

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), SCHEDULE 6. (See end of Document for details)

SCHEDULES

SCHEDULE 6

Sections 19, 153, 158, 169 and 263.

DEVELOPMENT NOT CONSTITUTING NEW DEVELOPMENT

PART I

DEVELOPMENT NOT RANKING FOR COMPENSATION UNDER S. 158

- 1 The carrying out of any of the following works, that is to say—
 - (a) the rebuilding, as often as the person having the right to rebuild may desire, of any building which was in existence on the appointed day, or of any building which was in existence before that day but was destroyed or demolished after 7th January 1937, including the making good of war damage sustained by any such building;
 - (b) the rebuilding, as often as the person having the right to rebuild may desire, of any building erected after the appointed day which was in existence at a material date;
 - (c) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building, or which do not materially affect the external appearance of the building and (in either case) are works for making good war damage,so long as (in the case of works falling within any of the preceding sub-paragraphs) the cubic content of the original building is not exceeded—
 - (i) in the case of a dwellinghouse, by more than one-tenth or 1,750 cubic feet, whichever is the greater; and
 - (ii) in any other case, by more than one-tenth.

- 2 The use as two or more separate dwellinghouses of any building which at a material date was used as a single dwellinghouse.

PART II

DEVELOPMENT RANKING FOR COMPENSATION UNDER S. 158

- 3 The enlargement, improvement or other alteration, as often as the person having the right to carry out such operations may desire, of any such building as is mentioned in paragraph 1(a) or (b) of this Schedule, or any building substituted for such a building by the carrying out of any such operations as are mentioned in that paragraph, so long as the cubic content of the original building is not increased or exceeded—

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- (a) in the case of a dwellinghouse, by more than one-tenth or 1,750 cubic feet, whichever is the greater; and
 - (b) in any other case, by more than one-tenth.

- 4 The carrying out, on land which was used for the purposes of agriculture or forestry at a material date, of any building or other operations required for the purposes of that use, other than operations for the erection, enlargement, improvement or alteration of dwellinghouses or of buildings used for the purposes of market gardens, nursery grounds or timber yards or for other purposes not connected with general farming operations or with the cultivation or felling of trees.

- 5 The winning and working, on land held or occupied with land used for the purposes of agriculture, of any minerals reasonably required for the purposes of that use, including the fertilisation of the land so used and the maintenance, improvement or alteration of buildings or works thereon which are occupied or used for those purposes.

- 6 The winning and working of peat by any person for the domestic requirements of that person.

- 7 In the case of a building or other land which, at a material date, was used for a purpose falling within any general class specified in an order made by the Secretary of State for the purposes of this paragraph, or which having been unoccupied on and at all times since the appointed day, was last used (otherwise than before 7th January 1937) for any such purpose, the use of that building or land for any other purpose falling within the same general class.

- 8 In the case of any building or other land which, at a material date, was in the occupation of a person by whom it was used as to part only for a particular purpose, the use for that purpose of any additional part of the building or land not exceeding one-tenth of the cubic content of the part of the building used for that purpose on the appointed day, or on the day thereafter when the building began to be so used, or, as the case may be, one-tenth of the area of the land so used on that day.

- 9 The deposit of waste materials or refuse in connection with the working of minerals, on any land comprised in a site which at a material date was being used for that purpose, so far as may be reasonably required in connection with the working of those minerals.

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PART III

SUPPLEMENTARY PROVISIONS

- 10 Any reference in this Schedule to the cubic content of a building shall be construed as a reference to that content as ascertained by external measurement.
- 11 Where, after the appointed day, any buildings or works have been erected or constructed, or any use of land has been instituted, and any condition imposed under Part III of this Act, limiting the period for which those buildings or works may be retained, or that use may be continued, has effect in relation thereto, this Schedule shall not operate except as respects the period specified in that condition.
- 12 For the purposes of paragraph 3 of this Schedule—
- (a) the erection, on land within the curtilage of any such building as is mentioned in that paragraph, of an additional building to be used in connection with the original building shall be treated as the enlargement of the original building; and
 - (b) where any two or more buildings comprised in the same curtilage are used as one unit for the purpose of any institution or undertaking, the reference in that paragraph to the cubic content of the original building shall be construed as a reference to the aggregate cubic content of those buildings.
- 13 In this Schedule “at a material date” means at either of the following dates, that is to say—
- (a) the appointed day; and
 - (b) the date by reference to which this Schedule falls to be applied in the particular case in question;
- Provided that sub-paragraph (b) of this paragraph shall not apply in relation to any buildings, works or use of land in respect of which, whether before or after the date mentioned in that sub-paragraph, an enforcement notice served before that date has become or becomes effective.
- 14 (1) In relation to a building erected after the appointed day, being a building resulting from the carrying out of any such works as are described in paragraph 1 of this Schedule, any reference in this Schedule to the original building is a reference to the building in relation to which those works were carried out and not to the building resulting from the carrying out of those works.
- (2) This paragraph has effect subject to section 263(4) of this Act.

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