
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the principal Order”).

Article 2 makes changes to the classes of development which are currently permitted and introduces new classes of permitted development.

Article 2(3) clarifies what is meant by ‘direction’ in article 3(9)(b) of the principal Order.

Article 2(4) inserts new Parts 2A 2B, 2C, 2D and 2E into the Order. Part 2A inserts new classes 9A and 9B. New class 9A confers permitted development rights for the extension or alteration of a shop or financial or professional services establishments subject to certain criteria. New class 9B confers permitted development rights for the erection or construction of a trolley store within the curtilage of a shop subject to certain criteria. Part 2B introduces class 9C which creates permitted development rights for the extension or alteration of schools, colleges, universities or hospital buildings subject to certain restrictions.

Part 2C inserts new class 9D which creates permitted development rights for the extension or alteration of an office building subject to certain restrictions.

Part 2D inserts new classes 9E and 9F. These create permitted development rights for the installation, alteration or replacement of electric vehicle charging points in off-street car parks.

Part 2E inserts new class 9G conferring permitted development rights for the erection, construction or alteration of access ramps outside an external door of a non-domestic building subject to certain criteria.

Article 2(5) removes one of the exclusions from class 15 of Part 4. This creates permitted developments rights for temporary open air markets.

Articles 2(6) and (7) amend class 18 of Part 6 (agricultural buildings and operations) and class 22 of Part 7 (forestry buildings and operations) respectively to the effect that works for the erection, extension or alteration of a building are not permitted by the respective classes if the development would take place on land within a historic battlefield.

Article 2(8) substitutes a new class 25 in Part 8 (industrial and warehouse development). The new class introduces new restrictions and conditions to permitted development. The provision of a hard surface within the curtilage of an industrial building or warehouse is not permitted where the development would take place on land within the following - a site of archaeological interest, a national scenic area, historic garden or designed landscape, a historic battlefield, a conservation area, a National Park or a World Heritage Site. In addition the hard surface must be made of porous materials and provision must be made for water run-off to a porous surface.

Article 2(9) amends the definition of “industrial building” to capture buildings used for research and development of products or processes.

Article 2(10) substitutes class 30 of Part 12 (development by local authorities) to clarify minor developments by local authorities.

Article 2(11) makes changes to class 33 of Part 12 (developments by local authorities) to clarify the rights which apply to local authorities and what is meant by “dwellinghouse”. In addition, it increases the maximum cost limitation applicable to any development by local authorities from £100,000 to £250,000.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

The amendments made by article 2(13) relate to development by telecommunications code system operators under class 67 of Part 20. They relax certain limitations on permitted development rights with regard to the replacement of unserviceable electronic communications apparatus, buildings in a designated area, telegraph poles and lines, ground based masts and apparatus and antenna.