
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 209

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2007

Amendment of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992

2.—(1) The Town and Country Planning (General Permitted Development) (Scotland) Order 1992⁽¹⁾ is amended as follows.

(2) In article 2(1) (interpretation) after the definition of “local authority” insert—

““microwave” means that part of the radio spectrum above 1,000MHz;”.

(3) In Part 1 of Schedule 1 (development within the curtilage of a dwellinghouse)—

(a) in Class 1, in paragraph (2)(f), for “satellite antenna” substitute “microwave antenna”;

(b) in Class 3, in paragraph (2)(a), for “satellite antenna” substitute “microwave antenna”;

(c) in Class 6—

(i) in paragraph (1), for “satellite antenna” substitute “microwave antenna”;

(ii) for paragraph (2) substitute—

“(2) Development is not permitted by this class if—

(a) it would result in the presence on a dwellinghouse, or within the curtilage of a dwellinghouse of—

(i) more than two microwave antennas;

(ii) a single microwave antenna exceeding 100 centimetres in length;

(iii) two microwave antennas which do not meet the relevant size criteria;

(iv) a microwave antenna installed on a chimney, where the length of the antenna would exceed 60 centimetres;

(v) a microwave antenna installed on a chimney, where the antenna would protrude above the chimney;

(vi) a microwave antenna with a cubic capacity in excess of 35 litres;

(b) in the case of a microwave antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof;

(c) in the case of a microwave antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney, or 60 centimetres measured from the highest part of the ridge tiles of the roof, whichever is the lower;

(d) in a designated area it would consist of the installation of a microwave antenna on a chimney, wall or roof slope which faces onto, and is visible from, a road.”.

(1) S.I. 1992/223; as amended by S.I. 1992/1078, S.I. 1994/3294, S.I. 1998/1226 and S.I. 2001/266.

(iii) for paragraph (3) substitute–

“(3) Development is permitted by this class subject to the following conditions–

- (a) the microwave antenna shall, as far as practicable, be sited so as to minimise its effect on the external appearance of the building on which it is installed; and
- (b) a microwave antenna no longer needed for reception or transmission purposes shall be removed as soon as reasonably practicable.”.

(iv) after paragraph (3) insert–

“(4) The length of a microwave antenna is to be measured in any linear direction, and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.

(5) For the purposes of this class–

“designated area” means a national scenic area, National Park, conservation area, historic garden or designed landscape, or on a Category A listed building or a scheduled monument or within the setting of such a building or, as the case may be, monument; and

“relevant size criteria” means that–

- (i) only one of the microwave antennas may exceed 60 centimetres in length; and
- (ii) any microwave antenna which exceeds 60 centimetres in length must not exceed 100 centimetres in length.”.

(4) In Part 21 of Schedule 1, in Class 68 (other telecommunications development)–

(a) for paragraph (1) substitute “microwave antenna” for “antenna”;

(b) for paragraph (2) substitute–

“(2) Development is not permitted by this class if–

- (a) the building is a dwellinghouse or the building or structure is within the curtilage of a dwellinghouse;
- (b) the development is permitted by Part 20;
- (c) it would result in the presence on the building or structure of–
 - (i) more than four microwave antennas;
 - (ii) more than two microwave antennas which face onto, and are visible from, a road;
 - (iii) a microwave antenna installed on a chimney, where the length of the antenna would exceed 60 centimetres;
 - (iv) more than two microwave antennas each exceeding 130 centimetres in length and any other antenna exceeding 60 centimetres in length; or
 - (v) a microwave antenna with a cubic capacity in excess of 35 litres.
- (d) in a designated area it would result in–
 - (i) more than two microwave antennas;
 - (ii) the installation of a microwave antenna on a chimney, wall or roof slope which faces onto, and is visible from, a road;
 - (iii) more than one microwave antenna exceeding 60 centimetres in length;
 - (iv) any microwave antenna which exceeds 60 centimetres in length exceeding 100 centimetres in length; or

- (v) for a building or structure over 15 metres in height, the highest part of the microwave antenna or its supporting structure being higher than the highest part of the roof.
 - (e) for a building or structure over 15 metres in height, the highest part of the microwave antenna or its supporting structure would be more than three metres higher than the highest part of the building or structure on which it is installed or is to be installed;
 - (f) for a building or structure under 15 metres in height, with a chimney, the highest part of the microwave antenna or its supporting structure would be higher than the highest part of the chimney, or 60 centimetres measured from the highest part of the ridge tiles of the roof, whichever is the lower;
 - (g) for a building or structure under 15 metres in height, without a chimney, the highest part of the microwave antenna or its supporting structure would be higher than the highest part of the roof; or
 - (h) it involves construction or installation of a ground based mast.”.
- (c) for paragraph (3)(b) substitute–
- “(b) a microwave antenna no longer needed for reception or transmission purposes shall be removed from the building or structure as soon as reasonably practicable;
 - (c) the length of a microwave antenna is to be measured in any linear direction and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.”.
- (d) after paragraph (3) insert–
- “(4) For the purposes of this class–
 - “designated area” means a national scenic area, National Park, conservation area, historic garden or designed landscape or on a Category A listed building or a scheduled monument or within the setting of such a building or, as the case may be, monument.”.