



DUMFRIES AND
GALLOWAY COUNCIL
PLANNING SERVICES

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*Planning for
Small and Medium
Businesses*



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INTRODUCTION

The number one priority of Dumfries and Galloway Council is to build the local economy. The Council and the Planning Service are committed to ensuring that Dumfries and Galloway emerges from the economic downturn in a stronger position by creating a 'can do' approach and by ensuring that we are focused on growing our economy and building capacity to support the economy.

The Planning Service recognises that small and medium sized businesses are vital to the growth and support of the local economy. These can range from home-based businesses to urban industrial units, and from rural tourism accommodation and recreation facilities to town centre retail developments. We also recognise the transformative potential of major businesses. In 2014/15, the Planning Service approved over 96% of all applications; a key indicator that we are an 'open for business' planning authority keen to support all forms of sustainable economic development.

Every region in Scotland has its own distinct economic dynamics and challenges. This document addresses this distinctiveness; it is intended to provide advice to the type of small and medium businesses that we see emerging within our predominantly rural area. Major business applications will be offered a bespoke project management service.

This guidance sets out when planning permission is required and explains what businesses will need to consider when preparing a planning application. It also sets out the circumstances in which proposals for economic development in the key regeneration areas will be fast-tracked.

All planning applications are assessed against the detailed policies contained in the Council's Local Development Plan, which you should refer to alongside this document. Further information, and details of how to obtain site specific advice, is available from the [Planning Service](#).

Practical help and guidance on starting and growing businesses is offered by [Business Gateway](#). Details of any potential funding opportunities are available from [Economic Development](#) and [LEADER](#).





COMMITMENTS

Dumfries and Galloway Council is committed to ensuring that proposed development generating significant economic benefits are given the priority that they deserve, and that we offer a positive, proactive and proportionate service to our customers.

Fast-tracking of applications

Where a planning application for new small or medium sized business development, or expansion of existing premises, is submitted within the Council's key regeneration project areas, the Planning Service is committed to fast-tracking the application by delivering a recommended or final decision within 2 weeks of the final consultation response being received.

The Council's four key regeneration project areas are identified in the Council's Priorities and Commitments*. They are:-

- Dumfries Regional Capital, including the Crichton
- Stranraer Waterfront
- the M74 corridor, and
- Upper Nithsdale

For applications for major business developments, the Planning Service offers a bespoke project management service, where applicants are encouraged to enter into a planning **processing agreement**.

If you are unsure if your proposal is small or medium, or major, please contact the duty officer.

* The Council's Priority 1 is 'Build the local economy' and Commitment 1.3 is 'Invest in our key infrastructure'. Delivery of this commitment, including identification of the four key regeneration project areas, is set out in the 2015-2018 Business Plan.

Customer service

The **Development Management Service Customer Charter** and **Guidance Note** set out the core visions. These explain the services we offer, the standards we adhere to, our measurable performance targets, and give guidance on what level of service you can expect to receive as an applicant, agent or third party.





IS PLANNING PERMISSION, OR ANY OTHER CONSENT OR LICENCE, REQUIRED?

Planning permission

Planning permission is required for many alterations or extensions to commercial buildings. However, some work can be carried out without planning permission; this is known as 'permitted development'. Details of what constitutes permitted development are set out in legislation - this is summarised in each section below; more detailed advice is available [online](#).

Planning permission is also often required for changes of use to a building or land. The uses of properties are classified in legislation as 'use classes'. There are 11 use classes; for example retail is Class 1, cafes and restaurants are Class 3, and general industry is Class 5. Where a particular use does not fit into one of these classifications, such a hot-food takeaway, this is known as 'sui generis' (i.e. non-classifiable). Changing from one use class to another will usually require planning permission, although there are exceptions to this. Details of all use classes, and of any changes of class permitted, are summarised below and [online](#).

If you think that your proposed development or change of use is permitted development, you can seek formal confirmation of this by applying for a [Certificate of Lawfulness](#). This can provide comfort, for businesses or their funders, that the development is lawful and can go ahead.

Listed building consent

Listed building consent is required for alterations or attachments to a listed building - but not like-for-like repairs - as works may affect the character or appearance of a listed building. Contrary to common belief; this applies to both the exterior *and* the interior. You should always seek advice if you think listed building consent may be required; this can be done by submitting details of your proposals and photos of the building to the [Planning Service](#). Any proposed works to a listed building must be sympathetic to the historic fabric of the building.



Advertisement consent

Advertisements are defined as 'any word, letter, model, sign, placard, board, notice, awning, blind, device or representation whether illuminated or not, in the nature of, and employed wholly or partially for the purposes of advertisement, announcement or direction'.



A wide variety of advertisements can be displayed with 'deemed consent' meaning that an application for advertisement consent is not required. Further details are [online](#). For 'express consent' an application will be required which will be assessed principally in terms of amenity (visual impact) and safety. Advertisements, whether deemed or express, do not require planning permission; however listed building consent would still be required.

Building warrant

A building warrant may be required for the construction, alteration, extension, demolition and conversion of buildings, so as to ensure the health, safety, welfare and convenience of persons. Sometimes a building warrant is required when planning permission is not. Further details are available from [Building Standards](#).

Road and footway consent

Permission is needed from the Council for a wide range of activities within the public road boundary, including siting of tables and chairs on the public footway outside cafes, bars, etc; siting of A-boards throughout the day; occupation of the public road for skips, scaffolding, hoarding purposes, etc; and formation of new driveways or roads. Further information is available from [DGFirst](#).

Licensing

The Council issues licences for a wide range of activities including licensing of alcohol sales/ supplies and public entertainment, cooling tower registration, harvesting of shellfish, registration of dairy farms, petroleum licences, animal welfare and licensing, fireworks and explosives licensing, and business licensing (such as taxis, caravan sites, boat hire, markets & car boot sales, metal dealers, knife dealers, second hand motor dealers, tattoos and piercing, street trading, betting, and window cleaners). Further information is available [online](#).





Trees and biodiversity

Works to trees do not require any consent or permission from the Council unless they are within a conservation area or are subject to a Tree Preservation Order. Sometimes trees may also be given protection by planning conditions attached to planning permissions. Further details are available from [Planning Services](#).

Many species of plants and animals are protected by law, with special protection against disturbance and damage of breeding and roosting sites. Activities that could impact on European Protected Species (EPS)(such as

bats, otters and great crested newts) require the most careful scrutiny. Where EPS are to be disturbed, a licence would be required from [Scottish Natural Heritage](#). Where a building or land has the potential to provide a habitat for EPS, an EPS survey will always be required.

And finally...

Be careful to ensure that you obtain all relevant permissions, consents and licences; obtaining one does not exempt you from the rest, and you may need to make multiple applications.





HOME-BASED BUSINESSES

Running a business from home

Home-based businesses are significant contributors to the economy in a rural area such as Dumfries and Galloway. With the improvement of broadband and 4G across the region, it is recognised that remoter rural areas will become increasingly popular choices for some small businesses, and the Council is keen to encourage this.

Planning permission will not be needed if the business does not change the overall character of its use as a dwelling or the primary use of the area. This depends on whether the business will have an impact on the existing amenity of the area through, for example, an increase in traffic, noise or activity.

Examples of when you may need planning permission include:

- if your home is no longer to be used mainly as a private residence,
- if the business involves any activities unusual in a residential area,
- if there is a marked increase in traffic or visitors,
- if the business affects the area because of nuisances such as noise, smells, vibration, dust, smoke or hours of operation.

Any home-based business that does need planning permission will normally be supported where the proposal addresses the issues below. Operating a business from a flat is likely to be more sensitive than a house.

- Traffic and parking – any home-based business should have sufficient space for parking for any staff or visitors, unless the premises are well served by public transport. Other normal roads standards such as visibility and passing places will also need to be satisfactorily addressed. If there are regular deliveries or collections by HGV, suitable on-site provision would normally be required.
- Use of garden ground – any home-based business should ensure that sufficient garden ground is retained for use of the residence, for example, excessive storage of cars for repair in a garage workshop would not normally be permitted.
- Noise – businesses which create noise should not cause a nuisance to neighbours. The Council has statutory powers to address noisy premises, nevertheless planning permission would not be granted for unacceptable noise levels, unless appropriate noise attenuation measures can be installed and maintained.
- Odours – whilst the smells of baked bread from a home-based artisan bakery may be pleasant to neighbours for a while, a continuous presence may be a nuisance, and this is particularly the case where food is fried. Furthermore, some odours are dangerous, such as paint spraying. In these circumstances, details of any ventilation systems are likely to be required.

Childminding & nurseries

One of the most popular small home-based businesses in the region is childminding, which will not normally require planning permission. However, the change of use to a private day



nursery will. The difference between these depends on the number of children, the frequency of activity and the duration of stay. However, a broad indicator is the number of staff - a sole childminder will not normally require permission, but if additional carers are employed to care for a greater number of children, then planning permission is likely to be required.

When planning permission is required, consideration will be given to the criteria listed under 'running a business from home' above, with particular emphasis on the impacts on road safety when picking-up and dropping-off children, parking and manoeuvring within the

site, and noise generated from play within the garden.

Other requirements

Operating a business from home may involve a change to council tax or business rates; require landlord or mortgage provider permission; need different home insurance; involve additional health and safety provision; or require specific licences or registration (for example, acupuncture, tattooing, kennels, food preparation).

Business Gateway produce detailed guidance for home-based businesses.



TOURISM & RURAL BUSINESSES

Recreational/leisure activities

Tourism, recreation and leisure are key sectors within Dumfries and Galloway's economy. The quality of tourism attractions, facilities and accommodation is integral to the performance of this sector of the economy. The internationally designated sites at the Dark Sky Park and the Biosphere - along with the quality of the wider environment - offer great potential to attract tourists to the region and to develop associated tourism facilities. The Council will continue to play an important role in supporting the tourism economy, whilst safeguarding the tourism assets of the region.

Most activities that involve a change in use of the land or building operations for recreation and leisure will require planning permission.

New indoor and outdoor tourist attractions and recreational activities will be normally be supported by the Council where they meet the design quality standards, can be suitably serviced and accessed, and are compatible with the character and amenity of the area.



Tourist Accommodation

With more and better recreational and leisure facilities being developed in Dumfries and Galloway, the region is proving to be an increasingly popular location for tourists. The Council encourages a range of tourist accommodation with preference being given to developments that are physically associated with existing settlement or involve the conversion of an existing building.

There are numerous types of tourist accommodation which can be divided into serviced and non-serviced. Serviced accommodation includes hotels, guest houses, and B&Bs. Non-serviced includes any type of self-catering accommodation such as holiday lettings, chalets, cabins, caravans (including static, touring, eco/glamping pods, shepherds huts and other modular buildings) and camping (including tents and yurts).

The tourism policy set out in the Local Development Plan aims to support new groups of accommodation in locations which complement the natural environment and do not jeopardise the scenic landscapes or historic assets which local residents and tourists appreciate. The policy also supports the expansion and improvement of existing accommodation providers.

There is an increasingly diverse range of holiday accommodation units being constructed in modular form so early advice should be sought regarding the type of development proposed and the associated regulatory requirements (for example, it is not always clear if a modular holiday lodge or chalet would be classed as a caravan or a building).



Holiday letting

The Council encourages provision of a wide range of good quality holiday accommodation in addition to the opportunities identified above.

If you wish to let an existing house to others for short stay holiday use, you will not normally need planning permission for this.

If you wish to build a new house (as opposed to a chalet – see below) for holiday letting purposes, planning permission would be required for this. The normal Council policies for new housing development would apply, and in the countryside such houses would only be allowed in certain circumstances, as explained further in [Planning for New Housing](#).

Chalet, caravan and camping sites

Chalet, caravan and camping sites form an important element of this range of accommodation provision. In addition to the planning requirements, there are licensing requirements which run in parallel with – but separate from – the planning process. The planning process considers whether the use of the land for a caravan site is acceptable, whilst the licensing process imposes a wide range of developmental and operational controls relating to layout and day to day management of the site.

Small sites (approved sites exemption)

Planning permission is not required for caravan and camping sites which are approved by **exempted organisations** that promote leisure and recreation, such as the Caravan and Camping Club. This allows a maximum of 5 caravans at a time for each site.

Sites that do not benefit from approved sites exemption (see inset box) will require planning permission.

Proposals for new groups of chalet, cabin, caravan or camping sites will be supported where they are in sustainable locations, specifically the following circumstances.

Existing sites

Extensions to existing sites will be supported. Careful consideration should be given to ensure that extensions are well screened and contained by the landscape, avoiding prominent ridgelines. Sites that are accessed by a constrained road network may need to ensure adequate passing provision.

Hotels

New sites will be supported that are associated physically with an existing hotel.



Tourism attractions and facilities

Where a proposal forms an integral part of a tourist attraction, facility or outdoor recreation facility, it will be supported.

Woodland areas

New sites will be supported that are situated within an established woodland area to be retained as part of the overall development.

Hotels, guest houses and B&Bs

In rural areas such as Dumfries and Galloway, B&Bs can provide an important alternative income stream. You can use your house (but not a flat) as a bed and breakfast without needing planning permission if:-

- the house has four or more bedrooms and you only use two bedrooms for B&B letting, or
- the house has less than four bedrooms and only one bedroom for B&B letting.

If you want to let three or more bedrooms then planning permission would be required for change of use of the premises to a guest house, hostel or hotel. Such proposals will normally be supported where they are physically associated with existing settlements or involve the conversion of a traditional building, and where the matters in 'All Rural Development' below can be satisfactorily addressed.

Rural businesses

The Council aims to provide opportunities for the area's rural economy to grow, develop, diversify and regenerate in a sustainable manner whilst at the same time protecting the natural and built environment upon which so much of the region's economy depends.

Planning permission will be needed for most new or expanded developments. Many agricultural and forestry activities may be subject to the **determination of prior approval process**, which only needs to consider the siting, design and external appearance of any proposal.





When planning permission is needed for expanding business development in the rural area, these proposals will be supported. New developments should be located within or immediately adjacent to existing settlements, villages or small building groups, or where a traditional building is reused. Businesses based on recreational activities or will a site-specific need for a rural location will be encouraged.

If a proposal for a new business is located on a previously undeveloped greenfield site unrelated to any existing buildings or settlements, then it is likely that a justification for site selection will be required.

Farm diversification

The Planning Service recognises the need for agricultural based business to adapt to ever changing circumstances.

Proposals for farm diversification will normally need planning permission. Proposals which support and complement the existing farm business will be encouraged, with priority given to the reuse of farm buildings.

Proposals will normally be assessed against any relevant primary policies in the first instance; for example, tourism developments such as chalet sites will normally be assessed in the first instance against the tourism accommodation policies (see Tourism Businesses above). If the proposal fails to comply with the primary policies, then the farm diversification policy will be triggered. In these cases, a business plan will normally be required setting out how the existing farm business will be supported by the diversification proposal.

All rural developments

All proposals within the rural area will need to be sensitively designed to ensure an appropriate fit within the wider landscape, particularly within Regional and National Scenic Areas, and avoiding use of highly prominent sites.

Where protected species are found, surveys will normally be required to demonstrate that the species will not be adversely affected.

The road and drainage networks in the rural area are often highly constrained; any proposal would need to demonstrate these issues could be satisfactorily addressed.



TOWN CENTRE BUSINESSES

Change of use to retail

Class 1 retail uses are interchangeable – planning permission is not required to change from one Class 1 retail use to another (see below for alterations). This includes any retail sale of goods, hairdresser, undertaker, travel and ticket agency, post office, dry cleaner, launderette, cold food consumption on the premises, display of goods for sales, hiring out of domestic goods or articles, and reception of goods to be washed, etc.

In addition, no planning permission is required for change of use to retail from Class 2 (professional services expected in a shopping area such as betting office, lawyers, accountants, estate agents, doctors surgery, vets, etc.), from Class 3 (food and drink, such as restaurant or café), or from sale/display of motor vehicles (up to 235sqm) and hot food takeaways.



Retail development forms the cornerstone of economic activity within the region's core shopping areas in Dumfries and Stranraer. These retail areas are protected by the Council, and will not normally be allowed change to non-retail uses.

Within all town centres, the Council will support change of use to retail and all retail development is encouraged to locate in town centres. Outside of town centres, small shops (up to 500sqm) are usually allowed in neighbour centres within larger towns, and in villages.

Isolated shops in the rural area will be supported where they form part of, and are ancillary to, an existing workshop facility, farm business, recreation or tourist facility; with the re-use or conversion of existing buildings being encouraged.

Change of use to food or drink

Planning permission is always required for change of use to Class 3 food and drink facilities (restaurants, cafes, snack bars), hot food takeaways or public houses.

The Council believes that town centres should be the focus for a mix of uses including retail, business, leisure, entertainment, recreational, cultural and community facilities. A vibrant town centre is one that provides economic and social activity during both the day and the evening.

As stated in 'change of use to retail' above, retail premises within the core shopping areas of Dumfries and Stranraer are protected, and change of use from retail to food and drink will only be allowed in exceptional circumstances. Outwith these areas, food and drink premises will normally be supported in town centres where they are found to add to the vitality and viability of the town centre and maintain an appropriate balance between retail and non-retail uses.

In all cases, Class 3 food and drink proposals,



together with public houses and hot food takeaways should not have a detrimental impact on the amenity of adjacent residential properties, in respect of traffic and parking, operating hours and ventilation.

Establishments with cooking facilities will require suitable ventilation that ensures neighbouring residential properties are not adversely affected. Such a system must be installed before the establishment is brought into use, and must be maintained thereafter. A ventilation system should be provided that extracts and disperses cooking odours, and does so in a way that rises above any nearby residential windows. This is usually best achieved through internal ducting, in so far as is possible, and particularly so within conservation areas and on listed buildings. Views of any external ducting should be minimised; normally being painted to match existing stonework or walls. Finally, the ventilation system should be designed so as to not cause a noise nuisance.

Shopfront alterations

Planning permission will normally be required to alter a shop frontage or to install new windows. Furthermore, the repainting of a shop frontage that is within a conservation area or on a building that is listed will also need planning permission and, where relevant, listed building consent.

The quality of shop frontages across the region is variable; there should always be a presumption in favour of improvement of existing poor shop frontages. Detailed guidance on shop fronts is available in [Caring for the Environment](#) and from [Historic Environment Scotland](#); summarised here:-

- Shop fronts should be appropriately designed and proportioned having regard to the form of the building, its architectural character, appearance and setting.

- Painting and walls (where already painted) and woodwork should be in traditional colours only.
- External security shutters will not normally be permitted on listed buildings or in conservation areas.
- Fascias should be designed using traditional materials and painted in traditional matt colours (see Advertisements below).
- Retractable canopies must be of a traditional form and necessary for the proper use of the shop, such as protecting perishable produce. Dutch style canopies will not normally be allowed, and commercially sponsored canopies may not always be acceptable.
- ATMs should be sited such that they do not affect the fabric of the building and preferably in a location where they can be readily removed, such as an existing window. They should also be sited to avoid pedestrian congestion at narrow pavements and street corners.





- Air conditioning units should only be located to the rear of premises and, insofar as is possible, out of view from public roads and footways.

Grants are sometimes available for shopfront improvements. For further information, please contact [Economic Development](#).

Advertisements

Advertisements are necessary to support businesses throughout the region. Advert proposals should be designed in consideration of their position and surrounding environment both in terms of visual impact and amenity. Some advertisements have 'deemed consent', meaning that an application for advertisement consent is not required, and some require 'express consent'. Where express consent to display advertisements is required, adverts should:-

- Respect the scale, proportion and architectural features of any building to which it is attached or relates to,
- Not detract from the wider visual amenity of the area,

- Limit the number of adverts; excessive adverts can detract from the building or area,
- Not comprise internally illuminated box signage,
- Allow pedestrian and cycle flow, with particular regard to height of projecting signs.

'Advance' adverts which are not on land or buildings to which they relate are not normally acceptable, except for limited short term promotion of events in the region or those considered beneficial on road safety grounds.

Change of use to residential

The Council aims to support the core shopping areas in Dumfries and Stranraer, and the 'Prime Retail Frontages' in these towns are protected from non-retail development. However, it is also recognised that, to make our town centres vibrant, the role and function of town centres needs to be seen as wider than just retail, including residential use which encourages growth of the evening and night time economy.



Residential use on town centre upper floors

Planning permission is always required to change the use of non-residential accommodation above shops into residential use.

The Council is particularly keen to see an increase in residential properties above shops; the more people that live in the town centre, the more vitality and vibrancy it will have.

When exploring the feasibility of such proposals, you are advised to consider the requirements for means of escape; the requirements for building warrant and fire safety will need to be carefully balanced with any conservation area or listed building constraints.

Some of our region's town centres, or their peripheries, also lie within areas at risk of flooding (e.g. the Whitesands in Dumfries can flood several times a year). In these cases, a flood risk assessment would be required to demonstrate that residents were not placed at risk.

Residential use of former shops, pubs, etc.

The Council recognises that the way we shop and consume is changing and it can be increasingly difficult for some businesses to remain viable. Changing the use of such premises to residential can sometimes seem an attractive solution when the viability of a business is marginal.

Planning permission is always required to change the use of non-residential premises to residential.

The acceptability of such changes of use will be assessed against the standard housing policies and general development considerations, however, where the existing use is as a commercial community facility (such as a shop, supermarket, public house, café, restaurant) or in a primary shopping area (Dumfries and Stranraer town centres) you will need to demonstrate that, despite marketing at a price which reflects local economic conditions for at least 12 months, there has been no viable interest from other commercial operators. A [marketing report](#) will normally be required in these cases.





URBAN BUSINESS AND INDUSTRY

Allocated and established sites

The Council allocates land specifically for Business and Industry uses in most towns. These **allocated and identified existing sites** are protected to encourage growth of more industrial business uses. New and expanding industrial businesses are directed to these sites in the first instance.

Planning permission is required for new business and industry buildings, but it is not necessarily required for all **changes of use**. Expansion of existing sites may be able to benefit from recent expansion of **permitted development rights**.

Where permission is required, the Council will support business and industrial development within the above established and allocated sites.

Alternative uses on these protected sites will only be supported in exceptional circumstances; you would need to demonstrate amongst other matters that, despite marketing the site for at least 12 months, there has been no viable interest for other business and industry use. A **marketing report** will normally be required in these cases.

The Council has specific policies relating to the encouragement of appropriate new development at **The Crichton Quarter** and **Chapelcross**.

Unallocated sites

Business development on unallocated sites will only be supported where it can be demonstrated that the established or allocated sites are unable to accommodate the development or where there is a specific need for the development at that location.





FURTHER ADVICE & CONTACTS

General planning advice

General advice on planning applications and processes (such as how to complete a form, what needs planning permission, how to read a submitted drawing, etc) will be provided by the duty planning officer at the Dumfries and Stranraer offices, as detailed below. The duty officer is not able to provide site-specific advice; all such enquiries must be made in writing to enable proper assessment. General advice on planning applications and processes can also be obtained at our [website](#) which provides answers to common planning questions.

Pre-application enquiries

Pre-application enquiries are encouraged in order to achieve high quality developments and to ensure that applications can be dealt with as efficiently as possible. We aim to provide a positive, proactive and proportionate [service for pre-applications enquiries](#).

Professional advice

The Planning Service aims to be transparent and straightforward, but the planning process can be somewhat daunting and complex to applicants that are new to it. It is always recommended that you employ an appropriately qualified professional to advise you and submit your application.

Feedback

Our processes and procedures are regularly monitored and reviewed to ensure that we offer an effective service. Comments and suggestions from customers are very important in helping us improve the service. If you have any comments to make, please contact us and we will try to resolve any problems quickly.





How to contact us

We can be contacted at:-

Dumfries office

Kirkbank House, English Street, Dumfries, DG1 2HS (tel: 01387 260199)

Stranraer office

Ashwood House, Sun Street, Stranraer, DG9 7JJ (tel: 01776 702151)

Both offices are open 9am to 5pm Monday to Friday.

A duty planning officer will be available between 10am and 1pm for general enquiries by telephoning the numbers above. A duty planning officer will be available to speak to in person between 10am and 1pm at the Dumfries office on Tuesdays, Wednesdays and Fridays or at the Stranraer office on Thursdays.

General planning enquiries and pre-application enquiries can be emailed to planning@dumgal.gov.uk

Representations to planning applications can be emailed to planningrepresentations@dumgal.gov.uk

You can contact the Council in an emergency 24 hours a day 365 days of the year on the main Council switchboard 030 3333 3000