



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART III

#### CONTROL OVER DEVELOPMENT

##### *Meaning of development*

#### **27 Time when development begun.**

- (1) Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated—
  - (a) if the development consists of the carrying out of operations, at the time when those operations are begun;
  - (b) if the development consists of a change in use, at the time when the new use is instituted;
  - (c) if the development consists both of the carrying out of operations and of a change in use, at the earlier of the times mentioned in paragraphs (a) and (b).
- (2) For the purposes of the provisions of this Part mentioned in subsection (3) development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.
- (3) The provisions referred to in subsection (2) are sections 52(2), 53(6), 54(4), 58, 59 and 61.
- (4) In subsection (2) “material operation” means—
  - (a) any work of construction in the course of the erection of a building,
  - (b) any work of demolition of a building,
  - (c) the digging of a trench which is to contain the foundations, or part of the foundations, of a building,

**Changes to legislation:** *Town and Country Planning (Scotland) Act 1997, Section 27 is up to date with all changes known to be in force on or before 16 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (d) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (c),
  - [<sup>F1</sup>(da) any placing or assembly of equipment as is mentioned in subsection (6) of section 26 in waters described in paragraph (b) or (c) of that subsection,]
  - (e) any operation in the course of laying out or constructing a road or part of a road, or
  - (f) any change in the use of any land which constitutes material development.
- (5) In subsection (4)(f) “material development” means any development other than—
- (a) development for which planning permission is granted by a general development order for the time being in force and which is carried out so as to comply with any condition or limitation subject to which planning permission is so granted,
  - (b) development of a class specified in paragraph 1 or 2 of Schedule 11, and
  - (c) development of any class prescribed for the purposes of this subsection.
- (6) In subsection (5) “general development order” means a development order (within the meaning of section 30(2)) made as a general order applicable (subject to such exceptions as may be specified in it) to all land in Scotland.

#### Textual Amendments

- F1** S. 27(4)(da) inserted (1.4.2007) by [Town and Country Planning \(Marine Fish Farming\) \(Scotland\) Order 2007 \(S.S.I. 2007/268\)](#), arts. 1(1), **8(3)** (with art. 14(3))

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 27(3) words inserted by 2019 asp 13 Sch. 2 para. 5(2)(a)
- s. 27(3) words inserted by 2019 asp 13 Sch. 2 para. 5(2)(b)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by S.S.I. 2008/189 art. 53(3)
- Act power to apply (with or without modifications) conferred by 2021 asp 9 s. 45(3)(b)(c)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 11A inserted by 2006 asp 17 s. 29
- Pt. 12A inserted by 2006 asp 17 s. 30
- Pt. 12A inserted by 2019 asp 13 s. 46(2)
- s. 3CD inserted by 2019 asp 13 s. 4(2)
- s. 20AA(4)(a)(iii) inserted by 2019 asp 13 s. 14(6)
- s. 29(1)(ca) inserted by 2019 asp 13 Sch. 2 para. 5(3)(b)
- s. 36(1)(ca) inserted by 2019 asp 13 Sch. 2 para. 5(4)(b)
- s. 36(5)(6) inserted by 2019 asp 13 s. 36(2)
- s. 40A inserted by 2019 asp 13 s. 19(2)
- s. 43A-43AD substituted for s. 43A by 2019 asp 13 s. 28(2)
- s. 47(2)(aa) inserted by 2019 asp 13 s. 28(3)(a)
- s. 47(2A) inserted by 2019 asp 13 s. 28(3)(b)
- s. 47(6) inserted by 2019 asp 13 s. 31(2)(c)
- s. 54A-54F and cross-heading inserted by 2019 asp 13 s. 15(2)
- s. 57(2C)(2D) inserted by 2021 asp 9 s. 44(2)
- s. 58(4)(fa) inserted by 2019 asp 13 Sch. 2 para. 5(5)(b)
- s. 61(1)(ba) inserted by 2019 asp 13 Sch. 2 para. 5(6)(b)
- s. 75(4A) inserted by 2019 asp 13 s. 35(2)
- s. 75A(5A) inserted by 2019 asp 13 s. 35(3)
- s. 77A inserted by 2019 asp 13 s. 39(2)
- s. 135(4A) inserted by 2019 asp 13 s. 43(2)(c)
- s. 154(1)(c) and word inserted by 2019 asp 13 s. 28(4)(a)(ii)
- s. 154(1A) inserted by 2019 asp 13 s. 28(4)(b)
- s. 158A(1A) inserted by 2019 asp 13 s. 44(2)
- s. 158B-158F and cross-heading inserted by 2019 asp 13 s. 43(3)
- s. 183(1)(c) inserted by 2019 asp 13 Sch. 2 para. 5(7)(b)
- s. 237(1)(ba) inserted by 2019 asp 13 Sch. 2 para. 5(8)
- s. 238(3)(a)-(c) inserted by 2019 asp 13 Sch. 2 para. 5(9)(a)(ii)
- s. 238(5)(ba) inserted by 2019 asp 13 Sch. 2 para. 5(9)(b)
- s. 238(7) inserted by 2019 asp 13 Sch. 2 para. 5(9)(c)