sensitive area, planning authorities are required to address the archaeological implications of all new development.

Arrangements for the protection or recording, as appropriate, of any archaeological deposits or features may be a condition of planning permission, listed building consent or conservation area consent. *Burgh Surveys*, published by Historic Scotland, indicate likely areas of archaeological potential in many of Scotland's burghs.

### What if I would like to display a sign or advertisement on my property?

Planning authorities are responsible for control over the display of advertisements and other signs and notices. All advertisements must comply with a number of standard conditions. Although not all signs or advertisements require **advertisement consent** (this depends upon its purpose, its position on the building, the size of any lettering and whether or not it is illuminated), the advice of the planning authority should



be sought before proceeding.



## Can I make comments on any application?

**Yes.** Once an application is lodged with the planning authority for development within a conservation area, an advertisement will be placed in the local press. Included in this will be a short description of the

proposed works and a note of where the relevant plans can be inspected. Any interested parties may make representations within a period of twenty-one days from the date of the advert. The planning authority must take these representations into account before making a decision.

## What is an enhancement scheme?

Designation of a conservation area also acts as a basis for planning authorities to put forward **enhancement schemes**. It is expected that the planning authority will coordinate proposals or schemes which would further the protection and enhancement of an area. This commonly includes, for example, environmental enhancement projects, the reinstatement of railings, paving and other historic features, the preparation of design guidance or the setting up of a financial grant scheme for the repair of historic buildings and features.

Planning authorities should consult with the public on enhancement schemes. Before finalising the details of any

enhancement scheme, an advert will normally be placed in the local press inviting comments from the public.

## **Can I get financial assistance?**

Some local authorities make grants available for the enhancement of the character of their conservation areas. Scottish Ministers, on the advice of Historic Scotland, may make grants in respect of buildings of outstanding historic or architectural interest and in respect of the promotion, preservation or enhancement of conservation areas.

Umbrella partnerships for the management of some conservation areas have been developed, for example, Townscape Heritage Initiatives match funded by the Heritage Lottery Fund. They tackle problem buildings but may also include provision for small grants to individual properties. In cities, repair assistance may be available from Heritage Trusts. Further information on financial assistance for historic buildings is





available in Historic Scotland's publication *Sources of Financial Help for Scotland's Historic Buildings*.

## **What if I need special materials or architectural expertise?**

Most buildings and streets within conservation areas are constructed of traditional building materials such as stone and slate. Particular local variants can form a significant part of the character of a conservation area. To ensure that the character or appearance of the area is not undermined, alterations to existing buildings should normally utilise traditional materials. Local builders generally keep a stock of materials commonly used in the area. Planning authorities may also be able to advise as to sources of traditional building materials.

If you are considering innovative designs, you should consult an architect. The Royal Incorporation of Architects in Scotland (0131 229 7545) keeps a register of architects and will be able to point you towards local practices and those with particular conservation expertise. The Historic Scotland Conservation Bureau (0131 668 8668) maintains a register of consultants, contractors, specialist trades and crafts people working in architectural conservation in Scotland.

## **How can I find out if I live in a conservation area?**

The planning authority will have maps showing the exact boundaries of its conservation areas. These will be



available for you to inspect. The conservation officer within the department will be able to advise on other matters relating to conservation areas, and may have stocks of specific conservation area leaflets or appraisals.

## Conservation area checklist

- ✓ Find out if you live in a conservation area by contacting the planning authority.
- ✓ Find out if you live in a listed building by visiting the planning authority or checking Historic Scotland's website at [www.historic-scotland.gov.uk](http://www.historic-scotland.gov.uk) or [www.pastmap.org.uk](http://www.pastmap.org.uk)
- ✓ If you are considering carrying out work on your property (however minor) check with the planning authority whether:
  - ✓ a planning application is required
  - ✓ listed building consent is required
  - ✓ conservation area consent is required
  - ✓ advertisement consent is required
  - ✓ planning guidance exists on the work you are considering, e.g. replacement doors and windows or

## Further information

- National Planning Policy Guidance (NPPG)18 Planning and the Historic Environment and Planning Advice Note (PAN)71 Conservation Area Management. Available at [www.scotland.gov.uk/planning](http://www.scotland.gov.uk/planning)
- Memorandum of Guidance on Listed Buildings and Conservation Areas – Available at [www.historic-scotland.gov.uk](http://www.historic-scotland.gov.uk)

satellite antennae  
financial assistance is available  
a conservation area appraisal exists that can guide change  
a building warrant is required.



***The address of your local  
planning authority is:***

*A Guide to*  
**Conservation Areas**  
*in Scotland*

